



## RANGER ACTIVITIES INFORMATION EXCHANGE



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### Chief Ranger's Comments

This is the first issue of Exchange for 1988. The feedback we receive is that the information included within its pages is of benefit to field personnel. In addition to the Exchange, we are trying to enhance Servicewide communications through the significant incident reporting system and through the use of the CompuServe network to communicate daily with all regions and many field units. Many of the incidents received from parks through their regional offices are reprinted in Exchange, and all are disseminated to the Washington directorate immediately and to the Department either directly or indirectly.

We will continue to send a representative from the division to field meetings and training sessions whenever possible when invited to discuss the various program areas for which we are responsible in WASO. We have met with many of you and feel that the interchange has been very helpful - hopefully in both directions. We have received a number of good suggestions, pieces of information and questions on issues from many of you. Communications is a two-way street. We are trying to be responsive and to share all the information we have with you. Thanks for your continuing help.

### Field Incidents

**Organ Pipe Cactus:** On December 11th, an Air Force A-10 approaching a nearby firing range crashed into an outcropping north of Montezuma Head Peak. Although the plane was only 400' above the valley floor, the pilot was able to safely eject; the plane impacted a half mile further on, then slid about 3000'. It didn't leave much of a crater, but did destroy about 60 trees and other natural features. Although the crash site was in a wilderness area, the Air Force continued to send in vehicles even after the life-threatening emergency was over. The park is working with the Air Force on a cooperative agreement to assure this doesn't happen again.

**Dinosaur:** A Hiller helicopter operated by a local company lost its turbo-charger while checking access routes into an oil well area near the park and crash-landed on Harpers Corner Road on January 2nd. None of the three occupants - the pilot, his brother, and the pilot's seven-year-old son - was injured. The pilot walked several miles to an oil rig to call the park. The rangers who responded were able to drive their vehicles to within 11 miles of the crash site, then shifted to snowmobiles for the remaining distance. All three occupants of the helicopter were back at park headquarters within three hours of the accident. Estimated damage to the helicopter is about \$50,000.

**Joshua Tree:** An abandoned PCP laboratory was discovered in Deception Canyon on January 11th. Rangers found six empty five gallon plastic trash cans with PCP residue, miscellaneous glassware, 12 empty Drano cans, rubber gloves and white trousers. The lab, which was off a dirt road which is open to the public, appeared to have been there for about two months.

**Biscayne:** Two park maintenance men reported sighting six men with automatic weapons at University Dock on the north end of Elliott Key on January 3rd. The seven rangers who responded made a felony approach on the fishing boat to which the men had returned, and the men offered no resistance. During the search of the boat, a number of assault rifles were found. As the rangers were bringing the six men back to the dock, five more people came out of the bushes and down to the docks with their arms in the air; one had an NBC identification card in his hand. Investigation revealed that the man with the card was a correspondent from WBZ-TV, the NBC affiliate in Boston, and that he and his crew were filming a documentary on the armed men, who were members of Alpha-66, a Cuban nationalist organization that trains to maintain readiness for a return to Cuba. One of the men arrested was the secretary general of Alpha-66, who said that his organization had been employing Elliott Key to practice landings for the previous 18 months (the key was a training site for the Bay of Pigs invasion, which occurred before the park's creation in 1968). The Cuban group was charged with possession of loaded and concealed weapons; the WBZ crew was cited for filming without a permit.

#### Fee Legislation Enacted

Late in 1987, Congress passed permanent fee legislation which amends the Land and Water Conservation Fund Act [16 USC 4601-6a(a)] on which the fee program is based and extends it to the year 2015. The provisions are as follows:

- The Golden Eagle pass will cost \$25.
  - The cost of the annual park-specific pass, which now costs between \$10 and \$15, shall not exceed \$15. This pass pertains to either one park or to several specific units in a particular geographic area. The pass conveys the same privileges and is subject to the same terms and conditions as the Golden Eagles pass.
  - The maximum rate for a single-visit permit applicable to persons in a private, non-commercial vehicle has been set at \$5.
  - The maximum rate for a single-visit permit for other entries is \$3 per person.
  - No admission fee may be charged at any unit which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations.
  - A report must be made to Congress by February 19, 1988 which will:
    - list entrance fee areas and the proposed fees for each;
    - indicate whether fees have been increased or decreased in each area;
    - specify which parks are new to the list;
    - indicate which areas are being deleted from the existing program; and
    - explain the guidelines used in applying the six criteria found in 16 USC 4601-6a(d) to determine inclusion of a park in the entrance fee program.
- No proposed changes to matters covered in the report may be made until 60 days elapse following the submittal of the report to Congressional committees for review.
- Persons 16 years of age and younger will not be charged entrance (admission) fees.
  - No entrance (admission) fee may be charged to organized school groups or outings conducted for educational purposes by schools or other bonafide educational institutions.

- The following park areas are excluded from the entrance fee program:
  - U.S.S. Arizona Memorial;
  - Independence National Historical Park;
  - San Juan National Historic Site;
  - Canaveral National Seashore;
  - Arlington House; and
  - all parks within the District of Columbia.
- The Director must annually designate at least one day during periods of high visitation as a "fee-free day" when no admission fee will be charged.
- The single-visit entry permit for Grand Teton and Yellowstone shall be no more than \$10 for each private, non-commercial vehicle entry and \$5 per person for entry by other means. A reciprocal fee for the two areas is authorized. Effective October 1, 1990, Grand Canyon will also be authorized to charge the same entrance fees.
- An admission fee may be charged at Denali National Park.
- The Director may contract with any public or private entity to provide reservation services, and the contractor may deduct a commission which is to be set by the head of the agency.
- All fees collected will be deposited to a special Treasury account established for the NPS. These fees will be available for resource protection, research, interpretation and maintenance activities related to resource protection. User fees shall be used for all these purposes; entrance fees shall be used for all these purposes, except maintenance activities related to resource protection. No funds shall be transferred from fee receipts to each unit of the System. Funds credited to the special account shall remain available until expended.
- The distribution of the fees collected will be as follows:
  - 10 percent will be available to the Director each fiscal year for allocation to field areas based on their needs and in a manner to be determined by the Director;
  - 40 percent will be allocated to parks, with the exact fraction to be determined by dividing park operating expenses by total park operating expenses; and
  - 50 percent will be allocated to the collecting parks.
- The amounts allocated to any unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that unit until expended.
- When authorized by the Director, volunteers may sell permits and collect fees, provided that they are given training and are bonded.
- The Director may enter into arrangements with qualified public or private entities to sell, without cost to the United States, annual park passes or Golden Eagle passes. Consignment is not authorized.
- The NPS may charge a fee for transportation services provided to allow visitors to view a park. Such charges shall not exceed the park's maximum admission fee. The park will retain 50 percent of these revenues; the balance will be deposited in the Service's special account. Of the 50 percent retained by the park, half shall be used for maintenance of the transportation system and half shall be expended only on activities related to resource protection.
- If a concessioner provides primary public access to a park, the Secretary may charge an admission fee only to the extent that the total of the fee charged by the concessioner for access and the admission fee does not exceed the maximum amount of the authorized park admission fee.

- A study must be conducted to assess the extent of traffic congestion and overcrowding at certain parks during times of high usage and must include an analysis of the feasibility of reducing vehicular traffic via fee reductions for bus visitors and through other means which could shift automobile visitation to buses. Yosemite is designated for the study's pilot project.

In FY 87, 179 parks collected \$41.9 million in recreation fees. Congress directed that these revenues be deposited in the Treasury Department's general fund. In FY 88, the Service is proposing the collection of fees in 190 parks, with a projected revenue of \$52.2 million.

In FY 88, as in FY 87, the Service has received \$15 million in fee enhancement funding. As was the case last year, half of this money will go to all parks based on their FY 87 budgets, and half will be allocated to fee collecting parks based on the amount of actual fee revenues collected by those parks.

An additional \$2.36 million will also be available in FY 88 to offset fee collection costs for the proposed 16 parks initiating entrance fee programs and for the expansion of certain existing park fee collection programs. The new park programs will generate an estimated \$1.6 million in fee revenues. A review of the various park proposals is almost complete. Distribution of the above funding should be completed by the end of January.

#### Review of Employee Suicides

At the request of the Director, the Personnel Division conducted a review of six suicides involving National Park Service employees in 1986 and 1987 to determine the probable causes of each suicide and courses of action that can be taken in an effort to avert them in the future.

Although no clear pattern emerged regarding the causes for these incidents, the report did note that all six employees had serious personal problems and added that "it is not possible, based on a review of the reports, to determine whether job stress was the underlying factor in any of the incidents." The report recommends that all employees be informed of crisis intervention centers and hotlines which are available throughout the country, and that the Service strengthen its program for determining the capability new employees have for performing their duties without danger to themselves, fellow employees or the public.

"The incident reports revealed that we have not always been assiduously following our own guidelines in making suitability determinations in connection with granting law enforcement commissions," the report states. "The Service needs to require that there be greater field adherence to these suitability requirements."

The Personnel Division is currently in the process of identifying assistance resources and will make these available to the field shortly. Personnel is also working with Ranger Activities to improve procedures for making suitability determinations, particularly regarding the granting of commissions.

### Ranger Activities Telecommunications Network

As was noted in the last Exchange, this office has established a network on the CompuServe telecommunications system which links WASO and regional ranger activities offices, BIFC, FLETC and park chief rangers. As of this writing, 46 park chiefs have received information on accessing the system, and about half have logged onto the net. Each is receiving daily morning reports from this office, as well as advance notification of memoranda coming out to the field, a calendar of upcoming events and news bulletins. All park chief rangers are encouraged to become members of this system, and should contact Bill Halainen for further information.

### Slocum v. Hodell, Coleman and Cawood

The United States District Court for the Eastern District of Pennsylvania has found for the Service in a case in which Independence NHP argued that its authority to regulate a horse-drawn carriage business in and around the park was derived from the property clause of the United States Constitution.

The plaintiff in the case was James Slocum, a businessman who operates a horse-drawn carriage tour business in and around the park. Slocum and his four competitors employ people known in the trade as "hustlers" to solicit rides for money from the general public as they walk through the park area. Although the carriage tours are conducted wholly on the public streets of the Philadelphia and not on any federally-owned land, the hustlers frequently step onto sidewalks managed by the park in order to solicit business from park visitors and other passers-by.

Due to complaints by visitors and others about foul language, harassment, intimidation of park visitors in an attempt to get them to take rides and fights between carriage company employees, the Service began issuing permits regulating the number, location and conduct of carriage tour companies. Operation of carriages adjacent to the park without a permit was forbidden. Slocum, consequently, sought to have the permit procedure and any relevant Service regulation declared null and void, challenging the Service's authority to prohibit or regulate his business in any manner.

Slocum argued that the permit issued to him did not have as its objective the protection of the land and purposes of the park, and that, as such, the permit and "its myriad conditions" were overbroad and beyond the lawful powers of the federal government. Slocum contended that the Service's regulations cannot apply to his operation, since the driving of horse-drawn carriages on the public streets of Philadelphia is properly regulated by the state's public utilities commission and the city police.

The park argued that its authority to regulate Slocum derived from the property clause of the Constitution, which permits regulation of activities, whether on or off federally owned land, if such regulation is necessary to preserve the purpose of the federal land. Since the designated purpose of the park is the restoration and preservation of the nation's cultural and historic heritage, one of the park's objectives is to provide visitors with a "quality experience" in the "uncluttered 18th century environment" which was created through that restoration.

In its findings, the court agreed that "the property clause provides the Constitutional authority to control commercial activities that affect the objectives of federal land even when the commercial conduct occurs outside the boundaries of federally-owned land." The court further noted that this authority is also found in law, citing 16 USC 20, in which the Service is ordered to guard against "unregulated and indiscriminate use" of its areas by concessioners, and 16 USC 3, which provides the Secretary with authority to grant permits "for the use of land for the accomodation of visitors in the various parks..." And, the court concluded, the permit met the requirements established in 36 CFR 5.3.

Since Slocum admitted that his hustlers solicited business in an area managed by the park, the court said that he was therefore considered to be soliciting business "in park areas" and was subject to regulation by permit. The court, however, enlarged upon this finding: "Even if hustlers did not go onto the sidewalk and instead stayed on (the street), which is not federal land, the Park Service would probably have the authority to regulate their location and conduct, since 'federal regulation may exceed federal boundaries when necessary for the protection of human life or wildlife or government forest land or objectives.'"

#### Briefly...

- R & R Uniforms has been given a new address by the Post Office. All correspondence should now go to R & R Uniforms, Box 305131, Nashville, TN 37230-5131. Merchandise (i.e. exchanges) should still go to R & R Uniforms, 2508 Perimeter Place, Nashville, TN 37214.
- Butch Farabee would like to obtain copies of each area's SAR and/or emergency operations plans. If you've got one, send a copy to him; if you don't, he's interested in helping you develop one.
- Here's a current listing of the number of 025's in the Service by grade (as of 11/24/87): GS-2 - 1; GS-3 - 28; GS-4 - 189; GS-5 - 776; GS-6 - 46; GS-7 - 568; GS-8 - 2; GS-9 - 597; GS-11 - 417; GS-12 - 249; GS-13 - 147; GS-14 - 73; GS-15 - 47. Total, all grades - 3,140.
- The first offering of the Team Resource program is a 16 to 40-hour course entitled "Orientation to NPS Resource Management" (program code 8108). The course is available upon request to regional training officers for the purpose of training non-resource management park employees in the fundamentals of natural and cultural resource management. The course can be tailored to your park by the addition of up to 18 modules over the core curriculum. Funding for supplies, materials and instructor travel will come from WASO through regional training offices.

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The Ranger Activities Information Exchange is produced by the Washington Division of Ranger Activities. Walt Dabney, Chief Ranger. Address letters, comments and inquiries to: Bill Halainen, Ranger Activities (650), Stop 3310, National Park Service, Box 37127, Washington, D.C. 20013-7127; FTS 343-4874 or (202) 343-4874.