

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

October 27, 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), field area 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.

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.

6C RETIREMENT - Bill Sanders, RAD/WASO

It has come to our attention that some parks have submitted positions for 6c designation without making necessary modifications to the language of the position description itself. 6c regulations require that the position description must be "designate-able" AS WRITTEN, with little or no "interpretation" of the actual language of the PD allowed.

In the NPS, many second level and higher ranger positions were not originally written with 6c coverage in mind. Parks must take the time to slightly modify the language of position descriptions, if necessary, before submitting them for 6c designation.

The attached WordPerfect 5.1 file contains sample language which can be added to an existing supervisory or administrative law enforcement position description and some advice to help facilitate the 6c designation process.

If you have any questions, contact me or Marsha Lee via cc:Mail.

REGULATIONS/JURISDICTION UPDATE - Dennis Burnett, RAD/WASO

36 CFR Part 2: The informal review of the final draft by the Solicitor's Office continues; action on the final proposed package awaits the conclusion of this analysis. Discussions and meetings with NPS management have been held on specific portions of the draft and minor changes are being incorporated.

NCR T-Shirt Regulation: On September 17th, U.S. District Court Judge Stanley Sporkin ruled that the NPS's new sales regulation for the National Capital Area banning the sale of message-bearing T-shirts violated the First Amendment in the most recent (1995) case of Friends of the Vietnam Veterans Memorial vs. Kennedy. Judge Sporkin's ruling is directly contrary to the August 8th ruling of the U.S. Court of Appeals for the District of Columbia

Circuit in *ISKCON vs Kennedy*, 61 F.3d 949 (D.C. Cir. 1995). The NPS appeal of Judge Sporkin's decision will be filed by the Justice Department for "summary reversal" within two weeks. In the meantime, 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 22 special park and other Servicewide regulations are in the Department at some level of the review process.

36 CFR 1.2, 1.4 and 13.2 - Applicability and Scope: The draft rulemaking package has been signed by Assistant Secretary Frampton and is being reviewed by the Office of Regulatory Affairs. 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 pertains to National Park System units in Alaska.

36 CFR 1.3 - Penalties: The draft rulemaking package has been signed by Assistant Secretary Frampton and is being reviewed by the Office of Regulatory Affairs. 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 (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.

36 CFR 1.4 - General Provisions, Definitions - Change in Organizational Title from Regional Director to Field Director: The NPS is amending the definition of "Regional Director" found at 36 CFR 1.4 and replacing it with "Field Director". With the recent reorganization of the NPS, which became effective on May 15th, the term "Regional Director" is no longer valid in the NPS. This amendment to the definition will also amend and change the term "Regional Director" to "Field Director" wherever it is found in 36 CFR Parts 1-199, as well as eliminate all reference to the former geographic regions. The regulation has been signed by Assistant Secretary Frampton and will be going to the Federal Register shortly.

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 1) state historic preservation office staffing, 2) state historic preservation review board membership and operations, and 3) 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. The regulation is currently being reviewed by the Office of the Solicitor.

Jurisdiction: The NPS is working on correspondence to make application to the State of Tennessee for the cession of concurrent legislative jurisdiction over those lands and waters administered by the NPS within the state and over which the United States exercises proprietary jurisdiction. Nine park areas would be affected by this cession. Along with a requested cession of jurisdiction by the State of Tennessee, the NPS is also proposing to cede jurisdiction over those lands and waters administered by the NPS within the state over which the United States exercises exclusive jurisdiction. Seven park areas would be affected by this cession.

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

Ranger Activities met recently with representatives from the Office of the Solicitor to discuss their written opinions concerning the special park use fees and cost recovery program. The following contains some of the points that were covered, along with commentary on those points

* The solicitor said that money collected from special park uses and deposited to PWE 456/7 is NOT no-year money and must be spent in the year collected. Funds recovered from events occurring during the last month of a fiscal year, however, may be collected during the first month of the following fiscal year and spent anytime during that year. We agreed that all parks which have been accumulating these funds should start to plan how to spend this money this fiscal year, but suggested that they shouldn't have to rush to do so. Ranger Activities is working with WASO Budget to establish a no-year account for this purpose. We may or may not be able to do this, but we will let you know in plenty of time to act on it either way. We only suggest that those parks affected by this provision be prepared to spend the money this fiscal year. Stay tuned.

* The solicitor said that we may not rename a particular document a "special use permit" in order to recover costs. For example, a lease or concession permit may not be transformed into a special use permit. At the moment, there are also some questions about recovering costs from rights-of-way and commercial filming permits, but we are working on clarifying them.

* The solicitor said that no fee may be charged for a permit if the activity is one for which the LWCFA expressly prohibits the collection of fees. Among these prohibitions is one pertaining to backcountry camping. Fishing, such as at Yellowstone, has different language in the LWCFA and is therefor not affected by this opinion. Before getting too excited about this, you need to know that there is an effort currently underway which may result in permission to collect administrative fees for these activities. Right now it looks good, but the final word is not in yet. The best advice we can give is to stand by.

There were other issues discussed, but these were the ones that would or could cause changes in the way we operate the special park use fee program. There is nothing here to cause an immediate panic, as all three of the above are being "discussed" by some pretty good discussers. We'll get you a firm answer as soon as possible.

On another subject, the push to install "mobile service antenna" sites on National Park Service land or buildings (mostly for cellular phones) is really just starting in the Service. Several parks already have them, but the flood of applications hasn't hit yet. The industry is suddenly very anxious to do this and several parks have already been approached. Service policy for this is being finalized as we speak and should be out to you soon. In the meantime, if you need immediate answers or advice, call Frank Weed at DSC. Frank is the Service lead on this subject. His number is 303-969-2084.

Questions on any of the subjects above should be directed to your SSO special park use manager or to me at 804-898-7846 or via cc:Mail to Young, Dick S.

CIRS/NIBRS UPDATE - Bob Reid, RAD/WASO at SEFA

The implementation phase of the Case Incident Reporting System (CIRS) Servicewide has moved ahead with great success. We anticipate getting all

parcs on line by the end of next June. We will be putting together a training schedule for the months between now and June; if your park doesn't have the CIRS program and hasn't had a park representative trained, please make every effort to get someone to one of these sessions. The next version of the CIRS program should be out in November and will be adaptable to Windows. The programmers will then begin working on a LAN version to be completed and installed by next June.

All of the parks that are on CIRS as of this year should be able to produce their annual law enforcement reports on the system if you have all the case incidents in the computer. Next year we want to be able to send those reports electronically from all NPS areas to a main computer which will compile the annual reports for the Service.

Kathy Clark and I have a number of requests for training which we are using to determine the geographical areas to conduct training sessions. If there are other parks that have not contacted us, please do so via cc:Mail. If you have any questions regarding hardware requirements, let us know.

STRUCTURAL FIRE PROGRAM UPDATE - Jim Farrel, RAD/WASO at Boise

A fair amount of attention is being given to operations and mitigation in the wildland/urban interface in the current federal fire policy review process. The final report will be issued near the end of the year and is expected to contain recommendations on data collection and clarification of the role of federal agencies in cooperation with state and locals in dealing with the problem.

Another subject that could use some attention is the fact that NPS-58 still requires each park and "region" (now translated to read "field management area" and/or "system support office" and/or "cluster") to appoint a structural fire coordinator. In the press of higher priorities, reorganization, down-sizing, buyouts, etc., no one seems to be paying much attention to structural fire programs. I don't have any ideas on how to bring the subject up (lacking a major incident or large dollar loss fire) but any illumination you could throw on an otherwise dark area could help remind people how vulnerable our resources are.

EL PASO INTELLIGENCE CENTER UPDATE - Joel Wright, DOI/EPIC

On February 15th, the Department of Interior - including all DOI agencies with law enforcement and/or counter-drug missions - became a full participating member in the Center. User access lists for those agencies that have such will be maintained, nationwide statistics for DOI will be compiled, and assistance will be given to areas in obtaining intelligence on drug, alien and firearms smuggling, trafficking, cultivation, and production within the United States and its territorial waters.

We, in turn, have the responsibility to provide EPIC with information from DOI agencies that have made seizures regarding such activity and/or come in contact with individuals, vehicles, aircraft or vessels suspected of such activities.

EPIC has reporting thresholds on the amount of drugs seized. These thresholds are tied to the Federal Drug Incident Number (FDIN) issued by EPIC whenever an agency calls in with a seizure that meets their thresholds. The main three thresholds are as follows: 500 grams or one pound of cocaine, 100 grams or a quarter pound of heroin, and 100 kilograms or 220 pounds of marijuana.

There are also thresholds for the other types of drugs and the method of smuggling involved. If you are not sure if your seizure meets the criteria, give them a call. All bureaus should start calling in with seizures made, even if the case is turned over to another agency for investigation. Anyone may call in with this information; you do not have to be on the user access list to obtain the FDIN or report a seizure that meets the thresholds.

The NPS user access list is open to any permanent employee with a Level I law enforcement commission that a park or field office feels has a need for such information. The old list is no longer valid, so if you are not sure you are on the current list or would like to be added, give me a call or send me a cc:Mail message. The form is in WP 5.1 and can be sent to you via cc:Mail. Once a person is on the list, he or she will remain there for until separating from the NPS or transferring into a position that does not require a commission. The list will be updated annually. Another update will be done, beginning in January, 1996. We presently have approximately 85 agent/investigators, rangers and park police officers on the list.

Copies of reports that relate to the types of incidents alluded to above and monthly drug reports are needed by EPIC for statistical entry into their databases. Any such reports need to be mailed and/or faxed to me until a computer is obtained for CIRCS, which will eliminate this type of reporting from most NPS areas.

To contact the watch to obtain record checks or to report incidents of seizures and/or suspicious activity, call 1-800-351-6047 (outside Texas) or either 1-800-527-4062 or 915-564-2200 inside Texas.

You can contact me regarding these matters at 915-564-2021 or via pager at 1-800-916-1629. My fax number is 915-564-2564.

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.

Southern Arizona Group

The following information was received from ATF during the Conservation Law Enforcement Association board meeting in Phoenix earlier this month regarding officer security and safety: The intelligence branch of ATF has learned that the Haines Cross Directory, a document which is available to the general public, is changing the way it collects information for the directory. Haines will now use information from property records. If you own or are buying a home, your address and phone number, regardless of whether it is unpublished or not, will be listed. Haines is one of the largest publishers of directories and sells its information to other directory publishers. Haines corporate officers were contacted and provided the following information for law enforcement use: If you want to be deleted from their directory because you are employed by a law enforcement agency, you should send a written request to Haines asking that your name, address and telephone number be deleted from their directory. You must provide your name, address and telephone number and a call back number at a law enforcement agency. Mail this request to Haines & Company, 8050 Freedom Avenue, N.W., North Canton, OH 44720, Attn: Pat Garner, Director, Data Processing. [Dwayne Collier, SOAR]

Jefferson National Expansion

The park's law enforcement and safety division has the following excess equipment available for immediate transfer. The condition of the equipment ranges from fair to very good, with some items in excellent condition. This is a "package deal" - the entire equipment package goes to the first park or area that asks for it. The package will be sent by FedEx; JEFF will pick up the tab.

* D-cell Maglites	10
* C-cell Maglites	2
* Archer electric engraver	1
* Streamlight #ICC-2-750 battery charger	1
* Wood and Pachmayr grips, S&W, K and L frames	12
* Vinyl, lined shotgun case	1
* Ten-channel, Pro 31 programmable scanner	2
* Polaroid Sun 600 camera	1
* Gall's DUI Check alcohol testers w/case and mouthpieces	1
* Polaroid Land Camera flash bars	12

Contact JEFF Ranger Activities via cc:Mail.

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.

* No submissions this month....

Prepared by WASO Division of Ranger Activities

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