



RANGER ACTIVITIES INFORMATION EXCHANGE



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Chief Ranger's Comments

The 025 position management workshop met in Denver this month in an important and successful working session which brought together park rangers and personnel classifiers from WASO, the regions and a number of parks. The group was brought up to date on the status of the 025 project and on what I have been talking to rangers about around the Service.

Four rangers - Laurie Coughlin (Gettysburg), Jim Loach (Yosemite), Stu Coleman (Great Smokies) and Butch Farabee (WASO) - worked with the classifiers on a review of the supplemental guide to 025 standards and provided background expertise in interpretation, law enforcement, resource management and emergency services. The purpose of the workshop was to work out problems with the supplement and to ensure a consistent approach to its application. Examples were presented in which rangers responsible for position management and preparation of position descriptions have worked very successfully with classification specialists to improve the organization of work and properly reflect that work in PD's. The end result will certainly reflect in better accountability for program areas and a better product being produced. If everyone is responsible for everything, there is a good chance that no one ends up being responsible for anything. There were good examples of position management efforts in which responsibilities for resource management, criminal investigation, EMS program management, etc. were consolidated into fewer positions and grades were consequently enhanced as a secondary result.

Managers need to learn all they can about position management and their options. They need to develop strong working relationships with classifiers based on knowledge and understanding of how all this works. Know what you want to do, then talk over your ideas with the classifier. Look at the overall organization for which you are responsible and structure each position to accomplish your mission. Let us know about successful examples of your efforts to attain these objectives. Work around personality differences. Classifiers are looking forward to working constructively with us to improve park operations.

EMS Conference

In the first week of June, about 25 local and regional EMS coordinators met in Fresno, California, to discuss and learn about new developments and mutual concerns, including field fears about the spread of infectious diseases, liabilities, National Registry "red tape" and the need to modify NPS-51. This was Butch Farabee's first outing as emergency services coordinator, and he was trying to "sponge it all in." He extends his thanks to those who contributed to the conference, particularly J.R. Tomasovich, Yosemite's EMS coordinator, and J.T. Reynolds, chief ranger in North Atlantic Region. Butch believes that the EMS program is one of the Service's most important but least appreciated and understood efforts, and that "it's critical that management understand and appreciate the professional and monetary benefit that they receive from our highly motivated and talented EMS personnel."

Summary of Law Enforcement Statistics for 1986

Visitation in the National Park System went up 5.3% last year, and law enforcement offenses increased overall at roughly the same rate. Part I offenses were up 8.6% from the 1985 level, and Part II offenses increased by 5.4%. Rapes jumped from 70 to 88, homicides from 19 to 24, assaults from 483 to 637, and larcenies and thefts from 5147 to 5732. There were sizable decreases in the numbers of robberies (down from 309 to 261), vehicle thefts (from 235 to 179), and incidents of arson (from 163 to 102). The four-year downward trend in cases of assaults against federal officers continued; there were 154 such incidents in 1983, 66 in 1984, 47 in 1985, and 31 last year. Burglaries, drug cases and drunk and disorderly incidents were about the same. Although statistically less reliable because of variables in reporting, there were sizable increases in reported incidents of vandalism (from 5524 to 7480) and natural resource violations (from 10413 to 12679). The stats also indicate that there were 1472 commissioned permanent rangers in the Service last year (up from 1410 in 1985), and 998 commissioned seasonals (up from 814).

Field Incidents

Acadia: Two local residents have intentionally driven through the park's entrance station in protest of newly instituted fees; one was accompanied by a TV news crew on one occasion. Rather than confront the two, rangers instead explained that they were in violation and later sought summons against them.

Lake Mead: On May 20th, rangers were advised to be on the lookout for a man wanted for murder by Las Vegas PD. The suspect was spotted on North Shore Road and was pursued by rangers. The vehicle eventually ran off the road and wrecked, and the driver was killed. A suicide note was found in the car.

Denali: A hiker in the park encountered two bears on May 31st. Both ran at him; one stumbled, but the other swiped his backpack and stepped on his foot, breaking many bones. He was able to contact other hikers, was transported out and is reported to be in good condition.

Mt. Rainier: Two climbers were reported overdue on May 31st and a search was initiated the next day. Air searches eventually lead to the discovery of tracks on Tahoma Glacier, and the bodies of the two men were subsequently found in a tent buried under snow on Liberty Ridge on June 6th. The coroner indicates asphyxiation as the cause of death.

Glacier: Two physicians who were park medical advisors were on their way back to Great Falls from teaching at a training session in Glacier when their Bell Long Ranger helicopter crashed and burned near Gibson Reservoir, which is about 115 miles south of the park. Both doctors, the pilot and a nurse were killed. The cause of the accident is not yet known.

Theodore Roosevelt: A search was begun on June 15th when the unattended car of an elderly couple was found at a trail head. An initial air search proved fruitless, and ground searchers and a dog team were brought in. Despite several days of temperatures exceeding 100 degrees, the couple was found in relatively good condition. They had been walking a trail when a buffalo appeared on it; in their attempt to avoid him, they had gotten lost.

Will vs. United States

Early in February, the U.S. District Court for the Eastern District of Missouri decided in favor of the Park Service in a case in which the plaintiffs had sued the government for failing to provide proper warning of diving hazards at Ozark National Scenic Riverways. Here are some key points from that decision.

On June 19, 1983, Eric Will and four friends went down to a favorite spot on the Current River to go swimming. Will had gone swimming at that location at least a half dozen times a year for four to five years, and had been there several times already during that summer. When the group arrived, they first checked the swimming hole for depth and obstructions. They estimated that the water was from eight to twelve feet deep at the deepest part of the hole; there were no submerged ledges, logs, boulders or other objects projecting up from the bottom. Will had previously taken a water safety course in which he learned that checking water depth and conditions was a safe practice, and knew that jumping or diving into water could be hazardous. Will then climbed a tree which he had seen others dive from, dove into the pool, hit the bottom and suffered a neck injury which left him a quadriplegic.

The victim and his mother sued under the Tort Claims Act, contending that, among other things, the Service had been negligent in failing to provide sufficient warning of such hazards. In its decision, the court first determined that Will had come into the park as a licensee rather than as an invitee. The difference between these two legal terms is that, for the purposes of this case, "those who enter the park to take part in planned, organized park programs are invitees, while those who use only the property and none of the facilities, programs or personnel are mere licensees."

"The distinction is central to (this case)," the court said, "because while a municipality, which owns and operates an airport...can anticipate virtually all activities to be conducted there as well as protect those who utilize the property, the same cannot be said of the owners of a wilderness area...Unless the visitors are taking part in planned park activities, there is no way for park personnel to even know how many visitors are in the park, much less what activities they may be engaged in. To hold that all visitors to the park are invitees would be an absurd miscarriage of justice."

The court found that there were no dangerous conditions, because "a tree, bluff and river, by themselves, are not inherently dangerous", adding that it was Will's activity which was hazardous and "not the condition of the land." For similar reasons, the court held that the tree which Will jumped from was not a hazard, which the plaintiffs had contended. "The tree in (this case) is of no threat to anyone unless someone climbs the tree and jumps, dives or falls out of it, (which) can be said for each and every tree in the park. In order to completely insulate against suits of this nature, the Park Service would be required to cut down every tree along the banks of the river."

The court also found that several widely distributed park maps and brochures warned about swimming and diving hazards, and that "such published and personal warnings were sufficient notice to the public that some activities, while not prohibited, were dangerous and should be participated in only with caution."

"The court concludes that under Missouri law the United States is not liable because there was no dangerous condition on the land. The only danger was Eric's own action. The natural conditions were open and obvious, and Eric was well aware of these conditions. In short, Eric assumed the risks of the activity he was engaged in at the time of his injury."

Fees Update

The Senate Energy and Natural Resources Committee held hearings on the House's fee legislation in late April (see the April Exchange for details on that bill). For the most part, the Senators supported the House version, but did propose the following four changes: only three areas - the Statue of Liberty, Independence and the U.S.S. Arizona - would be deleted from the current list of 134 fee collecting areas; the Service would be allowed to spend collected monies without further appropriation by Congress; the entrance fees at Yellowstone, Glacier and Grand Tetons would be raised to \$10 (this change was initiated by the Montana and Wyoming delegations to bring more revenue into those parks); and funds would be distributed as follows - 50% to the collecting parks, 35% to all parks proportionate to their budgets, and 15% to the Director for discretionary use in funding projects. The Senate is still involved in marking-up the House bill. When they finish, the bill will be returned to the House for their consideration. It's expected that several more mark-ups will occur thereafter before agreement is reached.

NPS-22, the fee program guideline, is now out, and was sent to the regions on June 22nd. If you haven't yet received a copy, contact your regional office. As of the end of May, the Service had collected \$11 million in recreation fee revenues - up from \$5 million at the same time a year ago. At the end of June, an assessment will be conducted to determine whether or not the Service will meet its goal of \$54 million in total receipts for 1987.

Emergency Hiring Authority

There have been many questions of late on the legality of hiring local emergency assistance for search and rescue efforts. Those concerns can now be put to rest. The Office of the Solicitor has issued an opinion which confirms that the Service has continuing authority under P.L. 94-165 to contract for the personal services of individuals to perform work in emergencies. The authority is restricted to bona fide emergencies such as fires, floods, storms or other unavoidable emergencies. Clearly, search and rescue operations, earthquakes or other disaster situations would be covered by the authority. However, staff shortages resulting from management's actions (i.e., hiring freezes, reorganizations, etc.) would not fit the definition of an emergency under this authority. Specific guidance regarding the appropriate use and limitations on the authority will be issued as soon as possible.

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