

**CLEAR TEXT:  
WASO Ranger Activities'  
Electronic Newsletter**

**August 31, 1995**

CLEAR TEXT is the monthly electronic newsletter of the Ranger Activities Division in WASO. It is distributed via cc:Mail to all ranger training and operations centers (FLETC, HOAL, STMA, NIFC), regional office ranger divisions, park chief rangers, and other interested parties.

Short submissions for the last two sections of the report - "Park Notes" and "Job Market" - are welcome and encouraged.

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**CHIEF RANGERS' NOTES - Chris Andress and Rick Gale, RAD/WASO**

We are aware that "Ranger Activities" advisory groups are arising in several field areas. These groups are dealing with the conduct of business in resource and visitor protection, fees, law enforcement, emergency management, and related areas. We feel that it is important that these groups remain active and communicate with each other. We will be pleased to act as a clearing house or liaison for these activities.

This leads to a second point. In days gone by, the annual or semi-annual regional chief rangers' meeting was a valuable forum for exchanging ideas and discussing Servicewide policy issues. We feel that these meetings should continue in some form, but frankly are unsure as to whom to invite. Perhaps two or three representatives from each field area, which could include representatives from the field director, the ranger activities advisory group, and a representative from an SSO. The idea is to achieve effective representation, but at the same time keep the meeting size small enough to be able to get work done. We are looking at holding this meeting in early 1996 in a "hub" city somewhere in the United States. Your suggestions on attendees and site are solicited.

**6C RETIREMENT BENEFITS - Bill Sanders, RAD/WASO**

The Department has announced a deadline of November 1st for the submission of FERS claims for coverage for past FERS service under the provisions of 5 CFR 842.801-809. This will be a one-time window for claiming all relevant past service for FERS employees only. A favorable determination could be the basis for providing additional years toward enhanced retirement if an employee is currently in a covered position. Periods of temporary service after December 31, 1988, are not creditable for any retirement benefits; therefore they cannot be credited for 6(c). All FERS employees should be made aware of this announcement. Employees are responsible for filing claims. Contact your servicing personnel office for details.

**REGULATIONS - JURISDICTION - Dennis Burnett, RAD/WASO**

**R.S. 2477:** This proposed rule establishes the terms and conditions for the management of valid rights-of-way on and across National Park Service areas authorized pursuant to Revised Statute 2477 (R.S. 2477). The year long comment period closed on August 1st. This is not a popular item with Congress, and the legislative battle over R.S. 2477 has just begun. Both the House and

Senate have riders in our current appropriations bills barring the NPS and DOI from proceeding with the regulations during the next fiscal year. In all probability, no action will be forthcoming in the near future.

**36 CFR Part 2:** The final draft package is being reviewed by the Solicitor's Office.

**National Capital Area (NCA) T-Shirt Regulation:** The U.S. Court of Appeals has ruled in favor of the National Park Service in the government's appeal of Judge Green's decision (ISKCON vs NPS; see last months Clear Text) and determined that the NCA parks sales regulation (36 CFR 7.96(k)) is valid. Unless ISKCON chooses to appeal to a higher authority, sales of T-shirts and other merchandise not covered under NCA special regulations on sales will be prohibited. In the same ruling, however, the Court of Appeals affirmed Judge Green's ruling concerning the solicitation for voluntary donations within the ISKCON permit area (100 square foot area across from the National Air and Space Museum) and struck down the NCA parks special regulation on solicitation found at 36 CFR 7.96(h). The court concluded that the NCA solicitation regulation burdens substantially more speech than necessary and violates the free speech clause of the First Amendment. The court has determined that those individuals or groups participating in an authorized "demonstration or special event" to solicit donations within the confines of a restricted permit area such as that assigned to ISKCON shall be allowed under special use permit. This should serve as a reminder to ALL park areas - if you haven't already done so, now's the time to designate areas where solicitation may take place.

**Policy on Sale and Distribution of Printed Matter:** The new NPS policy statement has been signed and is ready for distribution to all field directors, WASO division chiefs, park superintendents and chief rangers. Electronic copies will be sent to ALL PARK SUPERINTENDENTS and CHIEF RANGERS; a signed copy of the Special Directive (95-11) will then be mailed to each park. This policy statement clarifies some confusion that may exist regarding sales under 36 CFR 2.52, "Sale and distribution of printed matter". The opinion of the Solicitor's Office is that T-shirts do not constitute "printed matter" and therefore the sale and distribution of T-shirts under 2.52 will not be allowed. Printed matter will be limited to message-bearing textual printed material, such as books, pamphlets, magazines and leaflets, whose primary purpose is the advocacy, definition or explanation of a group's or individual's political, religious, scientific or moral beliefs. Other forms of merchandise, including posters, coffee mugs, sunglasses, audio or video tapes, T-shirts, hats, ties, shorts and other clothing articles, may not be sold under this regulation. Offices will be required to apply the regulations fairly and even-handedly, regardless of the identity or cause of the individual applicant seeking to engage in sales as part of their demonstration. This interpretation of "printed matter" will also define what is allowed for distribution under 36 CFR 2.50 (special events) and 36 CFR 2.51 (public assemblies and meetings). NCAO area parks will continue to be guided by their regulation, which became final on May 7th.

**Regulations Moratorium:** Talk of a governmentwide regs moratorium has resurfaced in the Senate. A version of the House bill has appeared in the Senate and is being reviewed in subcommittee. The specifics of any moratorium, if it is passed, will be the result of a conference committee between the House and Senate. Sally Katzen, administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget, has recommended to President Clinton that he veto any moratorium containing the language found in the current bills.

**36 CFR 14 (ROWS):** The draft rulemaking package is being reviewed by Ranger Activities and should be in the Solicitor's Office shortly.

**36 CFR 1.2, 1.4 and 13.2 (applicability and scope):** The draft rulemaking package has cleared the Solicitor's Office and is working its way through the surnaming process. Section 1.2 defines the primary scope and applicability of 36 CFR Parts 1 through 5, and Parts 7 and 13. Section 1.4 contains definitions for terms used in the text of the regulations. Section 13.2 modifies section 1.2 as it relates to National Park System units in Alaska. The rulemaking will clarify that NPS regulations continue to apply on navigable waters, as they have for years. Two section 1.4 definitions, "park area" and "boundary," will be modified as a part of this revision. The proposed revision to section 13.2 serves three purposes:

\* Paragraph (c) is revised to clarify that Alaska National Interest Lands Conservation Act (ANILCA) Title VIII subsistence regulations apply "on the public lands within" those parks where subsistence is authorized;

\* Paragraph (e) is revised to clarify that, pursuant to proposed section 1.2(a)(3), NPS general regulations are specifically applicable within the reach of navigable waters located within the boundaries of park areas in Alaska;

\* Paragraph (e) is revised to clarify that the Part 13 modifications (that generally are relaxations of prohibitions contained in the general regulations) also apply on the navigable waters of national parks in Alaska.

**36 CFR 1.3 Penalties:** The draft rulemaking package is being reviewed by the Solicitor. This rule will revise the existing penalty provisions for convictions of violating National Park Service regulations found at 36 CFR 1.3(a) to conform with the Criminal Fine Improvements Act of 1987 (PL 100-185; 18 U.S.C. 3571). This rule will change the maximum fine levels for all petty offenses, including those of a regulatory nature, to \$5,000 for individuals and \$10,000 for organizations.

**NAGPRA:** The final rule is on the desk of the Assistant Secretary for Fish and Wildlife and Parks, awaiting signature. This Department of Interior rule establishes definitions and procedures for lineal descendants, Indian tribes, Native Hawaiian organizations, museums, and federal agencies to carry out the Native American Graves Protection and Repatriation Act of 1990. These regulations develop a systematic process for determining the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony with which they are affiliated.

**Part 7 & 13 - Special Park Regulations:** There are several special regs now in the works:

\* An interim rule for the Appalachian National Scenic Trail regarding hang gliding (36 CFR 7.100) was printed in the Federal Register on July 14th.

\* An interim rule for Voyageurs National Park on aircraft operations (36 CFR 7.33) was printed in the Federal Register on August 2nd.

\* At the request of several commenters, the NPS re-opened the comment period for the proposed vessel management plan regulations for Glacier Bay National Park for an additional 15 days. The extended comment period ended on August 25th.

\* At least 17 additional special park and service-wide regulations are in the Department at some level of the review process.

**Jurisdiction:** The renewal of concurrent jurisdiction for four California parks and the initial cession of concurrent jurisdiction for two other California parks have cleared the Solicitor's Office and are awaiting the Director's signature. The renewal parks are Lava Beds, Whiskeytown, Point Reyes and Pinnacles. The initial parks are Redwood and Devil's Postpile.

## **SPECIAL PARK USES - Dick Young, RAD/WASO at COLO**

Insurance is a staid type of thing, generally not very exciting but still required for most special park uses. But a new wrinkle appeared last month which you should know about.

A park sent an application form to a prospective permittee, requesting that the applicant fill it out, then send it, the required application fee and a copy of an insurance certificate back for examination. All three items were sent, but the insurance policy turned out to be written on a Canadian firm, which promised to pay in U.S. dollars if the need arose. The park didn't know if that was legal or not and called for clarification. Here are the relevant sections of a 1987 memo on the subject.

If the insurance company is not from the United States but is on the approved list of the National Association of Insurance Commissioners (NAIC), it is acceptable for NPS purposes. NAIC consists of the insurance commissioners of all 50 states. It has a program under which an offshore company can be NAIC accepted while awaiting 'admitted' status in one or more states by providing documentation of its financial position and making a substantial deposit of funds with NAIC. The deposit provides a source of funds in the U.S., removing the need to sue the company in its home country if that should prove necessary. NAIC will not release its full list, but most state insurance offices, if asked, will advise whether a particular company is on the NAIC list.

Another avenue would be to first contact Maxine Moody, a national representative of NAIC. I recently spoke with Ms. Moody and she indicated her willingness to answer your questions should this problem arise. You can reach her at 816-842-3600. Many thanks to WASO Concessions for their assistance on this matter. By the way, the park denied the permit, not because of the insurance, but for other reasons...

In my last Clear Text submission, I offered to send the results of the special park use survey to anyone who asked. The resulting trickle of responses was less than overwhelming, so I thought I would give you a sample of the information submitted.

The most widespread reported activity throughout the Service was weddings, with 89 parks issuing permits in that category. Commercial filming was not far behind - that activity occurred in 83 parks. Commercial filming came in tops in revenue generation, though, with a total of \$588,178 in receipts. Next behind it was fishing permits with receipts of \$443,436. Fishing topped the chart of permits issued with 77,318, distantly followed by backcountry permits at 30,641. All of this raises some interesting questions. Wouldn't it be interesting, for instance, to find out the correlation of fees paid for film permits with the gross receipts of a film?

## **AIRCRAFT ISSUES - Wes Henry, RAD/WASO**

**Grand Canyon:** A public hearing is being held today in Flagstaff regarding improvements to special federal aviation regulations over Grand Canyon. The FAA hopes to write a new regulation by the end of the calendar year.

**Report to Congress:** The Service's report to Congress on overflight issues has finally returned from the printers. Distribution to field offices will occur after Labor Day. If you haven't already given me your name and address and would like a copy, please send me a note via cc:Mail. The report will also be distributed to all parks that have had overflight problems in the past.

**Noise Impacts:** The NPS has submitted a proposal to FAA on updating their land use classification table and associated noise impact measurements. The table and measurements affect how aircraft noise impacts are determined and measured

and are relevant if your park is near an airport. WASO has been providing technical support to Grand Tetons, Glen Canyon, and Everglades on related airport issues. The FAA will soon initiate a rulemaking on this issue.

**Sound Monitoring:** A new state-of-the-art, backpackable, low-noise sound monitoring system is currently being tested in Zion. It will be available to parks on a first-come, first-served basis when it is not being used at Grand Canyon. A second system will be built in FY 96 if funding permits. NPS studies indicate most noise studies to date have only been measuring the floor of standard instrumentation.

**FLETC REPORT - Cindy Ott-Jones, FLETC**

Despite the declining number of seasonal law enforcement ranger positions, there's still a great deal of interest in these jobs. Many - if not most - field areas have lists of approved seasonal law enforcement training programs (SLETPs) which are three to four years old, and are often not current. This information, particularly when augmented by personal stories about how many of us got into the Service, is misleading and needs to be corrected.

Three years ago, there were 22 NPS approved SLETPs; today there are only 13, and soon the number will drop to an even dozen. Tom Cherry is the person at FLETC who is responsible for coordinating and overseeing SLETPs, and he can provide you with information on which schools are offering programs that best meet the needs of those interested in getting seasonal positions. You can contact him at 912-267-2795 or write to him here (NPS/FLETC, Building 64, Glynco, GA 31524).

**OPERATION ALLIANCE UPDATE - Joel Wright, DOI Operation Alliance Representative**

Over the last four-and-a-half years, the NPS has had a program representative at Operation Alliance, Joint Task Force Six (JTF6) and the El Paso Information Center (EPIC). During that time, WASO and fourteen parks along the border with Mexico have received significant support from the military and/or other law enforcement agencies. The NPS, through Operation Alliance, has:

- \* conducted over 350 special joint counternarcotic operations and/or operational assists, resulting in the seizure of approximately \$40,000,000 in drugs, over 400 arrests, and asset forfeitures totaling \$4,000,000;
- \* opened or participated in two Organized Crime Drug Enforcement Task Force (OCDETF) cases involving numerous principles, businesses and assets, one of which is on-going at this time and will result in charges ranging from Title 21 and RICO to money laundering and public corruption;
- \* received approximately \$13-\$14,000,000 in operational, general, engineering and training support through JTF6 and the active/reserve components of the military;
- \* received approximately \$8-\$9,000,000 in operational and general support through the state national guards in California, Arizona and Texas;
- \* received approximately \$4,000,000 worth of surplus or loaned military equipment through the regional logistic support offices (RLSO) in Long Beach, California, and El Paso, Texas, including vehicles, trailers, clothing, furniture, and office equipment;
- \* received military support from five reserve and national guard intelligence analysts for two border parks in FY 94 and 95 (two analysts have been requested again in support of one park for FY 96);
- \* received 12 STU-III secure phones from INS and 8 secure fax machines, transferred from WASO;
- \* received \$886,000 in high intensity drug trafficking area (HIDTA) funding from the Office of National Drug Control Policy (ONDCP) to buy radio equipment, build a helipad and conduct drug operations in five border parks in fiscal years of 1992-95, with about \$92,000 in additional HIDTA funding for FY 96 awaiting approval by ONDCP;

- \* received \$50,000 in assistance from the Border Patrol through their purchase and permanent transfer to us of 10 Sabre voice secure portable radios and their recertification of the drug dog and handler from Big Bend at the their national canine academy;
- \* received from various federal, state and local law enforcement agencies air and ground support during law enforcement and counterdrug operations in the Southwestern parks;
- \* assisted parks in five regions outside the Operation Alliance area with the acquisition or provision of military support and equipment, information and intelligence from the El Paso Intelligence Center, and technical assistance and/or advice (the department and all its bureaus are now full members of EPIC nationwide);
- \* provided 10 field areas and 11 regional and central offices with EPIC domestic monthly threat briefings (these publications are limited and were assigned to field areas with the greatest need and/or regional offices for distribution to other field areas);
- \* received assistance in unrelated drug enforcement issues from various federal, state and local agencies through the actions of the agency representative; and
- \* received agency recognition at the professional level which can not be measured in dollar figures.

I can be reached at the following address: DOI Program Coordinator, El Paso Intelligence Center, 11339 SSG Sims Street, El Paso, TX 79908, or by name via cc:Mail.

#### **PARK NOTES**

"Park Notes" is open to all parks who have something to say - whether an announcement of a significant ranger activity, a request for assistance on a project, an offering of surplus equipment - in short, anything of consequence to you that you'd like to get out Servicewide.

#### **Cape Hatteras**

Lifeguards Stan Searfus, Andy McFarland, Mat Jager and Hector Ayala competed in the North Carolina Outer Banks Lifeguard Olympics on August 1st in Kill Devil Hills, North Carolina. The four-person team, which was competing against other teams with six members, nonetheless came in third out of a field of ten. The park's team demonstrated outstanding skills, strength and endurance in the competition. [Joe Smith, CR, CAHA]

#### **Valley Forge**

Here's an obit that didn't qualify for inclusion in the Morning Report, but one that needs to be passed along: "Steelie", a long-time patrol horse for Valley Forge, died on July 13th. "Steelie" started his law enforcement career with the state of Pennsylvania at the park in 1975 and continued as an active patrol mount with the NPS until 1994. He spent thousands of hours patrolling the park and made many visitor contacts; he was a real crowd pleaser. His registered name with the American Quarter Horse Association was "Bye Beggar", and he was 33 years old at the time of his passing. [CRO, VAFO]

#### **Delaware Water Gap**

A law enforcement ranger recently had a hand gun cartridge ignite within his equipment bag when it came into contact with a Sure-Fire model B90 battery - the kind used in the model 9N flashlight. It appears that the cartridge came in contact with the combined positive/negative end of the battery, which completed an electrical circuit. The heat from the circuit melted the cartridge's primer, which then ignited the powder charge. Orange protective caps should not be removed from battery ends until they are ready for use.

Batteries should also be stored in an area where they will not contact metal, preferably in a separate and sealed compartment. Another ranger recently damaged a B90 battery by placing the uncapped battery in his pocket, where it came into contact with a key ring. A key contacted the positive/negative end of the battery, completing the circuit and ruining the battery. Contact Dan Kirschner via cc:Mail at "DEWA South Zone" for details. [Dan Kirschner, DEWA]

### **Organ Pipe Cactus**

Pinacate Biosphere Reserve, a newly-established, federally-protected area in northern Sonora, Mexico, has established close working ties with Organ Pipe Cactus. The reserve consists of over 2,000,000 acres of rugged volcanic fields and complex sand dune formations, and shares the international border with both the park and Cabeza Prieta National Wildlife Refuge. The entire region comprises of over 5,000,000 acres of protected lands on both sides of the international border. Park rangers from Organ Pipe Cactus and Pinacate Reserve recently participated in several days of joint ranger skills training at both areas, including visitor center operations, patrol functions and techniques, park ranger roles, map and compass techniques, search and rescue operations, resource protection concerns, and protection planning. Emergency medical instruction was also provided by the Cruz Roja (Mexican Red Cross) of Puerto Peñasco, Mexico. All instruction was imparted in Spanish, with bilingual park rangers from Organ Pipe Cactus presenting lesson plan material and providing hands on instruction.

Classroom sessions were held which covered all of the above-mentioned subjects and culminated in an overnight practical exercise at a spectacular, remote, volcanic formation in Pinacate Reserve known as Cono Rojo (Red Cone). During the exercise, rangers joined members of the Cruz Roja and participated in mountaineering skills such as basic ropework, rappelling, safety issues, and belay techniques.

Since operations began over a year ago, park staff have assisted with general management planning, computer training, and interpretive education, and have provided much needed equipment and supplies. In fact, the current park manager at Pinacate Reserve had previously volunteered at Organ Pipe Cactus, where valuable experience was gained as an SCA.

The two areas have agreed to quarterly training and field details of individual rangers in the future. This international endeavor has strengthened conservation principles among state and federal agencies on both sides of the border. [Fred Moosman, Park Ranger, ORPI]

### **JOB MARKET**

This section of the newsletter is open to all listings of vacancies, details, and other related position announcements. With this issue, we'll also begin listing inquiries from overseas for placements in U.S. parks.

### **Overseas**

Judith Potts, a seasonal ranger at Pollok Country Park in Glasgow, Scotland, is interested in doing volunteer work at a park in any area of the U.S. She will be available after the beginning of November. She has experience as a ranger in both small and large parks in Scotland and has done a wide variety of work, including organization and leadership of young naturalist and seniors groups, wildlife monitoring and recording, preparation and delivery of guided walks on themes from aquatic life systems to medieval folklore, and path and trail construction. She gets very high marks from her chief ranger. Contact: Judith Potts, Pollok Country Park, 2060 Pollokshaws Road, Glasgow, G43 1AT, Scotland; 011-44-1-632-9299 (telephone from USA, including overseas access number and country code); 011-44-1-649-2477 (telefax).

Eleanor Gourk of Litton near Buxton, Derbyshire, England is looking for a park where she can do volunteer work from November 2, 1995 to January 10, 1996. She is presently at a camp in the USA and can be reached there. Contact: Eleanor Gourk, Becket-Chimney Corner YMCA Camp and Outdoor Center, Becket, Massachusetts, 01223; 413-623-8991 (telephone); 413-623-5890 (telefax).

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If you would like to get CLEAR TEXT but don't currently receive it, please advise Ranger Activities via a short cc:Mail message. Any office may receive it, including districts and subdistricts within a park. PLEASE pass it along to others in your division and park.

Prepared by WASO Division of Ranger Activities

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