

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

February 23, 1996

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 - "Job Market" and "Sundry Notes" - 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.

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NPS-9 REVISIONS - Chris Andress, RAD/WASO

Many questions have been raised about the status of the on-going revision of NPS-9, the Service's law enforcement guideline. The circulating draft has probably generated more comments than any other guideline (including health and fitness) to date. Here a few particulars on the subject:

o This document in no way intends to change the NPS philosophy of law enforcement which basically says that the ranger's duty is to protect the parks from the people, the people from the parks, and the people from each other, and that law enforcement is a means (or tool) to accomplish an end (16 USC 1, as amended) and not an end unto itself. Law enforcement in the National Park Service will be humanistically practiced at the lowest effective level which produces voluntary compliance with the law.

o There is no intent to use NPS-9 to modify or change the 025 protection ranger series from the way it is described in the Ranger Careers position description. The intent rather is to upgrade the quality and professionalism with which the ranger does the law enforcement portion of her/his job. The resource protection, interpretive and educational parts of the ranger's job are not at all changed. One should not read into this document anything that changes the intent of the 1976 House Report on the Authorities Bill which said: "It is not intended here that law enforcement responsibilities should fall on a small number of individuals as their exclusive duties."

o It is the intent of this revision that park rangers, supervised by superintendents at the park level, by Field Directors at the field level, and by the Director, through the Associated Director for Operations and Education at the Washington level, manage the park ranger aspect of NPS law enforcement.

o This revision of NPS-9 has been in progress for about four years. It was obviously written for the old NPS organization. In August, we attempted to conform the revisions to the new organization. Although the roles of SSO's, clusters, and Field Directors' Offices were not exactly clear, we were able to identify only three real levels of responsibility: the Director, the Field Director, and the Superintendent. What the superintendents and field directors planned to do with the SSOs and clusters was not defined at that

time; the revision did not presume to assign roles to those areas, but instead attempted to match responsibilities with existing operating levels.

o This revision focuses on the law enforcement work load at the SSO and Field Director levels and attempts to determine how many people it takes to accomplish that work.

o A work group will meet at FLETC from March 18th to the 22nd to provide the field review and insight needed to get NPS-9 to the point where it will be capable of carrying NPS law enforcement into the next century.

REGULATIONS/JURISDICTION UPDATE - Dennis Burnett, RAD/WASO

36 CFR Part 2: The proposed rule has been forwarded to the Solicitor's Office to begin the formal review process. A few items still need to be resolved, including provisions pertaining to royalties (2.5) and to the sale or distribution of printed matter (2.52). These items will be resolved during the review process.

NCR T-Shirt Regulation: Nothing has occurred in the appeals process since the last CLEAR TEXT. The Solicitor's Office would like us to remind all parks that the sale of message-bearing T-shirts is **NOT ALLOWED** under 36 CFR 2.52. On a related issue, the Solicitor's Office has determined that cooperating associations and other similar friends groups **MAY NO LONGER** sell T-shirts in the parks. Meetings were held last week on this issue and the policy discussion continues.

36 CFR 1.2, 1.4 and 13.2 - Applicability and Scope: The proposed rule was printed in the Federal Register on December 5th. This rule seeks to eliminate confusion about the applicability of NPS regulations on waters within the boundaries of areas of the National Park System. The comment period ended on February 5th. Comments were received from several NPS divisions and employees, as well as from NPCA, the Sierra Club, International Association of Fish & Wildlife Agencies, the Alaska attorney general's office, and the Alaska state legislature, the Alaska Miners Association. Comments are also expected from Alaska's Congressional delegation.

36 CFR 1.3 - Penalties: This final rule was printed in the Federal Register on January 31st and was final on that date. The rule revises the existing penalty provisions for convictions of violating 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).

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 regulation is still being reviewed by the Office of the Solicitor.

36 CFR Part 3 - Boating and Water Use Activities: A proposed regulation is being developed concerning the introduction of "non-indigenous aquatic nuisance species" into park waters. The NPS proposes to regulate access to NPS waters by individuals and vessels that have recently operated in waters infested with injurious non-indigenous aquatic plant and animal species. This regulation is the result of the spread of the zebra mussel and is being reviewed by Assistant Secretary Frampton.

36 CFR Part 11 - Arrowhead and Parkscape Symbols: This proposed rule will provide protection not only for the NPS arrowhead, but also to the USPP insignia, park ranger badge and park ranger, special agent and criminal investigator credential shields. The rule will also delete reference to the

Parkscape symbol from the section. The rule is currently with Assistant Secretary Frampton.

Part 7 & 13 - Special Park Regulations: At least 21 special park and other Servicewide regulations are in the Department at some level of the review process.

Jurisdiction: The NPS is working on correspondence to make application to the state of Tennessee for the cession of concurrent jurisdiction over those lands and waters owned and administered by the NPS within the state and over which the United States exercises proprietary jurisdiction. Along with a requested cession of jurisdiction by the state, the NPS is also proposing to cede jurisdiction over those lands and waters owned and administered by the NPS within the state over which the United States exercises exclusive jurisdiction. This package is currently on Capitol Hill being reviewed for 60 days by the Senate Committee on Energy and Natural Resources and the House Committee on Resources.

SPECIAL DIRECTIVE 95-11 - Dennis Burnett, RAD/WASO

Several questions have come up concerning Special Directive 95-11 ("T-Shirt and Merchandise Sales at Demonstrations and Special Events"), which was issued on August 11, 1995. The questions concentrated on side issues, not the main points. The following information will clarify those side issues:

o In general, the sale of merchandise in the parks is prohibited, except for printed material as stated in 36 CFR 2.52. Printed material has been defined as textual books pamphlets, magazines and leaflets whose primary purpose is the advocacy, definition or explanation of a group's or individual's political, religious, scientific or moral belief.

o The sale of T-shirts and other clothing, whether or not it contains a "message" is prohibited.

o The sale of food in the parks, when part of an interpretative program and managed under a permit and not in conflict with an authorized concession, is allowed.

o The sale of all other merchandise, including but not limited to arts and crafts, and all other items not allowed under items 1 or 3 above, are prohibited.

o The sale of all merchandise and food in the parks authorized under a concession is not affected by Special Directive 95-11 and may continue.

o The possibility of the park co-sponsoring the event does not ease the prohibitions or authorizations shown above.

Questions concerning this information or the directive itself should be directed to Dick Young at 804-898-7846 or to me at 202-208-7675.

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

Commercial Filming: Twelve persons have been chosen Servicewide to review and comment on the revised guideline. The resulting final document will be divided into two parts. The first section - policy and decision making - will appear in the upcoming revision of NPS-53 as a new chapter or appendix. The second part - procedures, including examples and a model of the proper permitting document - will become a workbook or similar guide that will list the step-by-step process for permitting filming in the parks. It's hoped that the finished document(s) will be ready by the end of June. All areas are asked to use whatever guidance they are currently following on a temporary

basis with the understanding that Servicewide policy is about to be published on this subject. As was reported last month - and is still true under current regulation - location fees will NOT be charged for filming.

NPS-53: The task force working on the revision of this guideline met for the first time last month. Significant progress was made and a new date of September 30th has been set for the publication of the draft document.

Right-Of-Way Permits: A revision to an existing special directive on rights-of-way has received the Solicitor's approval and will shortly be circulated to the parks. The special directive redelegates authority to sign rights-of-way permits from the Associate Director, Park Operations and Education, to field area directors, and redelegates the authority to sign renewals, amendments, and conversions from field area directors to superintendents. This should reduce the delay in getting these documents through the system and eliminate redundancy in the approval process.

36 CFR Part 14: These regulations are still on hold. We are trying to get them out prior to publication of the revised NPS-53.

Communication Antenna Sites: A special directive on this subject has been formulated and will be published shortly. The directive details policy and procedures for new sites. Parks that are approached by industry representatives seeking antenna sites under the new law are advised to delay action on their requests until the directive is published. If delay is impossible, please contact either me or Frank Weed in Denver Service Center for assistance.

No-Year Accounts: As previously noted in this section, the Service has received opinions from both from NPS and IG solicitors that the cost recovery money from special park uses is **NOT** "no-year" money and must be expended in the year it is collected. For a time, we were hopeful that we could change that ruling, but that hope has now been extinguished. Unless we get new legislation saying otherwise, the Service will treat all special park use cost recovery money deposited into PWE 456 as annual funds.

STATUS OF ENVIRONMENTAL CRIMES INITIATIVE - Einar Olsen, NCFO

Over the past two years, the Service has sought to expand resource protection by initiating efforts Servicewide to address environmental crimes which are degrading park resources. During this period, two Servicewide environmental crimes investigation training courses were conducted in partnership with the FBI and with funding support from the National Park Foundation. Fifty-five NPS law enforcement personnel have completed this intensive training in conjunction with a like number of FBI special agents. A third training course scheduled for March, 1996, for the western U.S. was cancelled due to limited park budgets. This course had been twice postponed previously due to fuloughs.

An additional 225 rangers, investigators, Park Police officers, natural resource specialists, and park managers have received environmental crimes awareness training through various in-service workshops. Most of this training has been in the eastern U.S. and has focused on applicable laws to help protect park resources and the agencies to work with to conduct investigations. RANGER, the journal of the Association of National Park Rangers, has printed two articles on the initiative. This has brought awareness to a wider audience, including individuals and entities outside the NPS. An issue paper was prepared approximately three years ago on available federal law enforcement authorities for protecting parks from minerals development. This paper places a heavy emphasis on environmental laws.

Through this effort to train law enforcement personnel, we have developed good working relations with the FBI, EPA, Coast Guard, INTERPOL, and the Department

of Justice's Environmental Crimes Section. All of these entities have a high concern for the protection of the national parks. A particularly strong supporter has been the FBI, which is emphasizing federal facilities and lands in its environmental crimes program. The NPS routinely shares information with the FBI in areas of mutual interest and has worked successful investigations with the FBI, EPA, and state agencies. In probably our biggest success to date, an NPS investigator who had completed the Servicewide training course, working with the EPA, FBI, and state agencies, obtained a 21-count felony indictment against individuals for dumping hazardous waste in Mojave National Preserve. Our strong liaison with these agencies has been instrumental in all cases worked to date.

Numerous projects are contemplated for the future. As funds become available, we will continue the Servicewide investigations training courses. We now have a good cadre of instructors from various sources and plan to continue to tap their expertise. Future courses will have a stronger land management focus and the case studies will reflect this emphasis. Shorter awareness workshops will be conducted as requested by the various field areas. Additional environmental crimes training is available through the four environmental enforcement networks which cover all areas of the country and through EPA at FLETC. We are also contemplating developing an environmental crimes handbook with the FBI which will address laws, regulations, supporting agencies, investigative techniques, and safety precautions. The handbook will provide basic guidance to individuals who have not been able to attend a training course.

For further information, please contact Einar Olsen, chief ranger, Ranger Services, National Capital Area SSO.

FLETC UPDATE - D. Paul Henry, NPS Agency Representative, FLETC

Over the past year, more and more parks, CRO's, and field personnel have been calling FLETC directly to speak with division chiefs, branch chiefs, Treasury instructors, detail instructors, and scheduling and administrative personnel. Deals have been made, trips have been planned, courses have been scheduled, students have arrived, and itineraries have been set - all without the knowledge of the Service's law enforcement training center staff at FLETC.

Although this facility is managed and administered by Treasury, both FLETC and WASO have mandated that ALL requests are to be made through our office. In the past, when only a few requests were made and FLETC was not training 24,000 students per year, the FLETC staff did not make a big deal about the occasional outside phone call. But that is no longer the case. FLETC is currently busting at the seams with students from the 74 agencies that utilize it.

Accounting for expenditures is another problem that has surfaced over the past year. Training dollars from this office were being spent by field units without our knowledge because we have THE only NPS chargeable account with FLETC.

The bottom line is this: If an employee has an identified NEED for training and has been approved through whatever chain that's been established in your park, cluster, SSO, or field area, then we will do everything possible to see that the need is met. If you need instructors to come to your field area, we will make every attempt to accommodate your request. BUT the request MUST be sent to us!

You can write to us at this address: National Park Service, Law Enforcement Training Center, FLETC, Building 64, Glynco, GA 31524. You can send messages to us by name or to WASO FLETC-NPS via cc:Mail. Or you can call or fax us:

- o Wiley Golden, clerk - 912-267-2246 (main number)
- o Tom Cherry, law enforcement training manager - 912-267-2795
- o D. Paul Henry, agency rep - 912-267-2245
- o Carole Pfeifer, admin officer - 912-267-2928
- o Fax - 912-267-3188

We are here to provide SERVICE to the field! Help us help you!

JOB MARKET

Devil's Tower

The park is using a local register for hiring seasonal law enforcement ranger positions this summer. The register is open until March 4th. Devils Tower traditionally receives very few seasonal law enforcement applicants. For additional information, contact chief ranger Jim Schlinkmann or administrative officer Paula Klinker at 307-467-5283.

SUNDRY NOTES

Attaboy...

Last October, Roger Seewald, a special agent with the Forest Service, sent Ranger Activities a note commending a number of NPS law enforcement personnel for performing "in an extremely professional manner" during the Hurricane Marilyn relief and recovery effort. Seewald, who supervised and/or worked with the employees, noted that they also received compliments from the US Marshals Service. That letter languished in your correspondent's in box until it was rediscovered this week. Here's a somewhat tardy listing of the folks who received his praise: Louis Wesselhoft, Lemuel Pratt, George Liffert, Donald Stanley, Nicholas Stavroplus, Dale MacMillan, Benjamin Nelson, John Morlock, Joe O'Haver, Anthony Roybal, Frank Sellers, Jim Light, Mike Hartle, Luis Krug, and Jim Blanton.

New Criminal Investigators

Four new criminal investigator credentials were presented by Paul Henry on February 13th at the annual NPS criminal investigator's training conference held at FLETC. The recipients were Susan Morton (Alaska FA), Bev Perry (GRCA), Darlene Koontz (FLETC), and Cindy Ott-Jones (FLETC).

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Prepared by the Division of Ranger Activities, WASO, with the cooperation and support of Delaware Water Gap NRA.

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