

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

**September 29, 1995**

CLEAR TEXT is the bi-weekly 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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**FERS 6C RETIREMENT - Bill Sanders, RAD/WASO**

REMINDER: As we reported in the August CLEAR TEXT, 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.

We're trying to determine how many CSRS or CSRS offset rangers are now in designated 6(c) positions (or positions proposed for designation) who DID NOT file 6(c) claims in 1989. If you fall into that category, please send me a note via cc:Mail.

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

**R.S. 2477:** There has been no action on this proposed rule, which 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).

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

**NCR T-Shirt Regulation:** As you will recall, the U.S. Court of Appeals for the District of Columbia ruled in favor of the National Park Service in the government's appeal of U.S. District Court Judge Green's 1993 decision in ISKCON vs. Kennedy, thereby supporting the Service's T-shirt regulation.

On September 17th, however, U.S. District Court Judge Stanley Sporkin ruled that the NPS's new sales regulation for the National Capital Area, which bans the sale of message-bearing T-shirts, violated the First Amendment. The ruling came in the most recent (1995) case of Friends of the Vietnam Veterans Memorial vs Kennedy.

Judge Sporkin's ruling is directly contrary to the Court of Appeals ruling in ISKCON vs Kennedy. The Court of Appeals not only upheld the NPS sales regulation, but also noted that it has served its purpose.

In making his decision in Friends, Judge Sporkin ruled that the sales regulation was not narrowly tailored and failed to leave open ample alternative channels of communication. The Solicitor's Office believes that Judge Sporkin's remarkable decision is clearly in error. It is contrary to the specific findings in ISKCON, wherein the Court of Appeals specifically ruled that the sales regulation was both narrowly tailored and left open ample alternative channels of communication. The Solicitor's Office and the Department of Justice are working on an appeal of Judge Sporkin's decision.

Meanwhile, the T-shirt regulation for the National Capital Area and Special Directive 95-11 for all NPS areas remain in effect.

**Part 7 & 13 - Special Park Regulations:** At least 17 special park and other service-wide regulations are in the Department at some level of the review process.

**Jurisdiction:** The Governor of New Jersey has approved and signed legislation approving concurrent jurisdiction for all park areas in the state. Paperwork for the acceptance of cessation of concurrent jurisdiction is being prepared.

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

**36 CFR 1.2, 1.4 and 13.2 - Applicability and Scope:** The draft rulemaking package has cleared the Solicitor's Office and the NPS Directorate and is awaiting signature by Assistant Secretary Frampton. 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. (See the August, 1995 Clear Text for further information).

**36 CFR 1.3 - Penalties:** The draft rulemaking package been approved by the Solicitor and the NPS Directorate and is awaiting signature by Assistant Secretary Frampton. This rule will revise the existing penalty provisions for convictions of violating National Park Service (NPS) regulations found at 36 CFR 1.3(a) to conform with the Criminal Fine Improvements Act of 1987 (Pub. L. 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.

**43 CFR Part 10 - NAGPRA:** The final rule has been signed by Assistant Secretary Frampton and has been forwarded to OMB for review. This Departmentwide 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.

**36 CFR 1.4 - General Provisions, Definitions:** The NPS is amending and revising the definition of "Regional Director" found at 36 CFR 1.4. With the

recent reorganization of the NPS that became effective on May 15th, the term "Regional Director" is no longer applicable. The duties and responsibilities of the former Regional Directors have been assumed by "Field Directors." This revision to the definition will also amend and change the term Regional Director to Field Director wherever it is found throughout 36 CFR Parts 1-199, as well as eliminate all reference to the former regions.

**36 CFR Part 61 - Procedures for State, Tribal and Local Government Historic Preservation Programs:** The NPS is revising and amending 36 CFR 61 with the intent of providing more flexibility in State historic preservation office staffing and State Historic Preservation Review Board membership and operations, and in carrying out State Historic Preservation Officer responsibilities. The proposed revision also streamlines the process for certification of local governments to participate officially in the national historic preservation program. This proposed revision also officially recognizes the growing role of tribal historic preservation programs.

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

The OIG's audit of special park uses in the NPS is now over and we have received a draft report. RAD is currently working on a reply to that report. I hope to be able to report on that response in the next CLEAR TEXT.

Ranger Activities has worked with WASO Budget to eliminate at least some of the confusion in accounting and tracking of special park use receipts. The current plan is that - effective October 1st - PWE 457 will be eliminated and combined with PWE 456. After October 1st, all cost reimbursements collected from special park uses (including special use permits, right-of-way permits, and commercial filming permits) will be deposited to PWE 456 - both direct and indirect as well as budgeted and unbudgeted cost recovery monies. WASO Budget should already have made an official announcement on this change to all park AO's and budget people by the time you read this.

The same announcement from WASO Budget will contain a reminder that all monies collected from and for commercial use licenses (now incidental business permits) is to be deposited to PWE 461.

Another currently hot topic is the latest flap over cellular phone tower sites. The Service is currently drafting policy on this use - guidelines and conditions, mitigations, cost and rental recovery, and types of permit to use. Various industry representatives have already contacted some of the parks asking for sites. I would suggest we all make haste slowly on this subject until final policy is published.

If you have any questions on any of the above, please call me at (804) 898-7846.

**RECREATION FEE PROGRAM UPDATE - Tim Stone, RAD/WASO**

**Fee Reform:** Reform of the NPS fee program is (we hope) moving towards some resolution, although at press time it is still unknown as to what version might emerge from Congress. S. 964 and H.R. 2025 are the bills supported by the NPS; S.1144 would amend the Land and Water Conservation Fund Act by placing a \$6 per individual cap on entrance fees; H.R. 2107 would require the NPS to recoup 75% of the Service recreation operating budget from recreation and concession fees. Also in the wings is House and Senate appropriation language calling for pilot fee projects at up to 50 sites. Various scenarios exist on how much "new" fee revenue would stay with the Service and how it

would be distributed. Concession reform (THE hot topic of debate at the Senate committee hearing on September 15th), the park closure commission, the National Park System advisory board, and park housing are all part of the Congressional debate and may influence the chances of getting new fee legislation.

**FARM:** The FARM (fee and revenue management) report, a new entry in the ever-proliferating world of electronic bulletin boards, is on line and will become "operational" on October 1st, when the rules of FARM etiquette will be transmitted. The impetus for a mechanism to communicate amongst fee people was generated in meetings with field personnel who felt a need for much more timely communication regarding changes in the fee collection rules and a common ground for sharing resources and knowledge on how to best manage fee programs. Thanks to Kurt Veeck (LAVO) and Meg Leffel (GWMP) for helping to get the beast on line.

**Visitor Use Assistant PDs:** The visitor use assistant (VUA) GS-303 PDs (grades 4 through 7) should by now be out to all field areas and should be utilized to fill fee collection positions, as per Ranger Careers program criteria. Filling these positions (permanent and seasonal) has proved troublesome, as OPM test requirements and their timeliness in providing qualified applicants has bogged down the whole process. RAD has been working with OPM to waive the current testing process (as it has little relevance to Service fee collection needs) in lieu of a standardized application and rating criteria. Mary Wilson (ROMO) has been working on developing the application and criteria. We hope to convince OPM officials to adopt the application process.

**Fee Collection Funding:** Fee collection funding levels in FY 96 will remain comparable to FY95. RAD is requesting that field area fee program representatives evaluate park fee collection funding and work with park managers to make recommendations for adjustments in park funding levels. Increasing and expediting fee collections through automated points of collection is an initiative of the Service fee program. Parks should evaluate the potential for automated fee collection and contact the Field Area fee program manager of park interest. The program managers have information on several types of automated collection stations.

#### **AMMUNITION PROCUREMENT - Bob Marriott, RAD/WASO**

Parks should delay any planned purchases of ammunition. The Department has produced a price list for ammunition for 1996 that gives substantial discounts for such procurements. I have one copy of the purchasing agreement; if you need to make a purchase right now, please contact me via cc:Mail. If not, please stand by, as we're trying to get some information together to send out to you.

As a department, we will save hundreds of dollars through this centralized procurement process. The next effort will be to centralize purchases of vehicles and other items.

#### **RETIREES**

Several current or formerly commissioned rangers have retired or are about to retire this month. We offer farewells to the following folks:

\* Joe Smith, chief ranger at Cape Hatteras and former NIBRS/CIRS coordinator in Ranger Activities in WASO. Joe's prior jobs included stints at Olympic and the Great Smokies.

\* Lynn R. Wightman, current chief of interpretation at Morristown, a 30-year veteran of the NPS. Lynn began his career at Albright Training Center and worked at Shenandoah, Rocky Mountain, Western Service Center (San Francisco), Denver Service Center, Pea Ridge, Edison and Morristown.

\* Larry Feser, who began his career in 1959 at Devils Tower and concluded it this month at Lassen Volcanic. He also worked at Tetons, Everglades, Petrified Forest, Glacier, and Olympic.

\* Tommy McDaniel, chief of protection at Padre Island since 1970.

Our best wishes to all of them!

#### **IN MEMORIAM - Dale Dickerhoof, RAD/WASO**

Over the course of the National Park Service's existence, 13 law enforcement rangers have been killed in the line of duty. Beginning this month, we will note their passing in the CLEAR TEXT issue for the month in which it occurred. This month's entry was originally to have appeared in the August edition.

Ranger Kenneth C. Patrick, 40, was shot and killed on August 5, 1973, while investigating suspected poaching at Point Reyes. Ranger Patrick's widow, Tomie Patrick Lee, is presently chief ranger at Glen Canyon.

#### **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.

#### **Statue of Liberty**

The Statue of Liberty has found some surplus property available through the military that should be useful to some parks:

\* Approximately twelve Voyager SportNav Loran C Navigator units made by Micrologic of Chatsworth, California, are available. The units, which weigh 1.7 pounds and measure 4 x 10 x 2 inches, are portable, water resistant, battery operated, and meet the requirements for a "fully automatic" Type I receiver. They are either slightly used or in brand new in condition and have hard side cases.

\* Approximately 20 exposure "survival" suits, model #1409, made by Imperial Manufacturing of Bremerton, Washington, are available. They are orange-colored, full, one-piece neoprene suits with attached hoods, boots, work gloves and front zippers. Heavy mittens are attached to the suits with velcro. The suits are USCG approved. They are used, but in good condition and with soft cases.

The items are free except for shipping costs. Anyone interested in receiving any of these items should contact Scott Pfeninger at cc:Mail "STLI Ranger Activities" immediately.

#### **Scotts Bluff**

The park has two .357s and one .38 available for transfer to another Department of Interior area. We also have 1200 rounds of .38 LE cartridges and 600 rounds of .38 wadcutters. If you're interested please contact chief

ranger Glenn Sherrill via cc:Mail (by name) or at 308-436-4340.

### **Saguaro**

Park ranger Brian Rutledge recently graduated first in his class of 20 law enforcement officers at the Northwest Traffic Institute's advanced motor vehicle accident investigation training course in Tucson. Brian's tuition for the intensive two week course was donated by the Tucson Chapter of Mother's Against Drunk Drivers (MADD). Rangers in the Tucson Mountain District investigate an average of 40 major MVA's each year on district roads. Alcohol is a contributing factor to approximately one half of these accidents. For information on how the park obtained MADD funding, contact district ranger Robert Stinson at 520-733-5116.

### **JOB MARKET**

This section of the newsletter is open to all listings of vacancies, details, and other related position announcements. We'll also list inquiries from overseas for placements in U.S. parks.

### **Devils Tower**

The park is currently recruiting winter VIP's to assist with a variety of park functions. Some of the functions may include fee collection, road plowing, minor maintenance, and staffing an information desk. Park housing or a trailer site with full hookups will be provided, as well as a small stipend. Contact Paula Klinker or Jim Schlinkmann at 307-467-5283 for additional information.

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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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