



## RANGER ACTIVITIES INFORMATION EXCHANGE



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The Ranger Activities Information Exchange is a four-page monthly bulletin produced by the Washington Ranger Activities Office and distributed to the chief ranger in each park, regional office ranger staffs, and other interested parties. Chief rangers are strongly encouraged to duplicate each issue and share it with their staffs. If you have any information for the Exchange, please contact Bill Halainen at 202-343-4189.

### Update on Fees Legislation

The proposed fees legislation which was detailed in the last Exchange has been further modified to establish new or higher entry fees at parks throughout the system. Since the draft bill also contains provisions whereby most revenues will be returned to the Service to fund operations, the primary objective for establishing the new rate structure is to compensate for budget cuts required by Gramm-Rudman.

The proposed rates package, which many of you have already seen, will establish entrance fees at 138 areas and increase them at another 60 units. Entrance fee amounts will be either \$3, \$5 or \$10 per vehicle (or \$1.50, \$2.50 or \$5 per person), depending on the classification of the park as a prime, intermediate or standard fee area. The classification is based on an application of the six criteria included in the Land and Water Conservation Fund Act to each park and considers such factors as the direct and indirect cost of collection to the government, visitor benefits, comparable fees charged by other public and private organizations for similar services, economic and administrative feasibility, public policy or interest served, and other pertinent factors.

The estimated gross revenue from this proposed fee schedule is a bit less than \$74 million - \$53,650,000 from entrance fees, \$12,700,000 from user fees, \$5,000,000 from Golden Eagle passes and \$3,000,000 from Golden Access passes. Of this amount, 20% will go to the general treasury, 45% to the operation of the National Park System, and 35% to the individual parks. In other words, a park which generates \$10,000,000 in fee revenues would receive \$3,500,000 in supplemental funds for its operating budget.

The importance of the proposed legislation to the Service's budget was underscored by Secretary Hodel in his briefing on the administration's budget proposal on February 5th. He pointed out that, despite the cuts imposed by Gramm-Rudman, the President was recommending an increase in the ONPS account from the fiscal 1986 estimate of \$611 million to a fiscal 1987 funding level of \$655 million, and said that the increase was directly dependent on the generation of \$74 million in receipts from the above mentioned fees.

### Special Park Uses Guideline

NPS-53, the guideline for special park uses which has been under development this year, is in its final draft. It will be presented to the Director within the next week or two and should be out to the field shortly thereafter. An orientation session on application of the guideline will be presented at Albright in early May.

## Annual Review of NPS-9

The annual review of NPS-9 by the Ranger Activities Office was completed in late January and circulated within the Department for comment and possible revision. It should be out in final form in early March.

No drastic revisions have been made to the guideline this year. The changes that have been made occur in chapters three (law enforcement authority), six (commissions), eight (defensive equipment), and twenty-one (report procedures). There will be no changes to chapter twenty-three (health and fitness).

## Yosemite GAO Audit

The General Accounting Office has released its report on its investigation into allegations of improprieties in law enforcement office operations at Yosemite. The investigation, which was made at the request of Rep. Bruce Vento, Chairman of the House Subcommittee on National Parks and Recreation, looked into eleven specific charges made by a Yosemite ranger last October.

Briefly, GAO found no serious violations of law, but did uncover (along with the Department's IG) irregularities in the use of imprest funds, deficiencies in standard operating procedures, and improper receipt of two salaries simultaneously by one Service employee.

Those wishing to read the report, which is entitled "National Parks: Allegations Concerning Yosemite National Park Drug Investigation" (GAO/RCED-86-67 FS, reply reference B-221431), may obtain it from U.S. General Accounting Office, Post Office Box 6015, Gaithersburg, MD 20877 (202-275-6241). The first five copies of each report are free; additional copies are \$2.00 each.

## Fire Pay Increase Proposal

The Department of Agriculture has asked the Service to comment on a proposed bill that they are sponsoring which will "eliminate the limitations on premium pay paid to Federal employees as a result of wildfire emergencies." At present, Section 5547 of Title 5, US Code, allows Federal employees who are exempt from the Fair Labor Standards Act to be paid premium pay only to the extent the payment does not cause their aggregate rate of pay to exceed the maximum rate for GS-15. The result is that many employees quickly reach their maximum earnings for a pay period when engaged in prolonged emergency wildfire suppression assignments.

The Service is supporting the proposed legislation, but recommending that it be broadened to include search and rescue and law enforcement as well.

## Bulletin Board Access

A number of people have called the Ranger Activities Office to ask how they can gain access to the Service's electronic bulletin board, which is maintained on the Hewlett-Packard at the L Street office.

There are toll free numbers which you can dial via modem to hook up with the computer. The number for parks in the continental U.S. is 1-800-551-3800; for Alaska and the continental U.S., it's 1-800-223-0037.

Once you make the connection and get a prompt, the access code, which must be entered exactly as follows, is HELLO SHARE.NPSBBS;TERM=9. Note that the only space is between HELLO and SHARE. The Hewlett-Packard will then ask for your first name, last name and park; once you've given those, you'll get the main menu and explanations on how to proceed.

### Scope of Employment Ruling

The U.S. District Court's Northern District of Georgia rendered a decision last fall in favor of a ranger at Chattahoochee who was a defendant in a personal injury action. The court granted the ranger's motion for summary judgement based on the absolute immunity offered by the emergency assistance provisions in 16 USC and the "scope of employment" section of the Federal Driver's Act.

The suit arose out of a September, 1983 accident outside the park. While in the process of opening park gates, the ranger came across an accident on a county highway. Although the parties involved had not been injured, they were in some danger because of the poor weather, considerable traffic and location of the accident scene on a bad corner. The ranger radioed for police support, parked his patrol vehicle, activated its blue overhead lights, and began traffic control. As he released one lane of traffic to advance, a vehicle coming from the opposite direction failed to stop and hit the woman who was driving the motorcycle that had headed the line the ranger had just waved forward. The victim filed suit against the driver of the vehicle that hit her, the person who caused the original accident, and - in a third-party complaint - against the ranger.

The complaint against the ranger alleged that he was negligent in parking his vehicle where he did and in the manner in which he directed traffic. The U.S. Attorney, having determined that he was operating in the scope of employment, filed a motion for summary judgement which argued that the ranger was entitled to absolute immunity from such a common law tort claim. The court made a couple of interesting observations in its final order.

The court agreed with the U.S. Attorney's claim of absolute immunity under the Federal Driver's Act (28 USCA 2679b), observing that "although (his) alleged negligence did not occur while he was actually driving his vehicle, it did arise out of his 'operation' of the vehicle."

The court noted that federal officials acting within the scope of their official duties have absolute immunity in actions for ordinary tort claims, and concluded that the ranger was covered because "this immunity extends to actions taken by federal employees acting within the 'outer perimeters' of their authority during the performance of their official duties." The court cited Davenport v. Borders, 480 F. Supp. 903, 906 (N.D. Ga. 1979) in support of this contention. Although the park had a cooperative agreement with the police to provide such traffic support, the court held that the ranger's belief that he was empowered to render assistance at the accident scene was also supported by 16 USC 1b, which authorizes park officials to render assistance outside of national parks.

"The court finds that although the statute does not specifically sanction traffic control, that activity is within both the letter and spirit of the statute," the court's order said. "The statute authorizes 'cooperative assistance' which the court interprets to encompass traffic supervision at accident scenes."

### Enforcement Notes

The Statue of Liberty received a series of bomb threats on January 22nd that led to temporary closure of the island to workers and thorough searches of the grounds by rangers and NYPD and NPS bomb dogs. A foreign caller who claimed membership in the PLO made the threats in a series of early-morning calls to the police departments in Ajo, Arizona, Caribou, Maine, and Nashville, Georgia; those agencies then notified the FBI. Although the threats had a ring of credibility to them, the searchers found no explosives on the island.

In the fall of 1984, fifty rangers were involved in the arrest of fourteen suspected

poachers in the Yellowstone area as part of a nationwide roundup of wildlife violators known as Operation Trophy Kill. The prosecutions of those persons have since resulted in twelve felony and fourteen misdemeanor convictions; there have been only two dismissals. Along with substantial fines and a considerable amount of community service, the courts handed out 49 years of jail, 18 years of suspended sentences, and 38 years of probation to those convicted.

Criminal incidents have increased seriously at Saguaro over the last five years. The park's two management units are separated by the rapidly growing metropolitan area of Tucson, which is expected to have a population of well over one million people by the end of the century. In the past two years, Saguaro rangers have been assaulted three times - twice physically and once with a firearm. The most recent case involved a ranger being fired upon by an unknown assailant using a shotgun. The ranger was on late night patrol in the Tucson Mountain unit and was investigating an illegal fire and possible camping in a picnic area. He noted the suspicious circumstances and a potential hazardous officer situation, then called for and received immediate assistance from the Pima County Sheriff's Office. The ranger was fired on by a shotgun from out of the dark as the approach was made on the site; he was not hit, but heard pellets hit the brush near him. He took cover behind his patrol unit and coordinated the multi-agency response to the shot. Helicopter, foot and vehicle searches revealed nothing. Physical evidence found at the scene is currently being examined by an FBI lab.

Southeast Region Ranger Activities Directory

In the interest of improving communications among rangers, the Exchange offers the following diagram of the organization and duties of staffers in the Southeast Region's Branch of Resource Management and Visitor Protection. All persons in this office may be contacted by calling 404-331-4916 (commercial) or 242-4916 (FTS):

