



## RANGER ACTIVITIES INFORMATION EXCHANGE



Volume 2, Number 3

March, 1986

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 or any questions you'd like answered, please contact Bill Halainen at 202-343-4189 or 4874.

### Fees Legislation

The Senate and House held hearings on the Park Service's fiscal 1987 appropriations on March 12th and 13th, and the draft fee legislation fell under close scrutiny because it comprised such a large part of the Administration's proposed budget.

The Congressmen had a number of concerns. Several members expressed the opinion that the funds brought in by increased fee revenues (an estimated \$45 million above the amount allocated for ONPS in fiscal 1985) would eventually be employed to offset future budget cuts rather than augment the operations appropriations. Others felt that the jump to \$10 entrance fees for some parks was too sudden, and that gradual increases would be more appropriate. A basic philosophical disagreement also arose between those who favored higher fees and those who held that there should be only the most minimal entrance charges, with the latter group proving the more numerous.

The proposed legislation was introduced to the Senate on March 18th by Senator McClure, Chairman of the Senate Subcommittee on the Department of Interior and Related Agencies. The bill, known as S. 2204, may be modified in committee to incorporate a fee structure more acceptable to Congress. The current hierarchy of \$3, \$5, and \$10 fees may be modified to \$2, \$3, and \$5. If such a change is made, it would no longer be economical to collect fees in many areas, and those sites might be dropped from the list of areas where fees are to be charged.

It will probably be at least a month before anything more will be known about the fate of the fees bill.

### Law and Order Fund Review

At the request of Congress, the General Accounting Office (GAO) has conducted and completed an audit of the expenditure of emergency law enforcement funds at Golden Gate and Gateway in fiscal 1984. The GAO report, which was released late in March, found that the Service's emergency law enforcement expenditure authority had been used to fund routine and annually recurring law enforcement costs and recommends that the Secretary instruct the Director to ensure that such expenditures "are made for the purposes required by law."

When Congress passed Interior's appropriations bill in 1971, it gave the Service authority to use any of its appropriated funds, with the approval of the Secretary of Interior, for "emergency and other unforeseen law enforcement situations"; in 1982, this authority was extended to emergency search and rescue operations. Two key considerations were that such funds not be used for routine operations and that they had to be taken from existing Park Service appropriations.

GAO's study found that in fiscal 1984 the Park Service incurred \$726,338 in emergency law enforcement costs "for anticipated, routine, and recurring law enforcement activities at Gateway and Golden Gate", including "coverage for such activities as high park visitation during summer months, conventions, and folk festivals." "The Park Service has taken this approach," the report said, "because past efforts to include funds for these activities in its budget have proven unsuccessful."

GAO concludes: "The use of emergency law enforcement authority to fund anticipated, recurring, and routine law enforcement costs is understandable, given the Park Service's stated need to provide adequate law enforcement while the government pursues its budgetary reduction efforts. However, the National Park Service is using Congressionally approved funds from other approved budget areas for law enforcement activities. We are not questioning the need for these law enforcement activities, but we are concerned that this funding approach works against efforts in the construction, land acquisition, and other Park Service appropriation areas from which the emergency law enforcement funds were obtained."

#### Update on Signs

Sharon Drumming, the Service's sign coordinator, reports that the new sign manual is currently under review and with luck should be out to the field by this summer. Plans are underway to replenish the "ten series" sign inventories at Brentwood and Rocky Mountain; although a determination has not yet been made as to which of them will be reprinted, it appears at present that all of those listed in the old sign manual will be printed again. Budgetary restrictions, however, will probably mean that only limited numbers of each type will be available. Sharon thanks those of you who took the time to respond to the request for comments that appeared in the January Exchange. They proved to be very useful in establishing which signs parks needed most and what types of materials were favored in the field.

Jim Parr, chief ranger at Blue Ridge, reports that Larry Freeman, a resource management specialist in that park, has come up with "a very expedient and extremely inexpensive" method of producing signs locally. A clear machine copy of the needed sign is first made, then copies are reproduced on Avery non-tear paper. The signs produced are cheap (about \$.22 each), lightweight, flexible, and show no signs of wear or fading after long periods in the field. If you're interested, Jim or Larry will be happy to talk with you about this new signing process. Sharon has reviewed it and found it innovative and effective, but does caution that the signs may not be in compliance with the new manual.

#### Criminal Information System

The Exchange reported last October that the Servicewide Criminal Information Reporting System (CIRS) was about to come on line. Due to a number of delays, the operational date had to be postponed, and Herb Gercke of the Western Regional Office reports that the target date for completion of all operational testing is now June 1st.

When functional, CIRS will be an interagency computerized protection data system which will be employed by both the Park Service and the Forest Service. It will provide us with data files on all incident and vehicle accident reports and will interface with the National Law Enforcement Teletype System (NLETS), the National Criminal Information Center (NCIC), and other similar criminal reporting systems. These will provide both investigatory and "survival" data to the field.

There will be terminals with printers in seven regional offices, and users will be provided with both tutorial information and system software. Operators will be able to enter and query the system as well as receive periodic bulletins. At present,

elsewhere will both be compatible with CIRS. IBM and Data General terminals will be able to link up with the MV 1000 at Marana when it goes on line, and Data Point terminals will be added later on.

### Court Rules on NRA Suit

The United States District Court for the District of Columbia has found for the National Park Service in the suit brought against the agency by the National Rifle Association (NRA) to open more parks to hunting and trapping. The NRA had contended that the Service's regulation on wildlife protection (36 CFR 2.2), which allows hunting and trapping only in park areas where such activity is specifically authorized by Federal statutory law, was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

The court's decision was based in part on an appellate court statement on the analysis to be undertaken to determine whether an agency's actions conform to the law: "'If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress.' If, however, 'the statute is silent or ambiguous with respect to the specific issue,' we are not to give effect to our own estimation of intent, but must accept the agency's if it is 'based on a permissible construction of the statute.'" The court is therefore "forbidden" to substitute its judgement for the agency's, but must only consider whether a decision was based on a consideration of the relevant factors and whether there has been a clear error of judgement.

In this case, the intent of Congress expressed in the Organic Act had to be ascertained. NRA contended that the act's directive to "conserve...the wildlife" within parks should be construed to mean that Congress wanted the Service to manage game wisely, not preserve it absolutely. The court found, however, that the legislative history of the act, contemporary interpretations of its intent, and subsequent legislation specifically authorizing hunting and trapping in other areas all indicate that Congress clearly had preservation in mind in the 1916 legislation. The court also found that the record of NPS legislation indicates that Congress finds hunting and trapping to be separate and distinct activities.

In summation, the court said that it is "satisfied that the Park Service's reading of the statutory law comports with the apparent legislative intent; its interpretation is at least a reasonable one, and that is all it need be in the circumstances." The NRA has 60 days in which to appeal the decision. We have not yet heard whether or not they will do so.

### Uniform Program

There has been some confusion among employees as to how uniform allowance funds are paid to the contractor. A common misconception is that the \$190,000 in unexpended allotment funds remaining at the end of fiscal 1985 was paid to R & R even though unused by employees. This is not true. A uniform allowance authorization obligates ONPS funds to assigned cost accounts each fiscal year. The contractor invoices the Service every two weeks for the amount of each order shipped during that time period, and includes a listing by employee, account number and amount of order shipped. At the end of the fiscal year, remaining balances are lost to employees, and the amount of the unused allowance remains at the park for other uses.

Grooming standards are currently being revised, and a draft of proposed changes will be circulated for review late this spring. Appearance standards for the new uniform items added to the system this year are also being drafted and will be sent to the uniform committee for review at about the same time.

Members of the task force working on the draft revisions to Part 4 of 36 CFR - Vehicles and Traffic Safety - spent the second week of March reviewing field comments and incorporating them into a proposed rule which is tentatively scheduled for publication on May 1st. A 60-day public comment period will follow. Field comments submitted through channels will also be welcomed during that period. Highlights of the proposed changes will appear in the April Exchange.

Clarification

In the last issue of Exchange, the article on "Scope of Employment Ruling" said at one point that "the court noted that federal officials acting within the scope of their official duties have absolute immunity in actions for ordinary tort claims." The sentence was written in reference to the previous paragraph, which says that such absolute immunity only applies to incidents arising out of the Federal Driver's Act. This distinction is important, and we regret any misinterpretations that may have resulted.

North Atlantic 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 North Atlantic Region's Division of Resource Management and Visitor Protection:

