

Twelve of the eighteen areas with launching ramps also provide boat docks. Satisfaction with the docks ranged from 35 to 86 percent of the visitors and averaged 68 percent. The primary dissatisfactions expressed averaged "not enough" (19 percent) and "not available" (6 percent). The managers' estimates were correlated ( $r = 0.41$ ) with the visitor responses.

Although the primary visitor complaint on boating facilities was "not enough," there was little evidence of overuse. Generally, boat launchings are well accommodated. Crowding is more likely in the boat and trailer parking lots. Satisfaction with the boating facilities tended to be a function of type of boating activity; visitors who are motorboating or water skiing tend to have higher dissatisfactions than those who are boat fishing.

#### 11. Concession Services

Responses were sought on boat rentals and concession stands. Boat rentals had the highest response rate of "not interested" of any facility or service (53 percent). Primarily because of the low interest, 70 percent of the visitors could be described as satisfied with the boat rental services provided. At the nine areas offering rental boats, visitor satisfaction ranged from 67 to 91 percent and averaged 81 percent.

Concession stands serving some form of prepared food are available at four areas. Visitor satisfaction ranged from 56 to 79 percent and averaged 71 percent. "Too expensive" was the highest average dissatisfaction, as indicated by 8 percent of the responses. Over the 20 areas without food service, an average of 39 percent of the visitors expressed satisfaction (primarily "not interested"). The major dissatisfactions were "not available" (36 percent) and "not enough" (15 percent). For the latter, the areas with the higher levels of satisfied visitors have access to nearby services.

Concession services are relatively unmentioned in the planning and design directives. These services at Corps lakes are frequently initiated by nonfederal governments, commonly through third party leases. Normally, this is a service that is permitted rather than provided.

#### 12. Public Telephones

Electric power and telephone service is prescribed ". . . for all major recreation site developments and for all overnight areas except

primitive areas."<sup>8</sup> In fact, only nine of the study areas have public telephones. At these areas, user satisfactions ranged from 70 to 93 percent and averaged 77 percent. Primary dissatisfactions were "not enough" and "not available." The sum of these responses ranged from 4 to 24 percent of the visitors and averaged 15 percent. The resource managers overestimated visitor satisfaction at six of the nine areas. At the other three, the response "not enough" was greatly overestimated by resource managers. The areas which elicited the highest visitor approval have conspicuously decorated telephones near the entrances. They were not designed to fit a park theme, but they are the most effective.

Visitor satisfaction at the 15 areas without public telephones were all less than 50 percent and averaged 29 percent of the responses. "Not enough" and "not available" were again the primary dissatisfactions, averaging 59 percent. Many visitors at these areas, particularly the more remote areas, added written comments on the need for telephone service in emergencies.

A need for telephone service is indicated by the planning and design criteria, voiced by the visitors, and acknowledged by the resource managers. Still, the number of areas offering this service is small, apparently because of various difficulties with phone companies. In at least one instance, telephone service was interpreted as a concession service. In another, the phone had been so vandalized that the phone company refused to reinstall. In general, the obstacle appears to be that profit potentials are poor because of limited use and vandalism.

### 13. Trails and Displays

Trails and interpretive displays are prescribed on an as needed basis. There are few trails and fewer nature or historic displays offered at the study areas. Where they exist, they are little known by the visitors. Part of the reason for including these items on the questionnaire was to ascertain if the visitors perceived a need for them. Apparently they do not.

"Not interested" was a more frequent response for not using either marked nature trails or hiking trails than "not available." The reverse was true for nature or historic displays, but the ratio was only 1.13 to 1. There was little difference between the responses at areas with the facilities and those without. Nor was there any consistent differences between day-use areas. Although visitor interest in these items is not pronounced, nature and hiking displays are preferred over marked nature trails and hiking trails.

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<sup>8</sup> U.S. Army Corps of Engineers, Engineer Manual No. 1110-2-400, Recreation Planning and Design Criteria, 1 September 1971.

#### 14. Ranger on Duty and Enforcement of Regulations

"The District Engineer should assure that a sufficient number of competent rangers is provided at each project insofar as funds permit"<sup>9</sup> supposed to be skilled in forest management, fish and wildlife management, safety and rescue operations, public relations, and visitor-facility protection.

Typically, the visitors were very satisfied with the rangers on duty; 88 percent of the responses expressed satisfaction. Regulations enforcement elicited only slightly lower (84 percent) satisfactory responses. The primary dissatisfaction with both was "not enough;" 8 percent for rangers and 13 percent for enforcement.

The lower-ranked areas fall into two general categories. One group gets little or no attention from any rangers and consists mostly of low visitation, and, therefore, low priority, areas. The second category is a group of ill-designed or poorly managed campgrounds. Typically, there is dense use, non-camper through traffic, late hour noise, and many thefts. In contrast with this group, the highest ranked area had 24-hour fixed capacity control and no non-camper traffic.

#### 15. Overview of the Developments

The 24 areas were ranked by visitor satisfaction for each facility and service on the questionnaire and these rankings were combined into a single ranking of the areas. Visitor dissatisfaction with an individual park or recreational area may not imply corrective action at that area. "This is so because visitors are often unaware of the physical characteristics that determine the capacity of an area in producing recreation opportunities on a sustained-yield basis."<sup>10</sup> An example is the 38 site campground with capacity controlled to prevent overuse. However, complaints of insufficient opportunities to camp at this area may imply a need to develop another campground at the lake. With this kind of exception it is difficult to quarrel with the visitors' judgment in ranking the areas.

The higher-ranked areas have different levels of development (e.g., vault versus waterborne restrooms and no showers versus cold showers versus hot showers), but they most closely comply with existing planning and design criteria. Where there are both campgrounds and picnic

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<sup>9</sup> U.S. Army Corps of Engineers, Engineer Regulation No. 1130-2-400, Recreation-Resource Management of Civil Works Water Resource Projects, 28 May 1971.

<sup>10</sup> Michigan State University, Department of Resource Development, The Quality of Outdoor Recreation: As Evidenced by User Satisfaction, ORRRC Study Report 5, Washington, DC., 1962.

grounds, they are separate, and swim areas are zoned. It is evident that for the most part these areas were developed with the recreational visitor in mind. Generally, the distribution of facilities and designated sites is convenient to the visitors and amenable to management.

At the lower end of the scale, two areas (both at the same lake, ranked 22 and 23) receive their low ranking due primarily to overcrowded use conditions. However the others that visitor responses rank near the bottom earn their ranking from being poorly designed, underdeveloped or unmanaged. There are different levels of development at these areas also, but there is a common need for remedial development. The resource managers perceived the need for corrections, but typically cited lack of authority or funds as the reason for no action.

It is difficult to believe that some of the lower-ranked areas were planned to be the way they are. Presumably, the underdeveloped areas exist because of perpetually inadequate funding. At some lakes there was evidence that it is far more effective to minimize the number of underdeveloped areas and to concentrate on the available investment. For those underdeveloped areas, however, there is a possibility for corrections. This is because annual inventories of facilities and recorded attendance will indicate underdevelopment, which eventually can receive attention. This is not necessarily so for those recreational areas earning their low ranking from poor design.

Poor design does not refer to subtle aesthetic oversights. Rather, it refers to wasted investment in understandably unused facilities. For example, engineering regulations prescribe one charcoal stove for every two picnic tables. One area complies with picnic tables approximately 75 feet apart and the stove directly in the middle. (The inconvenience of the stove relative to either table does not really bother anyone, because the tables are along a road out of view of the lake and nobody uses them). Picnic tables next to circulation roads, out of the shade, and ignored by the visitors, are not uncommon at older areas. Apparently it was the easiest place to install them during an era when recreation was not considered overly important.

An additional difficulty for the poorly designed areas over the underdeveloped areas is that annual facility inventories indicate that more sufficient accommodations exist. Once a facility is placed in an area it becomes permanent input into the calculus estimating future requirements. For example, most of the study areas have an adequate total number of restrooms, but when half of them are distant from the recreation areas, the total number is meaningless. Visitor dissatisfaction occurs from too few restrooms, while records show an adequate supply exists. This phenomenon also ranges from poorly placed picnic tables to a mislocated marina. Again, lack of an effective administrative way to declare nonserviceable facilities defunct inhibits remedial actions.



16. Recreation Management

Tables 4 and 5 show the visitors assessment of the effects of dissatisfactions and corrections of dissatisfactions on future visits. Negative responses (no effect or no responses) were in substantial majority.

TABLE 4  
EFFECTS OF DISSATISFACTIONS (on future-visits)

|                        |           |
|------------------------|-----------|
| No effect              | 64%       |
| Will not stay as long  | 5         |
| Will not come as often | 15        |
| Will never return      | 1         |
| Other                  | 3         |
| No response            | <u>12</u> |
| TOTAL                  | 100%      |

TABLE 5  
EFFECTS OF CORRECTIONS (on future visits)

|                       |           |
|-----------------------|-----------|
| No effect             | 39%       |
| Would stay longer     | 7         |
| Would come more often | 36        |
| Other                 | 2         |
| No Response           | <u>16</u> |
| TOTAL                 | 100%      |

The study emphasized the physical attributes of the areas, but it should be noted that the adequacy of the developments cannot be divorced from the recreation management. The effectiveness of the Corps management hierarchy obviously varied over the different lakes. Not infrequently, and not surprisingly, the areas with the more satisfactory responses on facilities had resourceful resource managers or rangers who exhibited good rapport with the next management echelon.

It is the Corps policy to encourage and accommodate sustained public use of the recreation resource. "This broad viewpoint is termed 'recreation-resource management,' and means managing both the people-oriented aspects and the natural resources to provide a sound recreational base for present and future generations."<sup>11</sup> This emphasis on recreation-resource management rather than operation and maintenance of recreational areas is relatively new to the Corps. As recently as

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<sup>11</sup> U.S. Army Corps of Engineers, Engineer Pamphlet No. 1130-2-401, Recreational Statistics, 1972.

1970 an independent appraisal of recreation at Corps reservoirs defined several problem areas which amounted to inadequate management. "Prevalent was a practice of lax, indifferent, or loose administration founded on the philosophy of leaving people alone to do what they want". . . .Loose administration is believed partly deliberate policy, partly a feeling of helplessness, and partly the result of insensitivity, frustration, and immobility of Corps personnel."<sup>12</sup> Despite policy pronouncements, these conditions can still be found, since management, like development, involves costs.

However, during the study period and probably partly the result of the 1970 appraisal, the Corps policy on enforcement and the associated effect upon recreation management were undergoing change. Subsequently, the user fees policy was reevaluated and further changes are underway affecting the managing of the "people-oriented aspects" of the Corps recreation-resource management.

#### CONCLUSIONS

1. Facilities and services which rank lowest in visitor satisfactions and highest in dissatisfaction include swimming areas, restrooms, showers, concession stands without food service and public telephones.
2. Facilities and services which rank highest in visitor satisfaction and lowest in dissatisfaction include roads, signs and information services, parking, water supply, campgrounds, boating accommodations, and concession services providing boat rental and food services.
3. The correlation between resource manager expectation of visitor responses and the actual responses were invariably poor.
4. Visitor responses indicate that facilities designed to standards well below those implied by Corps regulations are acceptable.
5. Administrative procedures for declaring old, poorly utilized and nonserviceable facilities to be defunct, are needed.

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<sup>12</sup> Crafts, Edward C., How to Meet Public Recreation Needs at Corps of Engineers Reservoirs, Washington, DC 1970.

Section II Investment Analysis of Recreation  
Facility Development

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## INTRODUCTION

The Corps of Engineers may not be perceived as a recreation agency, but the Corps is very much in the recreation business. Approximately 1,500 day-use recreational areas and 950 overnight areas have been developed for recreation at lakes and waterways projects administered by the Corps. The estimated attendance at these areas was over 300 million recreation days annually in 1973.<sup>1</sup>

The Flood Control Act of 1944 authorized the addition of recreation to federal water reservoir projects, although limits were imposed on the degree of federal interest in recreation. In general, there was no formal acknowledgement that recreation was a legitimized economic output prior to 1962. (Senate Document 97); recreation developments were add-on, relatively unattended project features. During the succeeding decade, outdoor recreation increased in importance as a water resource output, and the attention and effort devoted to recreation planning and management increased accordingly. This evolving concern is accelerating, and expected recreation benefits currently allow substantial investments in recreation lands and facilities at newly constructed reservoir projects. The Federal Water Project Recreation Act of 1965 asserted that recreation be considered fully and equitably with other project purposes, and be defined as a cost-sharing policy. The act described the limits to which recreation costs could assume in a federal project.

Corps regulation for investments in recreation developments include considerations of the visiting public and the land and water resources:

Recreation developments and facilities should be of the highest quality, should be safe and should promote the health, welfare and aesthetic enjoyment of the public.<sup>2</sup>

Development of project resources will be planned to protect, conserve, maintain and manage public park, recreation, fish and wildlife, and other environmental values so as not to degrade or deplete the resources while obtaining the maximum sustained public benefits.<sup>3</sup>

An important, specific investment criterion during project

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<sup>1</sup> U.S. Army Corps of Engineers, Engineer Pamphlet No. 1130-2-401, Recreation Statistics, 1972

<sup>2</sup> U.S. Army Corps of Engineers, Engineer Regulation No. 1110-2-400, Recreation Planning and Design Criteria, 1 September 1971

<sup>3</sup> U.S. Army Corps of Engineers, Engineer Regulation No. 1120-2-400, Recreation Resources Planning, 1 November 1971



formulation is that the economic benefits attributable to recreation must equal or exceed the costs incurred by adding the recreation purpose to the project. The benefits are computed by estimating the expected number of recreation days and ascribing a unit value, regarded as an approximation of the average willingness to pay, to each recreation day. One implicit assumption is that there will be sufficient investment in land and facilities to accommodate the expected number of recreation days. The estimates of use, therefore, are independent of any specific recreation development or management plan.

The costs, however, are a function of the recreation plans, and alternative plans pose alternative costs. There are always alternative plans with alternative costs which can accommodate a given quantity of recreation. Intuitive quality considerations and implicit cost considerations are probably the most important factors in determining the alternative plan developed (e.g., consideration of topographical features and facility layouts during site planning). However, there is typically no explicit cost criterion which assists recreation investment planning (other than not exceeding the upper bound of total benefits).

Incremental benefit-cost analysis assist the design of the dams, lakes and waterways projects which form the basic recreation resource. It is therefore appropriate to consider similar analysis of recreational facility investments. This report describes an investigation of the potential for incorporating economic analysis into the planning, design and management of Corps recreation areas.

#### BENEFIT-COST ANALYSIS

The optimal use of resources in any endeavor is to seek maximum excess of benefits over costs. To accomplish this, one would invest in a recreation site until the last unit of costs produces an equal unit of benefits. One qualifier is that legal, safety, and other important criteria must be satisfied. Thus, the practice is to follow constrained optimization criteria.

The following example shows three alternative recreation development plans with estimated average annual equivalent costs and benefits. If one were following optimizing criteria of maximizing net benefits, plan B would be selected over other plans. All three plans would cost less than the expected benefits which could be accrued; but plan C costs \$33,000 more than plan B and yields only \$13,000 more benefit, while plan B costs only \$3,000 more than plan A and yields \$40,000 more benefit.

| <u>Plan</u> | <u>Cost</u> | <u>Benefit</u> | <u>Cost</u> | <u>Benefit</u> |
|-------------|-------------|----------------|-------------|----------------|
| A           | \$537,000   | \$1,360,000    |             |                |
| B           | 540,000     | 1,400,000      | \$ 3,000    | \$40,000       |
| C           | 573,000     | 1,413,000      | 33,000      | 13,000         |

It should be noted that if benefits are estimated ignoring the development plan, then they will be the same for each alternative. Where that is the case, the analysis will always suggest that the alternative with the minimum cost is the best. This is rational but not necessarily realistic. Current planning and design criteria prescribe presumed minimum quality and quantity standards for recreation facilities. However, the rigorous use of standards as a planning tool is usually impractical because of variable conditions. Alternative recreation plans which differ in quality and quantity of development have to be considered, even if the appropriate alternatives are no more than variously sized incremental deviations from the prescribed standards.

Current planning practice is to develop a recreation plan to accommodate the use and activity distribution expected on an average weekend day during the peak use month of some predetermined design year. Benefit-cost analysis would alternatively consider the incremental benefits and costs associated with different activities and different peak loads. While incremental cost estimates are relatively straightforward when the relevant records are kept, the use of benefit-cost analysis as a recreation facility planning tool has been constrained by lack of acceptable procedures for estimating incremental benefits.

Normal recreation benefit analysis yields an average value, for an assumed mix of activities. Consequently, there is no distinct benefit estimate associated with any investment in those facilities which are required to pursue a particular activity (e.g., picnic tables, boat ramps). In addition, with an average unit value, there is no recognition that the incremental benefit to a visitor in a peak period recreation day may be quite different from that obtained in less crowded conditions.

Theoretically, incremental benefits derived from additional lands and facilities of a given quality decrease as the amount of lands and facilities already provided increases. An initial set of facilities may be used much of the year, but as facilities are added, they will tend to be less used during off peak periods. On the other hand, incremental costs of additional facilities can be expected to increase as the more readily developed sites are used. Eventually, the benefits derived from the use of increased facilities will be less than the cost of providing them. Net benefits are maximized at that investment level where the incremental benefits equal the incremental costs.

For example, consider the following campground development planned in accordance with existing planning and design criteria. The area has an estimated physical capacity of 90 campsites; 60 are to be developed initially and 30 in the future. The initial cost of the campground is \$600,000, which, if amortized at 5 percent over an expected life of 50 years, equals \$32,868 average annual cost.

The estimated flow of recreation days of camping to be supported by the initial development is tabulated in the following table:

| <u>Year</u> | <u>Campers</u> | <u>Year</u> | <u>Campers</u> |
|-------------|----------------|-------------|----------------|
| 1           | 3,500          | 30          | 15,500         |
| 10          | 11,400         | 40          | 19,000         |
| 20          | 12,950         | 50          | 21,000         |

The average benefit for all recreational visitors at this particular lake is assumed at \$1.50 per recreation day. If this average value were applied to campers, then the average annual equivalent benefit accrued over 50 years discounted at 5 percent is \$17,274, which is less than the investment costs. However, the benefits for camping are undoubtedly higher than for many other activities included in the average recreation day value of \$1.50. By converting the costs into average annual values it is possible to see what the average value of camping would have to be to warrant the investment. For this example, this average value would have to be approximately \$2.85 plus operation and maintenance costs.<sup>4</sup> This implies that the lower bound value to a camping party (assuming an average of 3.5 persons per party) has to average approximately \$10.00 a night.

This does not mean that every camping party would be willing to pay this price; it is again an average value. It is entirely possible that \$10.00 per night is judged an acceptable value for these campsites. It is also possible that this much value cannot be expected to accrue from the planned development, and that alternative plans (e.g., a smaller campground initially, or one with fewer facilities) should be considered. In either event, it is certainly feasible to consider the incremental benefits implied by the incremental costs actually incurred and probably irrational not to do so.

This report does not address the benefit estimation problems described above, but makes a simplifying assumption. That is, a cost effectiveness analysis that assumes equal benefits from various design concepts for a recreation area can lead to better use of investment and operation resources than sole reliance on a single design criterion.

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<sup>4</sup> If the benefits are to be equal to the costs incurred, then the ratio of camping value to costs incurred must equal the ratio of the ascribed unit value to the average annual benefits derived at this value; i.e., (average annual unit cost/\$32,868 = \$1.50/\$17,274).

#### INVESTMENT ANALYSIS

Alternative types of support facilities differ in initial cost, maintenance costs, expected life, and capacity. Determining the efficiency of alternative grades and levels of these facilities and associated services requires measurements of these differences. Accordingly, detailed monthly records of operation, maintenance and replacement expenditures were requested for 17 recreation areas at 7 different lakes during 1973. Certain historical investment and expenditure data and engineering specifications for the existing roads and parking lots were also requested. Tables 1-4 detail requested data.



PROJECT:

TABLE 1  
RECREATION INVESTMENTS AND EXPENDITURES  
(HISTORICAL)

|                            | Cumulative Total<br>Thru FY 67 | FY 68 | FY 69 | FY 70 | FY 71 | FY 72 |
|----------------------------|--------------------------------|-------|-------|-------|-------|-------|
| <u>Recreation O&amp;M</u>  |                                |       |       |       |       |       |
| 1. Project                 |                                |       |       |       |       |       |
| 2. District <u>1/</u>      |                                |       |       |       |       |       |
| 3. Division <u>1/</u>      |                                |       |       |       |       |       |
| Total Recreation O&M       |                                |       |       |       |       |       |
| <u>Capital Investments</u> |                                |       |       |       |       |       |
| 1. Corps                   |                                |       |       |       |       |       |
| 2. Non-Corps               |                                |       |       |       |       |       |
| Total Capital Investment   |                                |       |       |       |       |       |

1/ Indicate only those District or Division Recreation O&M Expenditures specifically charged to the above project.



TABLE 2

## CAPITAL INVESTMENTS (HISTORICAL)

AREA:

|                                      | Cumulative Total<br>Thru FY 67<br>Investment<br>(\$) | FY 68<br>Invest.<br>(\$) | Expected<br>Life<br>(Years) | FY 69<br>Invest.<br>(\$) | Expected<br>Life<br>(Years) | FY 70<br>Invest.<br>(\$) | Expected<br>Life<br>(Years) | FY 71<br>Invest.<br>(\$) | Expected<br>Life<br>(Years) | FY 72<br>Invest.<br>(\$) | Expected<br>Life<br>(Years) |
|--------------------------------------|--|--------------------------|-----------------------------|--------------------------|-----------------------------|--------------------------|-----------------------------|--------------------------|-----------------------------|--------------------------|-----------------------------|
| Corps Investments For:               |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| 1. Roads                             |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| a. Paved Double Lane                 |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| b. Paved Single Lane                 |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| c. Unpaved Double Lane               |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| d. Unpaved Single Lane               |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| 2. Parking Lots                      |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| a. Paved                             |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| b. Unpaved                           |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| 3. Restrooms                         |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| a. Waterborne                        |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| b. Vault                             |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| c. Pit                               |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| d. Disposal                          |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| 4. Water Supply & Dist.              |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| 5. Boat Ramps & Marina<br>Facilities |  |                          |                             |                          |                             |                          |                             |                          |                             |                          |                             |
| 6. Other facilities                  |  |                          | -                           |                          | -                           |                          | -                           |                          | -                           |                          | -                           |
| 7. Engineering & Design              |  |                          | -                           |                          | -                           |                          | -                           |                          | -                           |                          | -                           |
| 8. Supervision &<br>Administration   |  |                          | -                           |                          | -                           |                          | -                           |                          | -                           |                          | -                           |
| 9. Other                             |  |                          | -                           |                          | -                           |                          | -                           |                          | -                           |                          | -                           |
| 10. Total Corps                      |  |                          | -                           |                          | -                           |                          | -                           |                          | -                           |                          | -                           |
| 11. Non-Corps                        |  |                          | -                           |                          | -                           |                          | -                           |                          | -                           |                          | -                           |
| 12. Total Capital Inv.               |  |                          | -                           |                          | -                           |                          | -                           |                          | -                           |                          | -                           |

TABLE 3  
ROAD AND PARKING LOT DESCRIPTIONS

|                        | Quantity<br>(1) 1/ | Lane<br>Width<br>(2) | Surface Course  |                  | Base Course     |                  | Shoulders    |                 |                  | Number<br>Lots<br>(10) | Spaces<br>(11) | Car & Trailer<br>Spaces<br>(12) |
|------------------------|--------------------|----------------------|-----------------|------------------|-----------------|------------------|--------------|-----------------|------------------|------------------------|----------------|---------------------------------|
|                        |                    |                      | Material<br>(3) | Thickness<br>(4) | Material<br>(5) | Thickness<br>(6) | Width<br>(7) | Material<br>(8) | Thickness<br>(9) |                        |                |                                 |
| 1. Roads               |                    |                      |                 |                  |                 |                  |              |                 |                  | -                      | -              | -                               |
| a. Paved Double Lane   |                    |                      |                 |                  |                 |                  |              |                 |                  | -                      | -              | -                               |
| " " "                  |                    |                      |                 |                  |                 |                  |              |                 |                  | -                      | -              | -                               |
| " " "                  |                    |                      |                 |                  |                 |                  |              |                 |                  | -                      | -              | -                               |
| b. Paved Single Lane   |                    |                      |                 |                  |                 |                  |              |                 |                  | -                      | -              | -                               |
| " " "                  |                    |                      |                 |                  |                 |                  |              |                 |                  | -                      | -              | -                               |
| " " "                  |                    |                      |                 |                  |                 |                  |              |                 |                  | -                      | -              | -                               |
| c. Unpaved Double Lane |                    |                      | -               | -                |                 |                  |              |                 |                  | -                      | -              | -                               |
| " " "                  |                    |                      | -               | -                |                 |                  |              |                 |                  | -                      | -              | -                               |
| " " "                  |                    |                      | -               | -                |                 |                  |              |                 |                  | -                      | -              | -                               |
| d. Unpaved Single Lane |                    |                      | -               | -                |                 |                  |              |                 |                  | -                      | -              | -                               |
| " " "                  |                    |                      | -               | -                |                 |                  |              |                 |                  | -                      | -              | -                               |
| " " "                  |                    |                      | -               | -                |                 |                  |              |                 |                  | -                      | -              | -                               |
| 2. Parking Lots        |                    |                      |                 |                  |                 |                  |              |                 |                  |                        |                |                                 |
| a. Paved               |                    | -                    |                 |                  |                 |                  | -            | -               | -                |                        |                |                                 |
| "                      |                    | -                    |                 |                  |                 |                  | -            | -               | -                |                        |                |                                 |
| "                      |                    | -                    |                 |                  |                 |                  | -            | -               | -                |                        |                |                                 |
| "                      |                    | -                    |                 |                  |                 |                  | -            | -               | -                |                        |                |                                 |
| b. Unpaved             |                    | -                    | -               | -                |                 |                  | -            | -               | -                |                        |                |                                 |
| "                      |                    | -                    | -               | -                |                 |                  | -            | -               | -                |                        |                |                                 |
| "                      |                    | -                    | -               | -                |                 |                  | -            | -               | -                |                        |                |                                 |
| "                      |                    | -                    | -               | -                |                 |                  | -            | -               | -                |                        |                |                                 |

1/ For roads, length in miles; for lots area in square yards.

Project:

Area:

Month

TABLE 4  
OPERATION AND MAINTENANCE COSTS

| Facilities and Services | Equipment    |       |              |       |              |       |                      | Labor                      |       |                    |       |                  | (6)<br>Admin & Supervision | (7)<br>Materials and Supplies | (8)<br>Contract Services | (9)<br>Other | Total |
|-------------------------|--------------|-------|--------------|-------|--------------|-------|----------------------|----------------------------|-------|--------------------|-------|------------------|----------------------------|-------------------------------|--------------------------|--------------|-------|
|                         | (1)<br>Light |       | (2)<br>Heavy |       | (3)<br>Misc. |       | Total Equipment Cost | (4)<br>Wage Rate Employees |       | (5)<br>GS Employee |       | Total Labor Cost |                            |                               |                          |              |       |
|                         | Hours        | Costs | Hours        | Costs | Hours        | Costs |                      | Hours                      | Costs | Hours              | Costs |                  |                            |                               |                          |              |       |
| 1. Roads                |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| a. Paved Double Lane    |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| b. Paved Single Lane    |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| c. Unpaved Double Lane  |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| d. Unpaved Single Lane  |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| 2. Parking Lots         |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| a. Paved                |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| b. Unpaved              |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| 3. Restrooms            |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| a. Waterborne           |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| b. Vault                |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| c. Pit                  |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| d. Disposal             |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| 4. Trash Services       |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| 5. Water Supply         |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |
| 6. Ranger Services      |              |       |              |       |              |       |                      |                            |       |                    |       |                  |                            |                               |                          |              |       |

7. Total Recreation O&amp;M Costs \_\_\_\_\_

9. Traffic Meter Reading \_\_\_\_\_

8. Area Attendance \_\_\_\_\_

10. Fees Collected \_\_\_\_\_

The lakes were seven of the nine that participated in a recreation user preference study described in Section 1 of this report. To reduce the possibility of unavailable data, only areas that had been initially developed and were currently managed by the Corps were included in this portion of the data collection. However, even with this restriction, the data collection was relatively unsuccessful.

Monthly records for the entire calendar year were provided for only eight areas over three different lakes. Only one of the Corps districts administering these lakes was able to provide most of the requested historical investment and expenditure data and the engineering specifications. One other provided only the engineering specifications and a limited portion of the expenditure data for the lake as a whole. Past record-keeping methods prevented the breaking down of any capital investments by type of facility for the study areas. One district did not return any of the forms.

One of the remaining four districts provided monthly records at two areas for one month. None of these remaining four districts returned any of the historical investment and expenditure data or the engineering specifications. In developing the data requests, it was realized that some of the study areas had been initially developed during a period when recreation at Corps-built lakes was considered an incidental amenity and concise records of expenditures during that period might not be available. The data requests noted that it was ". . . the minimum data required" and that ". . . it is recognized that some of the items requested may not be recorded or adequately documented. Consequently, it is requested that, where estimates are made, a note describing them be attached." Apparently, no estimates were attempted. The lack of success in obtaining recreational investment and cost data was informative. During FY 71 the Corps budgeted approximately \$30 million for recreation development at its water resources projects as well as approximately \$15 million for the operation and development of recreational areas.<sup>5</sup> Some accounting is essential if any meaningful efficiency criteria are to be explicitly incorporated into future planning and management of the recreation resources. Follow up requests for the data elicited the following major reasons for not providing the information: (1) information not available, (2) manpower to compile the information not available, and (3) status of form unknown. Therefore, the available data provided to be much less than hoped for, but enough were provided to be informative and useful.

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<sup>5</sup> Crafts, Edward C., How to Meet Public Recreation Needs at Corps of Engineers Reservoir, Washington, DC, 1970

## BENEFITS, COSTS AND MANAGEMENT DECISIONS

For any year, the recreation management is confronted with a relatively fixed development and a limited budget. Decisions are made to allocate resources between different recreational areas, facilities and services. Tradeoffs must be made - should the funds be spent on additional ranger services to reduce theft or on road improvements to reduce dust?

These decisions are usually made with only implicit consideration given to their incremental benefits and costs. Whether a decision represents an optimal allocation will depend on the manager's perception of the relevant benefits and costs. The user preference study (Section I) indicates that the manager's perceptions of user satisfactions, a significant indicator of the benefits of the management program, were sometimes quite perceptive, but there were some consistent differences between management expectations and visitor responses. Data from the available monthly OM&R records, presented in subsequent paragraphs indicate that there are some significant differences between the actual costs associated with certain operational decisions and management's perceptions of these costs.

Table 5 presents the attendance and OM&R expenditures reported for seven study areas in 1973 as well as the costs per recreation day (rd) served.<sup>6</sup> The data are presented for illustration and are not necessarily typical of all Corps recreational areas. Comparisons with historical data, where available, and discussions with project personnel indicate that the attendance and expenditure levels are, however, typical of the subject areas. Details of operation and maintenance costs for each area in 1973 are included in Appendix B.

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<sup>6</sup> As previously mentioned, monthly records for 1973 were received for eight areas. However, one of these areas was substituted by an area that was closed for upgrading during 1973. Data from the substitute area are not included in the analysis.



TABLE 5  
1973 Attendance and OM&R Expenditures

| Area | Attendance<br>(Recreation Days) | OM&R<br>Expenditures | Expenditures/<br>Recreation Day |
|------|---------------------------------|----------------------|---------------------------------|
| 1    | 20,707                          | \$21,380             | \$1.032                         |
| 2    | 88,900                          | 17,463               | 0.196                           |
| 3    | 133,700                         | 16,844               | 0.126                           |
| 4    | 191,800                         | 24,954               | 0.130                           |
| 5    | 218,214                         | 39,531               | 0.181                           |
| 6    | 508,800                         | 91,571               | 0.180                           |
| 7    | 987,835                         | 99,011               | 0.100                           |

Source: Monthly Operation, Maintenance and Replacement (OM&R) records from participating projects.

a. Area 1 is the least developed and has the most remote access of the seven. Access roads are primarily gravel. Some of the circulation roads are paved; others are dirt. Restroom facilities are vault type. Picnic and campsites are informal with some tables and grills provided. There is no designated swimming beach. There is no water supply system (a water tank trailer was provided during one summer month in 1973).

b. Areas 2-6 are typical of most of the recreation areas at the seven lakes. The areas are all located relatively short distances from major federal or state highways and all have paved access roads. Most of the circulation roads are paved. All areas have a water supply and flush restrooms; at some areas additional vault facilities are provided. Camping and picnicking activities are intermixed. None of the areas has a designated beach or zoned swimming area, although all have areas that have been adapted as informal beaches by the visitors.

c. Area 7 is the most developed and offers more amenities than any of the other areas studied. It is located immediately adjacent to a major federal highway and includes the project administration area. Except for a short circulation road in an overflow campground, all roads are paved. There is a sandy beach with a zoned swimming area. Camping and day-use activities are separated. All restrooms are flush-type; a wash house in the main campground has hot showers and coin-operated laundry facilities. Campsites in the main campground are designated and non-camper traffic is prohibited.

Of the 24 areas included in the User Preference Study, Area 7 ranked highest in overall user satisfaction. Area 1 was ranked 18th while Areas 2-6 had rankings which ranged from 11th (Area 3) to 21st (Area 6). Area 1 earned its low ranking primarily because of absence of a water supply. The low rankings of Areas 2-6 resulted primarily from inferior site planning which resulted in inconveniently located restrooms. Most of the areas were originally designed as picnic areas but now accommodate a mixture of day-use and camping activities.

It is generally assumed that the higher the level of development, e.g., paved versus gravel roads, the lower the expected annual costs for operation, maintenance and replacement. The data presented in Table 5 tend to substantiate this hypothesis. The highest expenditures per recreation day served were reported at Area 1, the least developed, the lowest expenditures at Area 7, the most intensively developed. However, there are differences between the study areas other than the level of development which also contribute to differences in expenditure levels. Two factors directly contributing to the higher OM&R costs per recreation day served at Area 1 are its remote access and the low percentage of design capacity presently being accommodated. Since incremental operating costs tend to decrease until design capacity is reached, the lower the percent of design capacity being accommodated, the higher the OM&R costs per recreation day served. Field observation and discussions with personnel at the study projects indicate Area 1 is serving the lowest and Area 7 the highest use not only in absolute number but also when measured as a percentage of developed design capacity.

Most significant in Table 5 is not the relative rankings of the areas but the magnitude of the costs reported at Area 1. The \$1.032 per recreation day served is more than five times the cost reported at Area 2, the next highest area, and almost six times the cost for Area 5, an area located at the same project as Area 1.

Areas 1 and 5 offer basically the same recreational opportunities. Camping, boating, fishing, picnicking and swimming are accommodated at both areas although neither has a designated swimming beach. Area 1 does provide access to a more remote portion of the lake, and accommodates lower use densities, but it does not offer any unique recreational opportunities, although the experience is different. Area 5 has good access provided by paved roads with paved and gravel circulation roads. A water supply and waterborne restroom containing hot showers are provided in the main campground at Area 5. Supplemental vault restrooms are provided in less heavily used portions of the area. Area 5 is located immediately across the main dam from the project administration area and receives practically continuous ranger patrol from early morning until midnight. Ranger patrols to Area 1 are best described as sporadic. Even with the additional services provided at Area 5, the OM&R cost per recreation day served in 1973 was approximately one-sixth of that reported for Area 1.

As mentioned earlier, in developing an annual recreation program the project manager is usually confronted with a relatively fixed development and a limited annual operating budget. However, even with these constraints he may have several alternative operational plans available to him. An example is the study project at which Areas 1 and 5 are located. There are 10 public use areas located at this project, one of which was developed and is currently managed by the State park system. In addition to Areas 1 and 5, the Corps-managed areas consist of: an observation area; one day-use only area used primarily for boat launching; one multiple-use area located below the main dam and along the downstream channel; two multiple-use areas with access and development similar to Area 5; and two remote access areas with development similar to Area 1. One of the latter two areas is used primarily for fishing access, since it is located on a portion of the lake where the trees were left standing to provide good fish habitat.

Given this existing development, several alternatives are available to the project manager in relation to the remote access areas. Sufficient capacity is available at other project areas to accommodate all of the use presently occurring at the three remote access areas except for occasional peak holiday weekends. The three areas could, therefore, be operated as overflow areas open to the public only when needed to accommodate such peak crowds. Another alternative would be to close one (or two) of the areas and concentrate the use and management responsibilities in the remaining areas (or area). A third alternative would be to continue the current management program of opening all three areas to the public to provide maximum project access.

Definite trade-offs of both costs and benefits are associated with each of the three alternative operational programs. Closing all three areas would reduce all but boat access to a significant portion of the lake and especially to one of the better fishing areas. It would also eliminate the more isolated camping available at the less heavily used remote access areas. Operating only one or two of the areas would reduce the total number of access areas but would not significantly reduce the general areas of the lake to which access is provided. Camping densities would probably increase at the remote areas or area left open, but they would probably still not be as dense as at the more accessible areas. Continuing the current management program would provide the maximum number of access areas and would minimize the camping densities at the three remote access areas.

The current management decision assumes that by providing minimal services to the three remote access areas, maximum project access could be provided at "reasonable" costs. The management's perception of the costs associated with operating the three areas was used to measure the reasonableness of the management alternative. As indicated in Table 1, over \$21,000 of OM&R expenditures were incurred at Area 1 in 1973 serving less than 21,000 recreation days of use, while less than \$41,000 was expended at Area 5 accommodating 220,000 recreation days of use. Whether the \$1.032 per recreation day serviced is a reasonable cost for the services provided is a decision to be made by the project

management. But at least by maintaining the records of their OM&R expenditures, they are now explicitly aware of the magnitudes of costs associated with this particular management decision.

The discussion of OM&R expenditures thus far has only considered total annual costs associated with the operation of individual areas, the basic information requested for the Recreation-Resource Management Data System, a centrally located Data System maintained at Office, Chief of Engineers<sup>7</sup>. The project management is also concerned with the costs of providing particular types of facilities or services, such as restrooms and ranger services, and the costs of alternative methods of providing such facilities or services, such as with project personnel or through contract services. Such costs were recorded for the seven study areas in 1973.

Tables 6 and 7 and the subsequent paragraphs summarize the data collected. A more detailed presentation of the cost data is included in Table A (see end of report). Table 6 presents the percentages of each area's OM&R expenditures incurred in providing the following types of facilities and services: roads and parking, restrooms, trash services, water supply, ranger services and "other." Table 7 presents for each area the OM&R costs per recreation day for providing these services.

Immediately apparent from these data is that the extremely high costs noted at Area 1 resulted from higher OM&R costs in general and not from the provision of any one particular facility or service.

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<sup>7</sup> Recreation Resource Management Branch of Operations Division, Civil Works Directorate, Office of the Chief of Engineers.

TABLE 6  
Percent of Total 1973 OM&R Expenditure by Service Provided<sup>1</sup>

| Area | Roads and<br>Parking | Restrooms | Trash<br>Services | Water<br>Supply | Ranger<br>Services | Other<br>Services |
|------|----------------------|-----------|-------------------|-----------------|--------------------|-------------------|
| 1    | 18%                  | 8%        | 28%               | 1%              | 11%                | 34%               |
| 2    | 29                   | 8         | 15                | 1               | 28                 | 20                |
| 3    | 38                   | 11        | 12                | 1               | 22                 | 16                |
| 4    | 33                   | 13        | 19                | 1               | 16                 | 19                |
| 5    | 20                   | 14        | 19                | 3               | 12                 | 33                |
| 6    | 13                   | 9         | 15                | 1               | 40                 | 22                |
| 7    | 1                    | 18        | 12                | 2               | 29                 | 38                |

1. Area totals may not sum to 100% because of rounding.

TABLE 7  
1973 OM&R Costs Per Recreation Day for Service Provided

| Area | Roads &<br>Parking | Restrooms | Trash<br>Services | Water<br>Supply | Ranger<br>Services | Other<br>Services | Total   |
|------|--------------------|-----------|-------------------|-----------------|--------------------|-------------------|---------|
| 1    | \$0.183            | \$0.079   | \$0.293           | \$0.007         | \$0.119            | \$0.351           | \$1.032 |
| 2    | 0.056              | 0.015     | 0.030             | 0.001           | 0.055              | 0.039             | 0.196   |
| 3    | 0.048              | 0.014     | 0.015             | 0.002           | 0.027              | 0.020             | 0.126   |
| 4    | 0.042              | 0.017     | 0.024             | 0.001           | 0.021              | 0.025             | 0.130   |
| 5    | 0.035              | 0.025     | 0.035             | 0.005           | 0.002              | 0.059             | 0.161   |
| 6    | 0.023              | 0.017     | 0.027             | 0.001           | 0.072              | 0.040             | 0.180   |
| 7    | 0.001              | 0.018     | 0.012             | 0.002           | 0.029              | 0.038             | 0.100   |

Source: Monthly OM&R records from participating projects.



Roads and parking. - The widest variation noted in OM&R expenditures at the study areas for any facility or service was for roads and parking, both as a percentage of total OM&R expenditures (1 to 38 percent) and as a cost per recreation day served (\$0.001 to \$0.183). Although insufficient engineering specifications were returned to make quantitative comparisons of the existing facilities, field inspections indicated that, in general, Area 7 has the most intensively developed road and parking system and Area 1 the least developed. Area 7 reported the lowest and Area 1 the highest OM&R expenditures per recreation day served for roads and parking facilities. At the remaining five areas the costs ranged from \$0.023 to \$0.056 per recreation day served. At three study areas, Areas 1, 5, and 7, all of the OM&R work for roads and parking was done by Corps personnel in 1973. At the remaining areas most of the work, 74 to 96 percent of the expenditures, was done through contract services. At Areas 2, 3, 4, and 7, all of the expenditures for roads and parking were expended on paved facilities; while at Areas 1, 5 and 6 expenditures for paved facilities were 42, 49 and 96 percent, respectively.

Restrooms. - Expenditures for restroom services at the study areas ranged from 8 to 18 percent of total OM&R expenditures and from \$0.014 to \$0.079 per recreation day served. Areas 1 and 5 reported the highest expenditures per recreation day served (\$0.079 and \$0.025 respectively). At these two areas, project personnel did practically all of the maintenance and repair associated with the restrooms, including cleaning. At the five remaining areas, cleaning was done primarily through contract, with repairs and other maintenance provided by project personnel. At these five areas, expenditures per recreation day served ranged from \$0.014 to \$0.018.

Trash services. - Expenditures for trash services ranged from 12 to 28 percent of total expenditures and from \$0.012 to \$0.293 per recreation day served. At all but one area most of the expenditures for trash services were on contracted services. At Area 2, 46 percent of the total expenditures for trash services was expended through contract services, while at the remaining areas the range was from 65 percent (Area 5) to 91 percent (Area 3). Contract services were used throughout the calendar year for providing at least a portion of the trash services at areas 2, 3, 4 and 6. At Areas 1, 5 and 7, trash services were provided entirely by Corps personnel during the off-season, winter months and by a combination of Corps personnel and contract services during the rest of the year.

Water supply. - OM&R expenditures for water supply services were extremely small at all of the areas when measured both as a percentage of total expenditures and as the cost per recreation day served. From 1 to 3 percent of total expenditures was spent in servicing the water supply system; costs per recreation day served ranged from \$0.001 to

\$0.007. Sources of water at the study areas included a local municipal system, wells, and the lakes themselves. The data suggest that in planning a water supply system, primary consideration should be given to the initial investment cost of developing the system and its long-term reliability.

Ranger services. - As measured by a percentage of total expenditures, the second highest variation in expenditures between study areas was reported for expenditures for ranger services. The range was from 11 percent at Area 1 to 40 percent at Area 6. Costs per recreation day served ranged from \$0.021 at Area 4 to \$0.119 at Area 1. It is interesting to note the similar percentages of total expenditures (Table 7) at Areas 1 and 5 even though the cost per recreation day was over five times as great as Area 1 and the intensity of ranger patrols, as previously described, was much less. Area 6 reported the highest percentage of OM&R expenditures expended on ranger services and the second highest cost per recreation day served. As indicated by its reported attendance, Area 6 accommodates substantial use levels. Visitors at the area have made numerous complaints of thefts and late hour noise and rowdiness by local area youths. In order to overcome these problems, the project management is providing practically continuous surveillance of the area with two-man ranger patrols provided throughout the night. The intensity of ranger services provided at Area 6 is much greater than at most of the other study areas.

Other services. - OM&R expenditures for services other than the five previously discussed ranged from 16 to 34 percent of total expenditures at the study areas and from \$0.020 to \$0.351 per recreation day served. The types of services for which significant other expenditures were incurred varied between study areas. However, at all three areas reporting more than 30 percent of total expenditures as "other," project personnel indicated that grass-mowing services were one of the major contributors to "other" expenditures. As an example, supplemental information provided by the project manager indicated that at Areas 1 and 5, \$1,050 and \$3,643, respectively, were expended through contract services for mowing at these areas during May and June. This represented 15 and 33 percent, respectively, of total OM&R expenditures during this period at these two areas and are summarized in lines 6 and 7 in the "Other Services" column.

At the seven study areas, from 60 to 83 percent of their 1973 OM&R expenditures were incurred in providing just four general types of facilities and services: roads and parking, restrooms, trash services, and ranger services. The data indicate that an elaborate record keeping system is not required to provide a useful accounting of OM&R expenditures at most Corps recreational areas. A simple accounting structure could assist the Corps recreation management in evaluating current operational programs as well as in developing future recreational areas.

Benefits, Costs and Planning Decisions. - Historical OM&R expenditures can also be of value to the recreation planner in developing master plans by indicating the magnitudes of annual operating costs that can be expected for different types of development in accommodating a given attendance level. However, to select the optimal plan of development, the planner must also know the relative magnitudes of alternative investment costs and compare initial investment and annual operating costs on an equivalent basis.

Historical investment data were provided for only two study areas, Areas 1 and 5. Although some disaggregation of these data by general categories of facilities was provided (e.g., roads and parking versus restrooms), little disaggregation was provided for different levels of development (e.g., paved versus unpaved facilities). Because of these data limitations, rigorous comparisons of the investment costs associated with alternative levels of development of specific facilities cannot be made. Instead, the data are only used to illustrate an application of engineering economy techniques in recreation planning by estimating the total annual costs associated with the development and operation of these two areas.

The total costs associated with the operation of Area 1 and Area 5 in 1973 are equal to the sum of their annual OM&R costs plus the amortization (average annual equivalent) costs of their capital investments to date. The 1973 OM&R expenditures for Areas 1 and 5 were reported in Table 6. Data from the administering district indicate that capital investments through FY 1972 totalled \$88,880 at Area 1 and \$146,222 at Area 5.

Neither the expected life of the facilities nor the precise timing of all previous capital investments were provided for the development at Areas 1 and 5. Therefore, for the purpose of this illustration, it is assumed that the useful life of all facilities is 25 years,<sup>8</sup> that the facilities have no significant salvage value at the end of the period, and that all previous development was completed during one accounting period. The applicable discount rate is assumed to be 5 percent.

The capital-recovery factor for an investment with a 5 percent interest rate and a time period of 25 years is 0.07095. Multiplying this factor times the capital investments to date yields the average annual equivalent costs, which are \$6,300 for Area 1 and \$10,375 for Area 5. Total annual costs in 1973 were therefore \$27,680 and \$39,906, respectively. For illustrative purposes, the capital costs per recreation day served in 1973 can also be computed. However, it should

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<sup>8</sup> U.S. Army Corps of Engineers, Multiple Letter, Subject: "Recreation Development at Completed Projects - Code 710 Program (Cost Sharing)" 19 February 1974.

be noted that since the average annual equivalent costs of the investments are the same for each year of the life of the investment, the annual capital costs per recreation day served will vary with changes in attendance throughout this period. The 1973 capital costs per recreation day served should not be interpreted as the absolute capital costs per recreation day served at Areas 1 and 5, but they do depict the relative magnitudes of the capital costs associated with the attendance levels they are currently accommodating.

In 1973 the amortization costs per recreation day served were \$0.305 at Area 1 and \$0.048 at Area 5; and the total annual costs, amortization plus OM&R, were \$1.337 and \$0.229, respectively. As previously discussed, the higher OM&R costs per recreation day served at Area 1 were expected. However, when considering the additional amenities and the better quality of development provided at Area 5, the lower annual investment costs per recreation day served incurred at this area were not necessarily expected. Part of the high investment costs at Area 1 directly result from its remote access. Through FY 72 almost one-half of the total recreational investment at Area 1, \$43,130 of \$88,880, was for road and parking facilities as compared with about one-seventh at Area 5, \$19,774 of \$146,222. However, even excluding the investments in road and parking facilities, the 1973 amortization costs per recreation day served were still almost four times higher at Area 1 than Area 5; and Area 1 does not provide hot showers, flush restrooms or even a water supply.

Through FY 72 the Corps has invested \$793,000 in the development of recreational facilities at the lake where Areas 1 and 5 are located. Approximately 11 percent of this investment has been incurred at Area 1 and 18 percent at Area 5. Historical data indicate that about 10 to 15 percent of the Corps' annual OM&R expenditure at the project is incurred at Area 1 and 15-22 percent at Area 5; yet, Area 1 supports less than 5 percent of the use accommodated at Corps-managed areas while Area 5 supports about 25 percent. In 1973 both the amortization costs and the OM&R costs per recreation day served were approximately six times higher at Area 1 than at Area 5.

The level of expenditure incurred at Area 1 in relation to those at Area 5 is justified only if the recreational opportunities offered are of some unique character such that the users are benefiting more from their experiences than at Area 5, or if Area 1 provided the next best alternative for accommodating existing use because of capacity restraints at other areas. As previously discussed, field observations indicate that sufficient capacity does exist at other areas to accommodate the use presently occurring at Area 1. Whether the recreation management assumes that the recreational opportunities provided at Area 1 are worth more than those at Area 5 is not known. However camping fees, under P.L. 93-303 are limited to areas which include minimum standard facilities and water supply. This criterion omits user fees at Area 1, which does not have water supply. The Corps management has indicated even if fees could be charged at Area 1, the visitors would be unwilling to pay comparable fees for the recreation



opportunities because of the lack of facilities and services.

It should not be inferred from the preceding discussion that minimizing costs, per se, should be the sole objective of the recreation management program. Other environmental, economic or social objectives can be and often are incorporated into the management program. However, there are specific incremental benefits and costs associated with every management decision, and although it is often very difficult to quantify the incremental benefits associated with these decisions, the costs as illustrated above can almost always be explicitly determined. The value of such measurements is that they provide the recreation planner and manager with a "yardstick" for comparing alternative development plans or operational programs. They may not always provide definitive answers to the optimal plan, but relative comparisons of alternative incremental costs could improve future allocations of the limited resources available to the Corps recreation management program.

#### CONCLUSIONS

1. The available data indicate that a simple recordkeeping system can provide a useful accounting of OM&R expenditures. However, efforts expended to collect and record routine or special study information on recreation at Corps of Engineers lakes are generally too casual.

2. Pursuant to a routine cost accounting at the public recreation areas, the use of the economic efficiency criterion in addition to non-monetary considerations could improve the Corps recreation-resources management program.

3. Enough estimates are made during the normal development of recreation master plans to use benefit-cost analysis in evaluating alternative plans. It is therefore feasible to consider routinely the amount of benefits required to meet incremental costs incurred.

4. Current planning practice may be incompatible with efficiency criteria. Planning for an average weekend day during the peak use month results in some facilities having such a low capacity utilization that the benefits accrued cannot cover the costs incurred.

APPENDIX A

THE QUESTIONNAIRE AND SUMMARY OF RESPONSES

| CORPS OF ENGINEERS<br>RECREATION USER SURVEY   |  |
|--|--|
| <p>DEAR VISITOR:</p> <p>We need your help in finding out which people visit recreation areas, what they do there, and how well they are satisfied with the recreation opportunities available. Your cooperation in completing this questionnaire will be greatly appreciated and all information will be treated confidentially.</p> <p style="text-align: right;">THANK YOU</p> |  |
| Lake Area _____  | Date _____   |
| 1. WHERE IS YOUR PRESENT HOME? (Please print)  |  |
| _____  | _____  |
| (nearest city or town)   | (state)  |
| 2. WHICH OF THE FOLLOWING BEST DESCRIBES YOUR GROUP? (Check one, please)   |  |
| 1. <input type="checkbox"/> ONE PERSON ALONE   | 3. <input type="checkbox"/> MORE THAN ONE FAMILY             |
| 2. <input type="checkbox"/> A SINGLE FAMILY  | 4. <input type="checkbox"/> A GROUP OF FRIENDS               |
| 5. <input type="checkbox"/> AN ORGANIZED GROUP   |  |
| 6. <input type="checkbox"/> OTHER  |  |
| 3. PLEASE WRITE IN THE NUMBER OF PEOPLE IN YOUR GROUP WHO ARE:   |  |
| _____ 15 YEARS OLD AND UNDER   | _____ 31 TO 45 YEARS OLD                                     |
| _____ 16 TO 30 YEARS OLD   | _____ 46 TO 60 YEARS OLD                                     |
| 4. IS THIS VISIT YOUR? (Check one, please)   |  |
| 1. <input type="checkbox"/> MAIN DESTINATION   | 2. <input type="checkbox"/> ONE OF SEVERAL DESTINATIONS      |
| 3. <input type="checkbox"/> OTHER _____  |  |
| 5. WHAT IS THE LENGTH OF THIS VISIT?   |  |
| _____ HOURS  | OR _____ NIGHTS  |
| 6. DURING THE PAST TWELVE MONTHS   |  |
| APPROXIMATELY HOW MANY TIMES HAVE YOU VISITED THIS LAKE? (Including this visit) _____  |  |
| APPROXIMATELY HOW MANY TIMES HAVE YOU VISITED OTHER LAKES? _____   |  |
| 7. WHICH OF THE ACTIVITIES LISTED BELOW DID ANY MEMBER OF THE GROUP DO WHILE HERE?<br>(Please check all boxes that apply)  |  |
| 1. <input type="checkbox"/> BANK FISHING   | 7. <input type="checkbox"/> CANOEING                         |
| 2. <input type="checkbox"/> BOAT FISHING   | 8. <input type="checkbox"/> MOTOR BIKING                     |
| 3. <input type="checkbox"/> PICNICKING   | 9. <input type="checkbox"/> SUN BATHING                      |
| 4. <input type="checkbox"/> CAMPING  | 10. <input type="checkbox"/> SWIMMING                        |
| 5. <input type="checkbox"/> MOTORBOATING   | 11. <input type="checkbox"/> WADING                          |
| 6. <input type="checkbox"/> SAILING  | 12. <input type="checkbox"/> WATER SKIING                    |
| 13. <input type="checkbox"/> NATURE WALKS  | 14. <input type="checkbox"/> TRAIL HIKING                    |
| 15. <input type="checkbox"/> WALKING TO SCENIC POINTS  |  |
| 16. <input type="checkbox"/> SIGHTSEEING FROM CAR ONLY   |  |
| 17. <input type="checkbox"/> ENJOYING THE NATURAL ENVIRONMENT  |  |
| 18. <input type="checkbox"/> OTHER _____   |  |
| 8. OF THE ACTIVITIES YOU CHECKED IN THE LAST QUESTION, WOULD YOU PLEASE CIRCLE THAT ONE WHICH WAS THE MOST ENJOYABLE TO MOST OF YOUR GROUP.  |  |
| 9. IN THE TABLE BELOW, INDICATE WHICH ACTIVITIES YOUR GROUP DID, BUT THAT YOU WERE NOT SATISFIED WITH, AND CHECK THE REASON YOU WERE NOT SATISFIED. IF ALL ACTIVITIES WERE SATISFACTORY, CHECK HERE. <input type="checkbox"/>  |  |
| ACTIVITY<br>NUMBER   | REASON FOR DISSATISFACTION                                   |
|  | UNSAFE CROWDED NOISY DIRTY BAD WEATHER NOT ENOUGH TIME OTHER |
|  |  |
|  |  |
| 10. IN THE TABLE BELOW, INDICATE WHICH ACTIVITIES YOUR GROUP WANTED TO DO, BUT DIDN'T, AND CHECK THE REASON WHY YOUR GROUP DIDN'T DO THEM. IF YOU DID EVERYTHING YOU WANTED TO DO, CHECK HERE. <input type="checkbox"/>  |  |
| ACTIVITY<br>NUMBER   | REASON FOR NOT DOING   |
|  | UNSAFE CROWDED NOISY DIRTY BAD WEATHER NOT ENOUGH TIME OTHER |
|  |  |
|  |  |

(Please complete reverse side)



11. PLEASE FILL OUT THE CHECKLISTS FOR THE FOLLOWING FACILITIES AND SERVICES. FILL IT OUT BOTH FOR THOSE YOU USED AND THOSE YOU DIDN'T USE. (Please check at least one column for each facility or service.)

| FACILITIES AND SERVICES        | FOR THOSE USED    |          |                          |           |             |        |               |         |       | FOR THOSE NOT USED      |                       |           |             |        |               |         |       |  |  |
|--------------------------------|-------------------|----------|--------------------------|-----------|-------------|--------|---------------|---------|-------|-------------------------|-----------------------|-----------|-------------|--------|---------------|---------|-------|--|--|
|                                | VERY SATISFACTORY | ADEQUATE | NOT SATISFACTORY BECAUSE |           |             |        |               |         |       | NOT INTERESTED IN USING | NOT AVAILABLE FOR USE |           |             |        |               |         |       |  |  |
|                                |                   |          | NOT ENOUGH               | TOO DIRTY | TOO CROWDED | UNSAFE | TOO EXPENSIVE | TOO FAR | OTHER |                         |                       | TOO DIRTY | TOO CROWDED | UNSAFE | TOO EXPENSIVE | TOO FAR | OTHER |  |  |
| ROADS                          |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| PARKING                        |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| SIGNS AND INFORMATION SERVICES |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| SWIMMING BEACH                 |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| CHANGE HOUSE                   |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| WATER SUPPLY                   |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| RESTROOMS                      |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| SHOWERS                        |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| CAMP GROUNDS                   |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| PICNIC GROUNDS                 |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| CONCESSION STANDS              |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| TRASH SERVICES                 |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| BOAT RAMPS                     |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| BOAT RENTALS                   |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| BOAT DOCKS                     |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| MARKED NATURE TRAIL            |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| HIKING TRAIL                   |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| NATURE OR HISTORIC DISPLAY     |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| PUBLIC TELEPHONES              |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| RANGER ON DUTY                 |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| ENFORCEMENT OF REGULATIONS     |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |
| OTHER                          |                   |          |                          |           |             |        |               |         |       |                         |                       |           |             |        |               |         |       |  |  |

12. IF DISSATISFACTIONS ARE NOTED ABOVE, HOW WILL THEY AFFECT YOUR PLANS FOR FUTURE VISITS? (Check one, please)

PROBABLY: 1. ☐ NO EFFECT 4. ☐ WILL NEVER RETURN  
2. ☐ WILL NOT STAY AS LONG 5. ☐ OTHER  
3. ☐ WILL NOT COME AS OFTEN

13. IF THE CAUSES OF THE DISSATISFACTIONS WERE CORRECTED, HOW WOULD THAT AFFECT YOUR PLANS FOR FUTURE VISITS?

PROBABLY: 1. ☐ NO EFFECT 3. ☐ WOULD COME MORE OFTEN  
2. ☐ WOULD STAY LONGER 4. ☐ OTHER

14. THIS SPACE IS FOR YOUR COMMENTS. PLEASE FEEL FREE TO OFFER ANY SUGGESTIONS TO HELP US SERVE YOU BETTER.

## I - VISITOR CHARACTERISTICS (Questions 2-6)

| <u>GROUP TYPE</u> | <u>Number</u> | <u>Distribution</u> |
|-------------------|---------------|---------------------|
| One person alone  | 70            | 2.2%                |
| Single family     | 1,285         | 39.7                |
| Group of families | 1,096         | 33.8                |
| Group of friends  | 601           | 18.5                |
| Organized group   | 129           | 4.0                 |
| Other             | <u>57</u>     | <u>1.8</u>          |
| TOTAL             | 3,238         | 100.0%              |

| <u>AGE DISTRIBUTION</u> | <u>Number</u> | <u>Distribution</u> |
|-------------------------|---------------|---------------------|
| 15 and under            | 7,432         | 36.4%               |
| 16-30                   | 5,904         | 28.9                |
| 31-45                   | 4,388         | 21.5                |
| 46-60                   | 2,107         | 10.3                |
| 61 and over             | <u>584</u>    | <u>2.9</u>          |
| TOTAL                   | 20,415        | 100.0%              |

| <u>VISIT TYPE</u>           | <u>Number</u> | <u>Distribution</u> |
|-----------------------------|---------------|---------------------|
| Main destination            | 2,587         | 79.9%               |
| One of several destinations | 522           | 16.1                |
| Other                       | <u>129</u>    | <u>4.0</u>          |
| TOTAL                       | 3,238         | 100.0%              |

AVERAGE DURATION OF VISITS

|                  |            |
|------------------|------------|
| Day visits       | 5.6 hours  |
| Overnight visits | 4.0 nights |

| <u>AVERAGE NUMBER OF VISITS</u> | <u>Trips Per Year</u> |
|---------------------------------|-----------------------|
| At survey lake                  | 11.2                  |
| At other lakes                  | 6.4                   |

## II - ACTIVITY PARTICIPATION (Questions 7-10)

| ACTIVITY                            | PERCENT<br>PARTICIPATION <sup>1/</sup> | MOST ENJOYABLE                    |                                      |
|-------------------------------------|--|-----------------------------------|--------------------------------------|
|                                     |  | Percent<br>of Total <sup>2/</sup> | Percent<br>By Activity <sup>3/</sup> |
| Bank fishing                        | 44                                     | 3                                 | 6                                    |
| Boat fishing                        | 34                                     | 4                                 | 11                                   |
| Picnicking                          | 62                                     | 5                                 | 8                                    |
| Camping                             | 70                                     | 22                                | 31                                   |
| Motor boating                       | 43                                     | 4                                 | 10                                   |
| Sailing                             | 3                                      | 1                                 | 23                                   |
| Canoeing                            | 3                                      | -                                 | 5                                    |
| Motor biking                        | 11                                     | 1                                 | 5                                    |
| Sun bathing                         | 65                                     | 2                                 | 3                                    |
| Swimming                            | 82                                     | 18                                | 1                                    |
| Wading                              | 58                                     | -                                 | 1                                    |
| Water skiing                        | 34                                     | 11                                | 32                                   |
| Nature walks                        | 29                                     | -                                 | 2                                    |
| Trail hiking                        | 13                                     | -                                 | -                                    |
| Walking to scenic points            | 14                                     | -                                 | -                                    |
| Sightseeing from car only           | 18                                     | -                                 | 1                                    |
| Enjoying the natural<br>environment | 62                                     | 6                                 | 9                                    |
| Other                               | 6                                      | 1                                 | 17                                   |

- Less than 0.5%.

<sup>1/</sup> For each activity, percent of all questionnaires on which participation in that activity was noted.

<sup>2/</sup> For each activity, percent of all questionnaires on which that activity was noted as Most Enjoyable. On 726 questionnaires (22%), a single Most Enjoyable activity was not noted, therefore this column does not sum to 100%.

<sup>3/</sup> For each activity, of questionnaires noting participation in the activity, percent that also noted that activity as Most Enjoyable.

## III - FACILITIES AND SERVICES (Questions 11-13)

| FACILITIES AND SERVICES <sup>1/</sup> | QUESTIONNAIRES | FOR THOSE USED    |          |            |                          |             |        |               |         |       |                         | FOR THOSE NOT USED    |           |             |        |               |         |       |
|---------------------------------------|----------------|-------------------|----------|------------|--------------------------|-------------|--------|---------------|---------|-------|-------------------------|-----------------------|-----------|-------------|--------|---------------|---------|-------|
|                                       |                | VERY SATISFACTORY | ADEQUATE | NOT ENOUGH | NOT SATISFACTORY BECAUSE |             |        |               |         |       | NOT INTERESTED IN USING | NOT AVAILABLE FOR USE | TOO DIRTY | TOO CROWDED | UNSAFE | TOO EXPENSIVE | TOO FAR | OTHER |
|                                       |                |                   |          |            | TOO DIRTY                | TOO CROWDED | UNSAFE | TOO EXPENSIVE | TOO FAR | OTHER |                         |                       |           |             |        |               |         |       |
| ROADS                                 | 3117           | 53                | 37       | 3          | 1                        | 2           | 2      | 0             | 1       | 1     | -                       | -                     | 0         | -           | -      | 0             | 0       | -     |
| PARKING                               | 3137           | 47                | 36       | 13         | 1                        | 3           | -      | 0             | 1       | -     | -                       | -                     | -         | -           | -      | 0             | 0       | 3     |
| SIGNS AND INFORMATION SERVICES        | 3028           | 45                | 40       | 12         | -                        | 0           | -      | -             | -       | 1     | 1                       | 1                     | 0         | 0           | 0      | 0             | -       | -     |
| SWIMMING BEACH                        | 2895           | 28                | 23       | 13         | 12                       | 5           | 7      | -             | 4       | 4     | 7                       | 6                     | 1         | -           | -      | 0             | 1       | 1     |
| CHANGE HOUSE                          | 2702           | 20                | 22       | 10         | 5                        | 2           | -      | -             | 4       | 1     | 17                      | 20                    | -         | -           | 0      | 0             | 1       | 1     |
| WATER SUPPLY                          | 3070           | 38                | 34       | 15         | 1                        | -           | -      | -             | 7       | 1     | 3                       | 2                     | -         | 0           | -      | 0             | 1       | -     |
| RESTROOMS                             | 3145           | 36                | 29       | 14         | 13                       | 2           | 1      | -             | 8       | 3     | 2                       | 1                     | -         | -           | -      | 0             | -       | -     |
| SHOWERS                               | 2913           | 20                | 14       | 14         | 2                        | 1           | -      | -             | 4       | 5     | 12                      | 28                    | -         | -           | -      | 0             | 1       | 1     |
| CAMPGROUNDS                           | 2590           | 45                | 22       | 10         | 1                        | 4           | -      | -             | -       | 5     | 9                       | 5                     | -         | -           | 0      | -             | -       | 1     |
| PICNIC GROUNDS                        | 2269           | 40                | 26       | 10         | 1                        | 3           | -      | 0             | -       | 2     | 18                      | 1                     | -         | -           | 0      | -             | -       | 1     |
| CONCESSION STANDS                     | 2783           | 15                | 17       | 12         | 0                        | 1           | -      | 4             | 4       | 2     | 19                      | 25                    | -         | -           | -      | 1             | 1       | 1     |
| TRASH SERVICES                        | 3096           | 53                | 35       | 9          | -                        | -           | -      | 0             | 1       | -     | 1                       | -                     | 0         | 0           | 0      | 0             | -       | -     |
| BOAT RAMPS                            | 2620           | 27                | 21       | 13         | -                        | 2           | 1      | -             | 2       | 1     | 30                      | 2                     | 0         | -           | -      | -             | -       | 2     |
| BOAT RENTALS                          | 2512           | 9                 | 8        | 3          | -                        | -           | -      | 3             | -       | 1     | 53                      | 17                    | -         | -           | -      | 2             | -       | 3     |
| BOAT DOCKS                            | 2602           | 16                | 15       | 15         | -                        | 1           | 1      | 1             | 1       | 1     | 37                      | 10                    | -         | -           | -      | -             | 1       | 2     |
| MARKED NATURE TRAIL                   | 2225           | 6                 | 6        | 4          | -                        | -           | -      | 0             | -       | 1     | 40                      | 38                    | -         | 0           | -      | 0             | -       | 5     |
| HIKING, TRAIL                         | 2035           | 5                 | 5        | 3          | 0                        | -           | -      | 0             | -       | -     | 44                      | 37                    | -         | 0           | -      | 0             | 1       | 5     |
| NATURE OR HISTORIC DISPLAY            | 2615           | 10                | 11       | 9          | -                        | -           | -      | 0             | -       | 1     | 30                      | 34                    | 0         | -           | 0      | 0             | -       | 4     |
| PUBLIC TELEPHONES                     | 2869           | 15                | 19       | 17         | -                        | -           | -      | -             | 5       | 1     | 16                      | 23                    | -         | 0           | 0      | -             | 1       | 2     |
| RANGER ON DUTY                        | 2933           | 59                | 25       | 8          | -                        | -           | -      | 0             | -       | 1     | 4                       | 2                     | -         | 0           | 0      | 0             | -       | 1     |
| ENFORCEMENT OF REGULATIONS            | 2886           | 48                | 32       | 13         | -                        | -           | -      | -             | -       | 2     | 3                       | 1                     | 0         | 0           | -      | -             | -       | 1     |
| OTHER                                 | 166            | 6                 | 4        | 7          | 2                        | 0           | 1      | 1             | 1       | 11    | 2                       | 63                    | 0         | 0           | 0      | 1             | 1       | 2     |

- Less than 0.5%.

<sup>1/</sup> The first column contains the number of questionnaires on which one or more responses were noted for the listed facility or service. The remaining columns contain the percent of questionnaires in column one on which each of the possible responses were noted. Again, since multiple responses were permitted, the sum of the percentages for any facility or service may exceed 100%.

## IV - WRITTEN COMMENTS (Question 14)

COMMENTED ON: 1/

|   |     |
|---|-----|
| Satisfaction                            | 16% |
| Desire for electrical hook-ups          | 6   |
| Desire for sanitary disposal station    | 2   |
| Lake fluctuations                       | 2   |
| Dissatisfaction with fees or fee system | 1   |
| Willingness to pay more                 | 1   |
| Desire for diving board                 | 1   |
| Desire for lifeguard                    | 1   |
| Desire for trail bike area              | 1   |

1/ Most common subjects on which written comments were received.

|                                       |                                       | REASONS FOR DISSATISFACTION <sup>2/</sup> |         |       |       |                |                       |       |
|---------------------------------------|---------------------------------------|---|---------|-------|-------|----------------|-----------------------|-------|
| ACTIVITY                              | PERCENT<br>DISSATISFIED <sup>1/</sup> |   |         |       |       |                |                       |       |
|                                       |                                       | Unsafe                                    | Crowded | Noisy | Dirty | Bad<br>Weather | Not<br>Enough<br>Time | Other |
| Bank fishing                          | 6                                     | 6   | 10      | 7     | 19    | 20             | 13                    | 50    |
| Boat fishing                          | 7                                     | 17  | 3       | 0     | 5     | 48             | 13                    | 32    |
| Picnicking                            | 5                                     | 5   | 49      | 12    | 20    | 11             | 7                     | 37    |
| Camping                               | 12                                    | 3   | 31      | 32    | 15    | 15             | 11                    | 32    |
| Motor boating                         | 6                                     | 33  | 27      | 3     | 11    | 35             | 19                    | 14    |
| Sailing                               | 6                                     | 17  | 33      | 0     | 0     | 67             | 17                    | 0     |
| Canoeing                              | 5                                     | 80  | 20      | 0     | 0     | 20             | 0                     | 20    |
| Motor biking                          | 6                                     | 27  | 18      | 18    | 9     | 9              | 5                     | 55    |
| Sun bathing                           | 2                                     | 6   | 28      | 11    | 34    | 30             | 4                     | 21    |
| Swimming                              | 15                                    | 34  | 15      | 3     | 62    | 10             | 4                     | 20    |
| Wading                                | 3                                     | 29  | 7       | 3     | 62    | 2              | 0                     | 26    |
| Water skiing                          | 12                                    | 32  | 40      | 1     | 8     | 29             | 11                    | 14    |
| Nature walks                          | 1                                     | 17  | 17      | 0     | 0     | 0              | 50                    | 33    |
| Trail hiking                          | 2                                     | 10  | 0       | 10    | 10    | 0              | 10                    | 80    |
| Walking to<br>scenic points           | 1                                     | 17  | 0       | 0     | 0     | 50             | 33                    | 17    |
| Sightseeing from<br>car only          | 1                                     | 25  | 25      | 0     | 75    | 0              | 25                    | 25    |
| Enjoying the nat-<br>ural environment | 1                                     | 0   | 13      | 29    | 25    | 4              | 25                    | 29    |
| Other                                 | 73                                    | 6   | 17      | 10    | 15    | 20             | 50                    | 8     |

<sup>1/</sup> For each activity, of questionnaires noting participation in the activity, percent that also noted Dissatisfaction with that activity.

<sup>2/</sup> For each activity, of questionnaires noting Dissatisfaction with the activity, percent that noted each Reason For Dissatisfaction. The sum of these percentages may exceed 100% for any activity, since more than one Reason For Dissatisfaction could be checked by each respondent.

APPENDIX B

1973 OPERATION AND MAINTENANCE COST

FOR EACH AREA



TABLE B-1

## Area 1 1973 OM&amp;R Expenditures

| Facilities<br>and<br>Services | Equipment<br>Costs | Labor<br>Costs | Administration<br>and Supervision | Materials<br>and Supplies | Contract<br>Services | Other  | Total       |
|-------------------------------|--------------------|----------------|-----------------------------------|---------------------------|----------------------|--------|-------------|
| <u>Roads</u>                  |                    |                |                                   |                           |                      |        |             |
| Paved                         | \$430.60           | \$ 436.73      | \$ 83.84                          | \$520.00                  | -                    | -      | \$ 1,471.17 |
| Unpaved                       | 223.60             | 227.47         | 93.84                             | -                         | -                    | -      | 544.91      |
| <u>Parking Lots</u>           |                    |                |                                   |                           |                      |        |             |
| Paved                         | 24.40              | 90.03          | 22.42                             | -                         | -                    | -      | 136.85      |
| Unpaved                       | 666.00             | 899.11         | 75.00                             |                           |                      |        | 1,640.11    |
| <u>Restrooms</u>              |                    |                |                                   |                           |                      |        |             |
| Waterborne                    | -                  | -              | -                                 | -                         | -                    | 300.00 | 300.00      |
| Vault                         | 338.50             | 735.70         | 118.84                            | 91.00                     | -                    | -      | 1,284.04    |
| Disposal                      | 12.00              | 28.00          | -                                 | 20.00                     | -                    | -      | 60.00       |
| <u>Trash Services</u>         | 298.20             | 574.18         | 86.42                             | 158.80                    | 4,950.00             | -      | 6,067.60    |
| <u>Water Supply</u>           | 64.0               | 95.04          | -                                 | -                         | -                    | -      | 159.04      |
| <u>Ranger<br/>Services</u>    | 545.20             | 1,727.76       | 146.00                            | 35.00                     | -                    | -      | 2,453.96    |
| Subtotal                      |                    |                |                                   |                           |                      |        | \$14,117.68 |
| Other Services                |                    |                |                                   |                           |                      |        | 7,262.10    |
| Total                         |                    |                |                                   |                           |                      |        | \$21,379.78 |

Area Attendance: 20,707

TABLE B-2

## Area 2 - 1973 OM&amp;R Expenditures

| Facilities<br>and<br>Services | Equipment<br>Costs | Labor<br>Costs | Administration<br>and Supervision | Materials<br>and Supplies | Contract<br>Services | Other<br>Costs | Total           |
|-------------------------------|--------------------|----------------|-----------------------------------|---------------------------|----------------------|----------------|-----------------|
| <u>Roads</u>                  |                    |                |                                   |                           |                      |                |                 |
| Paved                         | \$ 42.00           | \$ 365.00      | \$132.00                          | \$ 22.00                  | \$4,337.00           | -              | \$ 4,898.00     |
| Unpaved                       | -                  | -              | -                                 | -                         | -                    | -              | -               |
| <u>Parking Lots</u>           |                    |                |                                   |                           |                      |                |                 |
| Paved                         | 2.00               | 21.00          | -                                 | 2.00                      | 60.00                | -              | 85.00           |
| Unpaved                       | -                  | -              | -                                 | -                         | -                    | -              | -               |
| <u>Restrooms</u>              |                    |                |                                   |                           |                      |                |                 |
| Waterborne                    | 3.00               | 19.00          | -                                 | -                         | 1,113.00             | \$95.00        | 1,230.00        |
| Vault                         | -                  | -              | -                                 | -                         | 45.00                | -              | 45.00           |
| Disposal                      | -                  | -              | -                                 | -                         | 60.00                | -              | 60.00           |
| <u>Trash Services</u>         | 222.00             | 852.00         | -                                 | 361.00                    | 1,201.00             |                | 2,636.00        |
| <u>Water Supply</u>           | 3.00               | 26.00          | -                                 | 1.00                      | 35.00                | 50.00          | 115.00          |
| <u>Ranger<br/>Services</u>    | 836.00             | 4,035.00       | -                                 | -                         | -                    | -              | 4,871.00        |
| Subtotal                      |                    |                |                                   |                           |                      |                | 13,940.00       |
| Other Services                |                    |                |                                   |                           |                      |                | <u>3,523.00</u> |
| Total                         |                    |                |                                   |                           |                      |                | \$17,463.00     |
| Area Attendance: 88,900       |                    |                |                                   |                           |                      |                |                 |

TABLE B-3

## Area 3 - 1973 OM&amp;R Expenditures

| Facilities<br>and<br>Services | Equipment<br>Costs | Labor<br>Costs | Administration<br>and Supervision | Materials<br>and Supplies | Contract<br>Services | Other<br>Costs | Total             |
|-------------------------------|--------------------|----------------|-----------------------------------|---------------------------|----------------------|----------------|-------------------|
| <u>Roads</u>                  |                    |                |                                   |                           |                      |                |                   |
| Paved                         | \$ 14.00           | \$ 180.00      | \$180.00                          | -                         | \$5,973.00           | -              | \$ 6,347.00       |
| Unpaved                       | -                  | -              | -                                 | -                         | -                    | -              | -                 |
| <u>Parking Lots</u>           |                    |                |                                   |                           |                      |                |                   |
| Paved                         | 1.00               | 27.00          | -                                 | -                         | 80.00                | -              | 108.00            |
| Unpaved                       | -                  | -              | -                                 | -                         | -                    | -              | -                 |
| <u>Restrooms</u>              |                    |                |                                   |                           |                      |                |                   |
| Waterborne                    | 10.00              | 72.00          | -                                 | \$3.00                    | 1,226.00             | \$135.00       | 1,446.00          |
| Vault                         | 2.00               | 30.00          | -                                 | 5.00                      | 356.00               | -              | 393.00            |
| Disposal                      | 2.00               | 27.00          | -                                 | -                         | 20.00                | -              | 49.00             |
| <u>Trash Services</u>         | 26.00              | 129.00         | -                                 | 25.00                     | 1,851.00             | -              | 2,031.00          |
| <u>Water Supply</u>           | 7.00               | 65.00          | -                                 | 5.00                      | 45.00                | 87.00          | 209.00            |
| <u>Ranger<br/>Services</u>    | 593.00             | 3,040.00       | -                                 | -                         | -                    | -              | 3,633.00          |
| Subtotal                      |                    |                |                                   |                           |                      |                | 14,216.00         |
| Other Services                |                    |                |                                   |                           |                      |                | <u>2,628.00</u>   |
| Area Attendance: 133,700      |                    |                |                                   |                           |                      |                | Total \$16,844.00 |

TABLE B-4

## Area 4 - 1973 OM&amp;R Expenditures

| Facilities<br>and<br>Services | Equipment<br>Costs | Labor<br>Costs | Administration<br>and Supervision | Materials<br>and Supplies | Contract<br>Services | Other<br>Costs | Total       |
|-------------------------------|--------------------|----------------|-----------------------------------|---------------------------|----------------------|----------------|-------------|
| <u>Roads</u>                  |                    |                |                                   |                           |                      |                |             |
| Paved                         | \$ 3.00            | \$ 53.00       | \$230.00                          | \$ 7.00                   | \$7,703.00           | -              | \$ 7,996.00 |
| Unpaved                       | -                  | -              | -                                 | -                         | -                    | -              | -           |
| <u>Parking Lots</u>           |                    |                |                                   |                           |                      |                |             |
| Paved                         | -                  | -              | -                                 | -                         | 133.00               | -              | 133.00      |
| Unpaved                       | -                  | -              | -                                 | -                         | -                    | -              | -           |
| <u>Restrooms</u>              |                    |                |                                   |                           |                      |                |             |
| Waterborne                    | 7.00               | 30.00          | -                                 | 3.00                      | 2,172.00             | \$55.00        | 2,267.00    |
| Vault                         | 25.00              | 258.00         | -                                 | 85.00                     | 396.00               | -              | 764.00      |
| Disposal                      | 10.00              | 95.00          | -                                 | -                         | -                    | -              | 105.00      |
| <u>Trash Services</u>         | 249.00             | 544.00         | -                                 | 30.00                     | 3,851.00             | -              | 4,674.00    |
| <u>Water Supply</u>           | 11.00              | 136.00         | -                                 | 1.00                      | -                    | 48.00          | 196.00      |
| <u>Ranger<br/>Services</u>    | 664.00             | 3,409.00       | -                                 | -                         | -                    | -              | 4,073.00    |
| Subtotal                      |                    |                |                                   |                           |                      |                | 20,208.00   |
| Other Services                |                    |                |                                   |                           |                      |                | 4,746.00    |
| Total                         |                    |                |                                   |                           |                      |                | \$24,954.00 |
| Area Attendance: 191,800      |                    |                |                                   |                           |                      |                |             |

TABLE B-5

## Area 5 - 1973 OM&amp;R Expenditures

| Facilities<br>and<br>Services | Equipment<br>Costs | Labor<br>Costs | Administration<br>and Supervision | Materials<br>and Supplies | Contract<br>Services | Other<br>Costs | Total            |
|-------------------------------|--------------------|----------------|-----------------------------------|---------------------------|----------------------|----------------|------------------|
| <u>Roads</u>                  |                    |                |                                   |                           |                      |                |                  |
| Paved                         | \$ 675.40          | \$1,196.79     | \$176.00                          | \$1,495.00                | -                    | \$67.68        | \$ 3,610.87      |
| Unpaved                       | 1,277.00           | 1,174.52       | 160.00                            | 801.25                    | -                    | -              | 3,412.77         |
| <u>Parking Lots</u>           |                    |                |                                   |                           |                      |                |                  |
| Paved                         | 49.60              | 83.84          | 45.00                             | 28.00                     | -                    | -              | 206.44           |
| Unpaved                       | 134.60             | 264.56         | 30.00                             | 60.00                     | -                    | -              | 489.16           |
| <u>Restrooms</u>              |                    |                |                                   |                           |                      |                |                  |
| Waterborne                    | 535.80             | 1,337.08       | 145.00                            | 266.75                    | -                    | -              | 2,284.63         |
| Vault                         | 281.40             | 669.92         | 65.00                             | 103.50                    | -                    | -              | 1,119.82         |
| Disposal                      | 582.60             | 1,077.10       | 155.00                            | 94.50                     | \$ 50.00             | -              | 1,959.20         |
| <u>Trash Services</u>         | 581.50             | 1,712.78       | 75.00                             | 263.80                    | 5,000.00             | -              | 7,633.08         |
| <u>Water Supply</u>           | 87.30              | 321.57         | 84.50                             | 550.56                    | 26.19                | -              | 1,070.12         |
| <u>Ranger<br/>Services</u>    | 988.50             | 3,096.41       | 341.00                            | 345.00                    | -                    | -              | 4,770.91         |
| Subtotal                      |                    |                |                                   |                           |                      |                | 26,557.00        |
| Other Services                |                    |                |                                   |                           |                      |                | <u>12,973.52</u> |
| Total                         |                    |                |                                   |                           |                      |                | \$39,530.52      |
| Area Attendance: 218,214      |                    |                |                                   |                           |                      |                |                  |

TABLE B-6

## Area 6 - 1973 OM&amp;R Expenditures

| Facilities<br>and<br>Services | Equipment<br>Costs | Labor<br>Costs | Administration<br>and Supervision | Materials<br>and Supplies | Contract<br>Services | Other<br>Costs | Total       |
|-------------------------------|--------------------|----------------|-----------------------------------|---------------------------|----------------------|----------------|-------------|
| <u>Roads</u>                  |                    |                |                                   |                           |                      |                |             |
| Paved                         | \$ 184.00          | \$ 1,626.00    | \$230.00                          | \$ 179.00                 | \$ 8,216.00          | -              | \$10,435.00 |
| Unpaved                       | 54.00              | 117.00         | -                                 | -                         | -                    | -              | 171.00      |
| <u>Parking Lots</u>           |                    |                |                                   |                           |                      |                |             |
| Paved                         | 11.00              | 180.00         | -                                 | 60.00                     | 300.00               | -              | 551.00      |
| Unpaved                       | 13.00              | 279.00         | -                                 | -                         | -                    | -              | 292.00      |
| <u>Restrooms</u>              |                    |                |                                   |                           |                      |                |             |
| Waterborne                    | 59.00              | 1,194.00       | -                                 | 1,584.00                  | 2,246.00             | \$135.00       | 5,218.00    |
| Vault                         | 31.00              | 433.00         | -                                 | 118.00                    | 2,347.00             | -              | 2,929.00    |
| Disposal                      | 16.00              | 281.00         | -                                 | -                         | -                    | -              | 297.00      |
| <u>Trash Services</u>         | 269.00             | 1,182.00       | -                                 | 203.00                    | 12,004.00            | -              | 13,658.00   |
| <u>Water Supply</u>           | 16.00              | 382.00         | -                                 | 204.00                    | 20.00                | 81.00          | 703.00      |
| <u>Ranger<br/>Services</u>    | 5 544.00           | 31,056.00      | -                                 | -                         | -                    | 80.00          | 36,680.00   |

Subtotal 70,934

Other Services 20,637

Area Attendance: 508,800

Total \$91,571

TABLE B-7

## Area 7 - 1973 OM&amp;R Expenditures

| Facilities<br>and<br>Services | Equipment<br>Costs | Labor<br>Costs | Administration<br>and Supervision | Materials<br>and Supplies | Contract<br>Services | Other<br>Costs | Total            |
|-------------------------------|--------------------|----------------|-----------------------------------|---------------------------|----------------------|----------------|------------------|
| <u>Roads</u>                  |                    |                |                                   |                           |                      |                |                  |
| Paved                         | \$ 83.77           | \$ 487.56      | -                                 | -                         | -                    | -              | \$ 571.33        |
| Unpaved                       | -                  | -              | -                                 | -                         | -                    | -              | -                |
| <u>Parking Lots</u>           |                    |                |                                   |                           |                      |                |                  |
| Paved                         | 6.00               | 101.44         | -                                 | -                         | -                    | -              | 107.44           |
| Unpaved                       | -                  | -              | -                                 | -                         | -                    | -              | -                |
| <u>Restrooms</u>              |                    |                |                                   |                           |                      |                |                  |
| Waterborne                    | 199.45             | 2,440.86       | -                                 | -                         | \$ 9,229.94          | -              | 11,870.25        |
| Vault                         | -                  | -              | -                                 | -                         | -                    | -              | -                |
| Disposal                      | 602.30             | 4,140.02       | -                                 | \$1,004.08                | 324.00               | -              | 6,070.40         |
| <u>Trash Services</u>         | 138.06             | 1,407.40       | -                                 | -                         | 10,554.72            | -              | 12,100.18        |
| <u>Water Supply</u>           | 25.25              | 431.12         | -                                 | 1,000.53                  | -                    | -              | 1,456.90         |
| <u>Ranger<br/>Services</u>    | 1,323.33           | 27,655.08      | -                                 | -                         | -                    | -              | 28,978.41        |
| Subtotal                      |                    |                |                                   |                           |                      |                | 61,154.91        |
| Other Services                |                    |                |                                   |                           |                      |                | <u>37,855.73</u> |
| Total                         |                    |                |                                   |                           |                      |                | \$99,010.64      |
| Area Attendance: 987,835      |                    |                |                                   |                           |                      |                |                  |





HQ AR003952-HQ AR003960

shareholder's interest in each corporation includible in the consolidation.

[FR Doc. 78-3354 filed 2-8-78; 8:45 am]

[1505-01]

[26 CFR Part 1]

[LR-194-77]

#### DEFERRED TAX TREATMENT OF AMOUNTS OF COMPENSATORY PAYMENTS

Proposed Rulemaking

##### Correction

In FR Doc. 78-3041, appearing at page 4638 in the issue of Friday, February 3, 1978, make the following changes:

1. On page 4638, second column, the last line of the "Dates" paragraph should read, "on or after a date 30 days following publication of this regulation as a Treasury decision in the FEDERAL REGISTER."

2. On page 4638, third column, the last line of the paragraph headed "Exception" should read, "before a date 30 days following publication of this regulation as a Treasury decision in the FEDERAL REGISTER."

3. On page 4639, second column, the ninth line of § 1.61-16(b) should read, "prior to date 30 days following publication of this section as a Treasury decision."

[3710-92]

#### DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[36 CFR Parts 313, 322; 327]

#### PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

Notice of Proposed Rulemaking

AGENCY: Corps of Engineers, DOD.

ACTION: Proposed rule.

**SUMMARY:** The proposed rule and regulation deletes Parts 313 and 322 and amends Part 327 of Title 36 of the Code of Federal Regulations. The purpose is to clarify and strengthen existing rules and regulations and eliminate duplication of regulations. It will provide more effective management of Corps of Engineer water resource development projects.

**DATES:** Comments must be received on or before March 27, 1978.

**ADDRESSES:** Send comments to: HQDA (DAEN-CWO-R) Washington, D.C. 20314.

**FOR FURTHER INFORMATION CONTACT:**

Ray Mitchell, Recreation Resource Management Branch, Construction-Operations Division, Office, Chief of Engineers 202-693-7177.

#### SUPPLEMENTARY INFORMATION:

##### DELETIONS

The regulations contained in part 313 apply only to the Sam Rayburn Reservoir Area, Angelina River, Tex., which is administered as a joint venture by the Corps of Engineers and the U.S. Forest Service, Department of Agriculture, each operating under their respective laws and regulations. Each of the two agencies separate regulations are comparable and comprehensive enough to effectively manage their respective areas or jurisdiction. Part 327 contains those basic rules and regulations governing public use of Corps of Engineers water resource development projects; therefore Part 313 is duplicative and unnecessary.

The same rationale applies to Part 322 which contains rules and regulations for a joint venture of the Corps of Engineers with the U.S. Fish and Wildlife Service, Department of the Interior, at Great Salt Plains Dam and Reservoir Area, Okla.

##### AMENDMENT

The amendments to Part 327 are necessary to reflect new and increasing recreation activities and to clarify and strengthen selected rules and regulations for more effective management and enhanced public enjoyment of Corps water resource development projects.

Section 327.25 has been amended to allow for greater flexibility in establishing special recreation use fees for specific projects in accordance with the provisions of subsection 4(b) and 4(c) of Pub. L. 88-574 (78 Stat. 897) as amended.

**NOTE.**—The U.S. Army Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement Under Executive Order 11821 and OMB Circular A-107.

The proposed changes to the Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief Of Engineers (36 CFR Chapter III) are as follows:

#### PART 313—WATER RESOURCE DEVELOPMENT PROJECTS HAVING JOINT REGULATIONS [DELETED]

1. Part 313 is deleted.

#### PART 322—PUBLIC USE OF SALT PLAINS NATIONAL WILDLIFE REFUGE AND GREAT SALT PLAIN DAM AND RESERVOIR AREA, SALT FORK OF ARKANSAS RIVER, OKLA. [DELETED]

2. Part 322 is deleted.

#### PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

3. The Table of Contents to Part 327 is revised as follows:

Sec.  
327.0 Applicability.  
327.1 Policy.

Sec.  
327.2 Vehicles.  
327.3 Vessels.  
327.4 Aircraft.  
327.5 Swimming.  
327.6 Picnicking.  
327.7 Camping.  
327.8 Hunting, fishing and trapping.  
327.9 Sanitation.  
327.10 Fires.  
327.11 Control of animals.  
327.12 Restrictions.  
327.13 Explosives, firearms, other weapons and fireworks.  
327.14 Public property.  
327.15 Abandonment of personal property.  
327.16 Lost and found articles.  
327.17 Advertisement.  
327.18 Commercial activities.  
327.19 Permits.  
327.20 Unauthorized structures.  
327.21 Special events.  
327.22 Unauthorized occupation.  
327.23 Outgranted lands.  
327.24 Indian lands.  
327.25 Recreation use fees.  
327.26 Interference with Government employees.  
327.27 Violation of rules and regulations.  
327.28 [Reserved]  
327.29 [Reserved]  
327.30 Lakeshore management on civil works projects.

**AUTHORITY:** Sec. 4, Act of December 22, 1944, 58 Stat. 889, as amended, 16 U.S.C. 460 d; sec. 210 of Pub. L. 90-483, 82 Stat. 746; and Pub. L. 88-578, 78 Stat. 897, as amended, 16 U.S.C. 4601-6a.

4. Sections 327.0 through 327.3 are revised as follows:

§ 327.0 Applicability.

The regulations covered in this Part 327 shall be applicable to water resource development projects completed or under construction, administered by the Chief of Engineers, and to those portions of jointly administered water resource development projects which are under the administrative jurisdiction of the Chief of Engineers. All other Federal, State and local laws and regulations remain in full force and effect where applicable to those water resource development projects.

§ 327.1 Policy.

(a) It is the policy of the Secretary of Army acting through the Chief of Engineers to manage the natural and cultural resources of each project in the public interest, providing the public with safe and healthful recreational opportunities while protecting and enhancing these resources.

(b) Unless otherwise indicated herein, the term "District Engineer" shall included the authorized representatives of the District Engineer.

(c) The term "project" or "water resource development project" as used herein refers to all federally owned fee lands and all water areas and all facilities therein or thereon that are contained in any water resource development project.

(d) All water resource development projects open for public use shall be available to the public without regard to sex, race, color, creed, or national

origin. No lessee, licensee, or concessionaire providing a service to the public shall discriminate against any person because of sex, race, creed, color or national origin in the conduct of the operations under the lease, license or concession contract.

#### § 327.2 Vehicles.

(a) This section pertains to all vehicles, including, but not limited to, automobiles, motorcycles, mini-bikes, trail bikes, snowmobiles, dune buggies, all terrain vehicles, bicycles, and trailers, campers or any other such equipment.

(b) Vehicles shall not be parked in violation of posted restrictions, or in such manner as to endanger any person or property. The owner of any vehicle parked in violation of this section shall be presumed to have parked it, and unless rebutted such presumption will be sufficient to sustain a conviction as provided for in § 327.27.

(c) The operation of a vehicle off roadways is prohibited except at locations and times designated by the District Engineer.

(d) (1) Vehicles shall be operated only in accordance with posted regulations. (2) No person shall operate any vehicle in a careless, negligent or reckless manner so as to endanger any person (including the operator and/or passenger(s) of the vehicle) or property.

(e) At developed areas, vehicles shall be used only for ingress and egress unless otherwise posted.

(f) Except as authorized by the District Engineer no person shall operate any motorized vehicle without a proper and effective exhaust muffler, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

#### § 327.3 Vessels.

(a) The placement and/or operation of any vessel or watercraft for a fee or profit upon project waters or lands is prohibited except as authorized by permit, lease, license or concession contract with the Department of Army. This paragraph shall not apply to the operation of commercial tows or passenger carrying vessels not based at a Corps project which utilize project waters as a link in continuous transit over navigable waters of the United States.

(b) (1) Vessels or other watercraft may be operated in project waters, except in prohibited or restricted areas designated by the District Engineer. (2) The operation of vessels or other watercraft in a careless, negligent or reckless manner so as to endanger any property or person (including the operator and/or user(s) of the vessel or watercraft) is prohibited.

(c) Vessels or other watercraft shall not be utilized for overnight occupancy

while moored in commercial facilities, community or corporate docks or at any fixed or permanent mooring point. Any such moored vessel or other watercraft may only be used for overnight occupancy when such use is incidental to its primary use for recreational boating and the vessel or other watercraft is not used as a place of habitation.

(d) Water skis or other similar devices are permitted except they may not be used in a careless, negligent or reckless manner so as to endanger any property or person including the user or operator of the vessel.

(e) All vessels when not in actual use for 24 hours shall be removed from the project unless securely moored at mooring facilities approved by the District Engineer. The placing of floating or stationary mooring facilities to, or interfering with a buoy, channel marker, or other navigational aid is prohibited.

(f) (1) The use at a project of any vessel not constructed and maintained in compliance with the standards and requirements established by the National Safe Boating Act of 1971 (Pub. L. 92-75, 85 Stat. 213), or promulgated pursuant to such act, is prohibited. (2) The discharge of sewage, galley waste, garbage or pollutants into the project waters from any vessel or watercraft is prohibited.

(g) Except as authorized by the District Engineer no person shall operate any vessel or watercraft without a proper and effective exhaust muffler, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

5. Sections 327.5 through 327.11 are revised as follows:

#### § 327.5 Swimming.

Swimming, diving, snorkeling or scuba diving at one's own risk is permitted, except at launching sites and other areas designated by the District Engineer.

#### § 327.6 Picnicking.

(a) Picnicking is permitted, except in those areas where prohibited by the District Engineer.

(b) Picnickers shall remove all personal equipment and shall clean their sites upon departure.

#### § 327.7 Camping.

(a) Camping is permitted only in areas and at sites designated by the District Engineer.

(b) Camping at one or more campsites at any one project for a period longer than 14 consecutive days is prohibited without the written permission of the District Engineer. Written permission is required to camp at any project in excess of 14 days during any 30 day period.

(c) Leaving a campsite unoccupied

during the first night after camping equipment or other property have been set up, or leaving camping equipment or other property unattended for more than 24 hours is prohibited without the written permission of the District Engineer.

(d) The digging or leveling of any ground or the construction of any structure without written permission of the District Engineer is prohibited.

(e) Campers shall keep their campsites free of trash and litter during the period of occupancy and shall clean their campsites and remove all personal equipment upon departure.

#### § 327.8 Hunting, fishing and trapping.

Hunting, fishing and trapping are permitted in accordance with applicable Federal, State and local laws except in areas designated by the District Engineer.

#### § 327.9 Sanitation.

(a) Garbage, trash, rubbish, litter or any other waste material or waste liquid generated on the project and incidental to authorized recreational activities shall be either removed from the project or deposited in receptacles provided for that purpose. The improper disposal of such wastes on the project is prohibited.

(b) The use of refuse containers or other refuse facilities for dumping or disposal of household or commercial garbage, trash, rubbish, debris, sewage, dead animals or litter of any kind brought onto the project is prohibited.

(c) It is a violation to bring onto a project any material for the purpose of disposal without written permission of the District Engineer.

#### § 327.10 Fires.

(a) Gasoline and other fuels, except that which is contained in storage tanks of vehicles, vessels, camping equipment or hand portable containers, shall not be carried onto or stored within the project without written permission of the District Engineer.

(b) Fires shall be confined to those areas designated by the District Engineer, and shall be confined to fireplaces, grills, or other facilities designed for this purpose. Fires shall not be left unattended and must be completely extinguished prior to departure.

(c) The gathering of wood is prohibited without written permission of the District Engineer except for the gathering of dead material on the ground for use in designated recreation areas.

#### § 327.11 Control of animals.

(a) No person shall bring, or allow horses, cattle, or other livestock in camping, picnic, swimming or other recreation areas except in areas designated by the District Engineer.

(b) No person shall bring dogs, cats or other pets into developed recreation areas unless penned, caged, on a leash under 6 feet in length or otherwise

under physical restraint at all times. No animals or pets are permitted in swimming beach areas. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with State and local laws.

(c) Allowing unauthorized livestock to enter upon or to be upon project lands and failing or refusing to remove unauthorized livestock from such lands when requested by the District Engineer is prohibited.

(d) Any violation of (a), (b) or (c) above shall constitute a separate violation for each calendar day in which it occurs.

6. Paragraph (a) of § 327.12 is revised as follows:

**§ 327.12 Restrictions.**

(a) The District Engineer may establish and post a schedule of visiting hours and/or restrictions on the public use of a project or portion of a project. The District Engineer may close or restrict the use of a project or portion of a project when necessitated by reasons of public health, public safety, maintenance or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closure or restrictions is prohibited.

7. Paragraph (a) of § 327.13 is revised as follows:

**§ 327.13 Explosives, firearms, other weapons and fireworks.**

(a) The possession of loaded firearms, ammunition, projectile firing devices, bows and arrows, cross bows and explosives of any kind is prohibited unless: (1) in the possession of a State or local law enforcement officer on official business; or (2) in the possession of a Federal Government employee with law enforcement authority and on official business as approved by the District Engineer; or (3) to be used for hunting and fishing as permitted under § 327.8; or (4) to be used at authorized shooting ranges; or (5) written permission has been received from the District Engineer.

8. Section 327.14 is revised as follows:

**§ 327.14 Public property.**

Destruction, injury, defacement, removal or any alteration of public property, including, but not limited to constructed facilities, natural formations, historical and archeological features and vegetative growth, is prohibited without the written permission of the District Engineer. Any such destruction, removal or alteration of public property shall be in accordance with

the conditions of any permission granted.

9. Paragraph (a) of § 327.15 is revised as follows:

**§ 327.15 Abandonment of personal property.**

(a) Personal property of any kind shall not be abandoned or left unattended upon project lands or waters. After a period of 24 hours, unattended personal property shall be impounded and stored at a storage point designated by the District Engineer, who may assess a reasonable impoundment fee. Such fee shall be paid before the impounded property is returned to its owners.

10. Sections 327.16 and 327.17 are revised as follows:

**§ 327.16 Lost and found articles.**

All lost articles shall be deposited by the finder at the Resource Manager's Office or with a Ranger. The finder may leave his name, address and phone number. All lost articles shall be disposed of in accordance with the procedures set forth in § 327.15, above.

**§ 327.17 Advertisement.**

Advertising by the use of bill boards, signs, markers, audio devices or any other means whatsoever including handbills, circulars, and posters is prohibited without written permission of the District Engineer. Vessels and vehicles with semi-permanent or permanent painted or installed signs are exempt as long as they are used for authorized recreational activities and comply with all other rules and regulations pertaining to vessels and vehicles.

11. Sections 327.19 through 327.21 are revised as follows:

**§ 327.19 Permits.**

(a) It shall be a violation of these regulations to refuse to comply with the terms or conditions of any permit issued under the provisions of this regulation.

(b) (1) Permits for floating structures of any kind in waters or water resources development projects whether or not such waters are deemed navigable waters of the United States but where such waters are under the management of a Corps of Engineers lake Resources Manager shall be issued at the discretion of the District Engineer under the authority of this regulation. District Engineers will delineate those portions of the navigable waters of the United States where this provision is applicable and post notices of this designation, in the vicinity of the lake Resource Managers Office.

(2) Permits for non-floating structures of any kind constructed, placed

in or affecting waters of water resource development projects where such waters are deemed navigable waters of the United States shall be issued under the provisions of section 10 of the Act approved March 3, 1899. If a discharge of dredged or fill material in these waters is involved, a permit is required under section 404 of the Federal Water Pollution Control Act of 1972 (Pub. L. 92-500). (See 33 CFR 320.329.)

(3) Permits for non-floating structures of any kind in waters of water resources development projects where such waters are under the management of Corps of Engineers lake Resources Manager and where such waters are not deemed navigable waters of the United States shall be issued as set forth in subparagraph (1) of this paragraph. If a discharge of dredged or fill material into any waters of the United States is involved, a permit is required under section 404 of the Federal Water Pollution Control Act of 1972 (Pub. L. 92-500). (See 33 CFR 320.329.)

**§ 327.20 Unauthorized structures.**

The construction, placing or continued existence of any structure of any kind under, upon, in or over the project lands or waters is prohibited unless a permit, lease, license or other appropriate written agreement therefor has been issued by the District Engineer. Structures not so authorized are subject to summary removal or impoundment by the District Engineer. The design, construction, placing, existence, or use of structures in violation of the terms of the permit, lease, license or other written agreement therefor is prohibited.

**§ 327.21 Special events.**

(a) Special events, including but not limited to water carnivals, boat regattas, music festivals, dramatic presentations, or other special recreation programs are prohibited unless written permission therefor have been granted by the District Engineer.

(b) The public shall not be charged any fee by the sponsor of such event unless the District Engineer has approved in writing the proposed schedule of fees. The District Engineer shall have authority to revoke his permission and require removal of any equipment upon failure of the sponsor to comply with terms and conditions of the permit/permission or with regulations in part 327. Any violation shall constitute a separate violation for each calendar day in which it occurs.

12. Paragraphs (a) and (b) of § 327.22 are revised as follows:

**§ 327.22 Unauthorized occupation.**

(a) Occupying any lands, buildings, vessels or other facilities within water resource development projects for the



purpose of maintaining same as a full or part time residence without the written authorization of the District Engineer is prohibited. The provisions of this section shall not apply to the occupation of lands for the purpose of camping in accordance with the provisions of § 327.7.

(b) The ranging, grazing or watering of livestock on project lands and waters is prohibited except when authorized by lease, license or other agreement with the District Engineer. Any violation shall constitute a separate violation for each calendar day in which it occurs.

13. Paragraphs (a)(1), (d) and (g) of § 327.25 are revised as follows:

§ 327.25 Recreation use fees.

(a) (1) Section 2 of 86 Stat. 459 (Golden Eagle Passport Program, Pub. L. 92-347), which amends 78 Stat. 897 (The Public Land and Water Conservation Federal Act of 1965, Pub. L. 88-578), Section 4(b) which requires Federal agencies developing, administering or providing specialized sites, facilities, equipment or services related to outdoor recreation to collect special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense. Section 4(a), however, prohibits the Corps of Engineers from collecting entrance fees to projects. Section 210 of 82 Stat. 746 (Pub. L. 90-483) also prohibits the United States from collecting entrance or admission fees to Corps projects.

(d) All use fees shall be fair and equitable and will be based on the following criteria:

- (1) The direct and indirect amount of Federal expenditure.
- (2) The benefit to the recipient.
- (3) The public policy or interest served.
- (4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged.
- (5) The economic and administration feasibility of fee collection.
- (6) The extent of regular maintenance required, and
- (7) Other pertinent factors.

Based on the above criteria it shall be the policy of the Chief of Engineers to publish in the FEDERAL REGISTER as a general notice document, the established range of fees for recreation facilities, whenever such fees are adjusted. Fees for specialized outdoor recreation facilities not mentioned above may also be established in accordance with the criteria listed in this paragraph.

(g) Failure to pay authorized recreation use fees as established pursuant to Pub. L. 88-578, 78 Stat. 897, as amended, 16 U.S.C. 4601-6a is prohibited and is punishable by a fine of not more than \$100.

14. Section 327.26 is revised as follows:

§ 327.26 Interference with Government employees.

Interference with any Government employee in the conduct of his or her official duties pertaining to the administration of these regulations is prohibited.

15. The following headings are inserted to show that §§ 327.28 and 327.29 are reserved.

§ 327.28 [Reserved]

§ 327.29 [Reserved]

16. The appendices to § 327.30 are amended as follows:

§ 327.30 Lakeshore management at civil work projects.

LIST OF APPENDICES TO § 327.30

APPENDIX A—GUIDELINES FOR GRANTING PERMITS FOR PRIVATE FLOATING RECREATION FACILITIES

APPENDIX B—APPLICATION FOR LAKESHORE USE PERMIT [RESERVED]

APPENDIX C—LAKESHORE USE PERMIT CONDITIONS

APPENDIX D—PERMIT [RESERVED]

APPENDIX A.—GUIDELINES FOR GRANTING PERMITS FOR PRIVATE FLOATING RECREATION FACILITIES

1. *General.*—a. Decisions regarding the granting of permits for private floating recreation facilities must be made in considered relationship to the operating objectives and physical characteristics of each project. Such decisions must avoid giving the appearance of converting public property, on which the permitted facility is located, to private, exclusive use. In every case, the foremost objective is to secure maximum storage of boats and related equipment at commercial concession areas. Through direction of the boat-owning public to such areas, the Corps strives to minimize the number of shoreline developments which could prove aesthetically distracting, unreasonably injurious to the environment or limit use of Federal property by the general public.

2. *Applications for lakeshore use permits.*

c. Effective on receipt of this regulation, the following will guide the issuance of this type of permit:

(1) The use of boating mooring facilities, including piers and boat houses, will be limited to the mooring of watercraft and

the storage of gear essential to the operation of the watercraft.

(2) Private floating recreation facilities, including boat mooring facilities described in (1) above, shall not be used for human habitation or in a manner which gives the appearance of converting the public property on which the facility is located to private, exclusive use.

APPENDIX B.—APPLICATIONS FOR LAKESHORE USE PERMIT [RESERVED]

APPENDIX C.—CONDITIONS OF PERMIT FOR LAKESHORE USE

12. The use of (the permitted facility) shall be limited to the mooring of watercraft and the storage, in inclosed locker facilities, of gear essential to the operation of such watercraft.

13. Neither (the permitted facility) nor any houseboat, cabin cruiser, or other vessel regularly moored thereto shall be used for human habitation or in any manner which gives the appearance of converting the public property, on which the facility is located, to private, exclusive use.

14. No houseboat, cabin cruiser or other vessel shall be used for human habitation at a fixed or permanent mooring point.

15. No charge may be made for use by others of the permitted facility nor commercial activity be engaged in thereon.

16. The size of all structures shall be kept to a minimum to limit encroachment on the water surface.

17. Boating mooring buoys and flotation units of floating facilities shall be constructed of materials which will not become waterlogged or sink when punctured.

18. Floating structures are subject to periodic inspection by the Corps rangers. If an inspection reveals conditions which make the facility unsafe in any way or conditions which deviate from the approved plans, such conditions will be corrected immediately by the owner upon receipt of notification. No deviation or changes from approved plans will be permitted without prior written approval of the Resource Manager.

19. Floating facilities shall be securely anchored to the shore in accordance with the approved plans by means of moorings which do not obstruct the free use of the lakeshore.

20. That the display permit tag provided shall be posted on the floating facility or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions of the Resource Manager.

21. No vegetation other than that prescribed in the permit may be damaged, destroyed or removed.

22. No change in land form such as grading, excavation or filling may be done.

23. No vegetation planting or any kind may be done, other than that specifically prescribed in the permit.

24. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee, this permit is null and void.

25. By 30 days written notice, mailed to the permittee by registered or certified letter, the District Engineer may revoke this permit whenever he determines that the public interest necessitates such revocation or when he determines that the permittee

lishing beginning and ending dates for the period or periods during which training was precluded by disability. These decisions will be presented in a memorandum rating; M21-1, chapter 47, will be changed to reflect this additional memorandum rating responsibility of the rating board.

(1) Existence of a physical or mental disability which precluded training will be found if medical evidence clearly establishes a diagnosable disease, injury, or other defect judged to have made training medically infeasible. The rating board must also fix inclusive dates defining the period during which training was not medically feasible.

(2) Notwithstanding medical evidence of a disability, medical infeasibility of training ordinarily may not be found for any period during which the claimant was employed full time. However, the rating board will ensure that such employment was not part of a medically prescribed rehabilitation program or did not otherwise indicate an inability to pursue training effectively before finding that training was not precluded.

(b) When necessary, determinations concerning willful misconduct will be made in accordance with M21-1, paragraph 14.04. If such a decision is within jurisdiction of the rating board (cases involving disease—see par. 14.04e(1)), the decision will be incorporated in the memorandum rating provided for in subparagraph a above. Otherwise a separate administrative decision prepared by the Authorization activity will be required.

(c) A disability of less than 30 days' duration will not entitle a veteran or eligible spouse to a delimiting date extension unless the claimant shows exceptional circumstances in which he or she was prevented from enrolling or reenrolling in the chosen program of education (see par. 5), or was forced to discontinue attendance, because of the short disability. A statement from the claimant citing the specific circumstances (including, for example, registration or examination dates with which the disability interfered) will be accepted in the absence of contradictory information. Any necessary development of information for this minimum length of disability requirement will be accomplished by the Authorization activity after the rating board has determined inclusive dates of the disability.

(d) Until further notice, end product code 220 will be assigned for extended delimiting date approvals and disallowances with rating board action.

5. *Chosen Program of Education.* The program of education to be pursued during an extended delimiting period will be whichever of the following applies. Once a program is initiated or continued during the extended period, no changes of program will be permitted.

(a) If the claimant had no prior training under chapter 34 or 35, any approved program of education may be initiated.

(b) If the claimant had chapter 34 or 35 training after the end of his or her disability, only training for completion of the last program of education for which VA benefits were paid may be pursued.

(c) If the claimant received no chapter 34 or 35 training after the period of disability, he or she may pursue only completion of the last program for which VA benefits were paid, unless a VA counseling psychologist recommends approval of a change of program because of limitations resulting from the disability.

6. *Length of Period of Disability.* The length of the period during which training was precluded by disability will be determined as follows:

(a) The beginning of the period will be the first day of the claimant's basic 10-year delimiting period or the first day on which the claimant's disability rendered training medically infeasible as determined by the rating board, whichever date is later.

(b) The end of the period will be the earliest of the following dates:

(1) The date on which the claimant could have first enrolled or reenrolled in an ordinary term (summer sessions excluded) in the chosen program of education after training became medically feasible as determined by the rating board. The term in question depends on the school formerly attended, if training was not completed, or the school the claimant now wishes to attend if training is being initiated.

*Example:* A claimant was disabled and regained medical feasibility for training on August 1, 1975. The claimant had been enrolled last at State University (or will now initiate a program at State University). This school began its ordinary fall term on September 10, 1975. The end of the period during which training was precluded would be September 10, 1975. Reference to back issues of school catalogs or bulletins, or contact with school officials, may be required to determine such dates in the past which represented a claimant's next opportunity to enroll. For claimants whose program of education is not organized on a term basis, the ending date of the period will be the date on which training became medically feasible.

(2) The date on which the claimant enrolled or reenrolled, if such date preceded the date specified in subparagraph (1).

(3) The claimant's basic delimiting date. The length of any extension granted will not provide any individual with more than 10 years of eligibility during which training was medically feasible.

7. *Beginning and ending dates.* (a) The effective (beginning) date of an extended delimiting period will be elected by the claimant.

(1) The elected effective date may be any date on or after the claimant's basic delimiting date, but no later than the first day of the first ordinary term at the claimant's school beginning 90 days or more after VA approval of the extension (or no later than 90 days after VA approval of the extension for courses not offered on a term basis).

(2) Explanation of this election, including a statement as to the claimant's best advantage if this can be determined, will be included in notification of the approval of the delimiting date extension.

(3) The claimant will also be informed that this election, once it has been made, is irrevocable.

(b) The ending date of the extended period will be established by adding to the beginning date the length of the period of disability as determined under paragraph 6. The day after this ending date becomes the claimant's new delimiting date for all educational benefit purposes. Once an extended delimiting period has been granted, it will not be extended further because of either recurrence of disability or the onset of a new disability. Note that although benefit payments may be made up to the new delimiting date, payments will not be continued beyond completion of the chosen program of education. Changes of program

during an extended delimiting period will not be allowed. Normal progressions of courses (i.e., from bachelor of arts degree to a master of arts program) are not changes of program and therefore are permitted during an extended delimiting period.

8. *Notification to the claimant.* (a) The claimant will be informed of a disallowance of the application for extended delimiting date by dictated letter giving the specific reason for disallowance and enclosing full statement of appellate and procedural rights.

(b) If the application for an extended delimiting date is approved, the claimant will be notified at once by dictated letter, which will include the following information:

(1) The length of time the extended period will run, and a clear explanation of how this period was determined.

(2) An explanation of the possible beginning dates for the extended delimiting period as specified in paragraph 7a and a request for the claimant's election of the beginning date. VA Form 21-4138 will be enclosed for the claimant's use. He or she must also be made aware that the election will be final after it has been made and the extended delimiting date will run continuously from the chosen beginning date.

(3) The claimant will also be informed that benefits will be paid during the extended delimiting period only for the chosen program of education, and payments will not be made beyond the completion of such program or the new delimiting date, whichever occurs first.

(4) Notice of appellate and procedural rights will also be enclosed.

9. *Award procedures.* (a) Before any educational benefits can be paid during an extended delimiting period, it will be necessary to establish a new delimiting date in the claimant's master record. The new delimiting date will be computed using the effective date of the extended period (par. 7a) and adding to it the approved length of the extended period (par. 6). The delimiting date (first no-pay date) will be the date resulting from this computation. For example, assume a claimant's extended period is elected to begin with enrollment on January 20, 1978. Adding an approved extended period of 11 months and 15 days to this date yields January 5, 1979, which will be established as the claimant's new final delimiting date.

(1) Chapter 34 veterans—Until the computer system can be modified, it will be necessary to change the released from active duty (RAD) date in the claimant's service data to generate the proper new delimiting date. This may be accomplished on VA Form 22-1997S by entering a computed (fictitious) RAD along with all other required service data (see M22-2, pt. IV, ch. 4, par. 4.10e and footnote 1). The correct RAD entry for the above example would be January 5, 1989. All cases for which the fictitious adjustment is made must be controlled for readjustment of service date after system modifications are completed. Note that if a chapter 34 claimant has less than 45 months of original entitlement, the entered on active duty date (EOD) will also have to be adjusted in accordance with the RAD adjustment to maintain the correct original net entitlement in the master record.

(2) Chapter 35 spouses—The proper new delimiting date will be established by trans-action 02V to correct field 392. Until further notice, this correction will not be processed on VA Form 22-1997S.



(b) After a new delimiting date has been established, any required award action may be prepared on VA Form 22-1997S. Legislative rate change lines need not be inserted if the award covers retroactive periods; the scan program will generate the required change lines. Initial awards for an extended delimiting period will require a dictated award letter confirming the claimant's chosen program of education and the elected beginning date of the extended period, and explaining all rates and effective dates

DOROTHY L. STARBUCK,  
Chief Benefits Director.

IDVB Circular 20-77-971

APPENDIX C—VETERANS ADMINISTRATION.  
EDUCATION LOANS

1. *Purpose.* This appendix provides instructions for implementing the provisions of Pub. L. 95-202 which amended 38 U.S.C. 1798 to increase the education loan amount effective January 1, 1978. Pub. L. 95-202 also made numerous other changes in the education loan program.

2. *General.* (a) Pub. L. 95-202 increased the absolute maximum a veteran or eligible person may borrow, not to exceed \$311 multiplied by the months of entitlement remaining at the beginning of the academic year or other period to which the loan is to apply. This provision is effective October 1, 1977.

(b) The following provisions are effective January 1, 1978: (1) The maximum loan amount was increased to an amount not to exceed \$2,500 in any one regular academic year;

(2) NCD (non-college-degree) courses that are less than 6 months in length may be considered for a waiver of the 6-month requirement for students seeking NCD loans;

(3) Guaranteed Student Loan Program denials are no longer required;

(4) Each veteran or eligible person, upon application for a loan, must assign to the VA (Veteran's Administration) any accelerated payment to which he/she may become entitled and any matching contribution by a State or local governmental unit; and

(5) Loan payment checks will generally be mailed to the veteran's or eligible person's school for delivery to the veteran or eligible person.

(c) Loans can now be made up to 2 years following a veteran's or eligible spouse's delimiting date under certain limited conditions. This provision is effective November 23, 1977, and applies to any veteran, spouse, or surviving spouse whose delimiting date was May 31, 1976 or later.

3. *Increased loan amounts.* (a) Effective October 1, 1977, the absolute maximum that a claimant may borrow may not exceed \$311 multiplied by the months of remaining entitlement at the beginning of the academic year or other period to which the loan applies. Loan amounts will be rounded upwards to the nearest \$10. Notwithstanding the limitation imposed on loan amounts by the veteran's or eligible person's remaining entitlement, the maximum loan amount that may be paid up through December 31, 1977, may not exceed \$1,500 per academic year, and the maximum loan amount that may be paid on or after January 1, 1978, may not exceed \$2,500 per academic year. Effective January 1, 1978, the maximum loan amount for an academic year of \$2,500 is adjusted for various enrollment periods as follows:

(1) Courses organized on a term basis:

| Period:                                      | Maximum |
|--|---------|
| Academic year <sup>1</sup> .....             | \$2,500 |
| Semester .....                               | 1,250   |
| Quarter or summer session <sup>2</sup> ..... | 825     |
| Academic year plus summer session ..         | 3,325   |
| Semester plus summer session .....           | 2,075   |
| Quarter plus summer session .....            | 1,650   |

<sup>1</sup> Academic year means the 9-month period, usually from August or September to May or June, which generally includes 2 semesters or 3 quarters.

<sup>2</sup> For purposes of the VA education loan program, summer session means a designated summer term of at least 10 weeks' duration. A summer term is the whole of the summer period of instruction, regardless of divisions made for administrative purposes. For example, the 10-week requirement would be met if the student were to enroll in the first of 2 5-week sessions and intended to reenroll in the second 5-week session.

(2) Courses not organized on a term basis:

| Length of course (months): | Maximum<br>(per month) |
|----------------------------|------------------------|
| 3 through 5 .....          | \$275                  |
| 6 through 8 .....          | 1,650                  |
| 9 through 11 .....         | 2,500                  |
| 12 .....                   | 3,325                  |

NOTE.—No loan will be made for a course of less than 3 full months in length. Above 3 full months, 15 calendar days or more will be rounded to next higher month.

(b) Loan requests being considered or reconsidered after receipt of this circular will be handled under the following procedures:

(1) If a loan request is being considered and the VA Form 22-8726, Promissory Note, has not yet been released, the VA Form 22-8727, Education Loan Worksheet, items 7C and 7D, must be amended to reflect the new maximum (\$2,500) and absolute maximum (\$311 multiplied by months of remaining entitlement) loan amounts payable. These adjustments might also result in a different approved loan amount (item 8). If necessary, the Promissory Note must be completed to reflect the new approved loan amount.

(2) If the Promissory Note has been released but has not yet been returned, the Finance activity, upon its return, will immediately process it for payment. If the original loan amount was the old maximum (\$1,500) or old absolute maximum (\$292 multiplied by months of remaining entitlement), the Finance activity will following payment, refer the case to Adjudication for reconsideration of the loan amount. (In such cases a specific request for reconsideration is not required.) If it is determined that an additional amount is payable, a Promissory Note will be sent to the claimant showing only the additional amount payable along with an explanation of the loan reconsideration under Pub. L. 95-202.

(3) Loans paid to veterans or eligible persons for enrollment periods during which there was an increase in the maximum (\$1,500 increased to \$2,500) or absolute maximum (\$292 increased to \$311 multiplied by months of remaining entitlement) loan amount payable may be reconsidered for a possible adjustment to a higher amount. Such reconsideration shall be made for the entire enrollment period based upon the increased rates in effect at the end of the enrollment period. Items 7C and 7D on the Education Loan Worksheet must be adjusted as appropriate. If it is determined that an additional amount is payable, a Promissory Note will be sent to the claimant showing only the additional amount payable. It should be noted, however, that loans shall only be reconsidered pursuant to a specific request received from the veteran or eligible

person within 1 year from the end of the applicable enrollment period (except as indicated in subpar. (2), above). No general review of cases will be made nor will any action be taken when such cases are encountered during routine processing.

4. *Waiver of NCD 6-month requirement.* (a) 38 U.S.C. 1798(c)(1)(B) previously limited NCD education loans to those veterans and eligible persons attending NCD courses which require 6 months or longer to complete. Pub. L. 95-202 amended 38 U.S.C. 1798(c)(1)(B) to provide for a waiver of this 6-month requirement if it is determined to be in the interest of the veteran or eligible person and the Federal Government.

(b) Applications for education loans from veterans or eligible persons attending approved NCD courses which require less than 6 months to complete will be disapproved unless a waiver has been granted by the VA. The applicant will be given the reasons for the disapproval by dictated letter and informed that a waiver of the 6-month requirement may be requested by the school (if the school has not previously applied).

(c) A school may apply for a waiver to the VA regional office Director having jurisdiction of the area where the school is located. The application must be accompanied by an affidavit signed by the President, owner of Chief Official of the school. The affidavit must certify:

(1) The percentage of students, whose enrollment ended during the past 2 years, who completed the course (this information may be established from the most recent Occupational Graduate employment report (Schools), VA Form 22-8723 (Oct. 1976), by dividing entry on line 3 by entry on line 1, and multiplying by 100);

(2) The percentage of all students (no exclusions for any reason) completing the course over the past 2 years who obtained employment in the occupational category for which the course was designed to provide training or in a closely related occupation (this information may be established from the most recent Occupational Graduate Employment Report (Schools), VA Form 22-8723 (Oct. 1976), by dividing the sum of the entries on line 16 and line 17 by the entry on line 12, and multiplying by 100);

(3) The approved length of the course;

(4) The training time for which the course is approved (e.g., full time);

(5) The percentage of all students currently enrolled in the school receiving VA educational benefits; and

(6) The default rate under any DHEW (Department of Health, Education and Welfare) loan program where students at the school have been eligible for and granted such loans. (If loans have been granted under any DHEW loan program, the school must submit, with this certification, a statement signed by a DHEW official verifying the default rate.)

NOTE.—The application for waiver, other related information and any decision based on the application will be made a part of the approval folder.

(d) The regional office Director shall review waiver requests to determine if they meet the following requirements:

(1) The course completion rate must be 75 percent or more for the preceding 2 years (this may be taken from the most recent VA Form 22-8723 (Oct. 1976), by dividing entry on line 3 by entry on line 1, and multiplying by 100);

(2) 75 percent or more of the graduates of the course during the preceding 2 years must have gained employment in the occupation for which trained or in a closely related occupation (this may be taken from the most recent VA Form 22-8723 (Oct. 1976), by dividing the sum of the entries on line 16 and line 17 by the entry on line 12, and multiplying by 100);

(3) The course must require at least 3 months to complete;

(4) The course must be approved for full-time attendance only;

(5) The percentage of all students currently enrolled in the school receiving VA educational benefits must not exceed 35 percent;

(6) The cumulative default experience on all VA education loans made at the educational institution must not exceed 5 percent or 5 cases, whichever is greater. (This will be determined by the station fiscal officer from the station's current RCS 22-8, VA Educational Loan Payment/Default Report. The percentage will be the total defaults divided by the total loans disbursed.)

(7) The cumulative default experience on DHEW loans must not exceed 5 percent or 5 cases, whichever is greater (refer to school affidavit and DHEW statement); and

(8) There must have been no serious discrepancies discovered at the school by the SAA (State approving agency) on supervisory visits or the VA on compliance surveys during the previous 2 years.

(e) If the above requirements have not been met, the regional office Director is authorized to deny requests for waiver. The denial letter to the school will state the reason for denial and advise the school that it may request an administrative review of the decision by Central Office within 1 year from the date of the denial letter. A copy of the denial letter shall be filed in the approval folder. Such a request for review should be made to the regional office. If a request for review is received, the complete record, including the approval folder and compliance survey file, will be sent to the Field Director (225B) for review and decision. The regional office shall notify the school by letter when the record is forwarded to Central Office. The Central Office decision will be sent to the regional office Director for written notice to the school.

(f) If the requirements of subparagraph d, above, have been met, the waiver request shall be forwarded to Central Office. The complete record, including the approval folder and compliance survey file, will be sent to the Field Director (225B) for review and decision. The regional office shall notify the school by letter when the record is forwarded to Central Office. The Central Office decision will be sent to the regional office Director for written notice to the school. If a waiver is granted, appropriate notice must be given the Authorization activity.

5. *Guaranteed student loan denials not required.* (a) Applicants are no longer required to seek and be unable to obtain a loan under the GSLP (Guaranteed Student Loan Program) as provided for under part B of title IV of the Higher Education Act of 1965. Veterans and eligible persons applying for VA education loans are therefore no longer required to submit two denials from lenders for GSLP loans or a statement that such loans are not available. VA Form 22-8725, Application for Education Loan, will be revised to account for this change. Existing application forms must be modified by hand pending publication of this revised form.

(1) Modifications to the instructions should be as follows: Delete item 2A(3); change rates to reflect the new rates; delete item 3B (item 10A); and delete item 5.

(2) Modifications to the application should be as follows: Delete the "NOTE" under PART II; delete "Name and Address of Lender" after item 10A and add "Guaranteed Student Loan"; and delete the Supplement to Application for Education Loan.

(b) Although GSLP loan denials are no longer required, such loans, as well as other non-VA financial assistance, must be considered when determining need for the VA education loan program. If the application indicates that non-VA financial assistance (including GSLP loans) has been applied for but not yet approved, the amount applied for must be considered available to the applicant when determining need for the VA education loan.

(1) If the applicant's available resources, excluding the amount of non-VA assistance applied for but not received, exceed expenses, the application should be immediately disallowed.

(2) If available resources, including the amount of non-VA assistance applied for but not received, exceed expenses, the application must be deferred pending finalization of the applications for non-VA assistance. A pending end product 230 will be established for a 60-day control period. The applicant must be notified that further action on the VA education loan application cannot be taken until final action has been taken on the applications for non-VA financial assistance. The applicant should also be asked to notify the VA of the dates and total amounts approved. If the applicant fails to respond within the control period, the end product 230 will be taken without further notification to the applicant.

(3) If the application indicates that non-VA assistance has been applied for but does not specify the dollar amount applied for, development action must be undertaken to determine the specific amount.

(4) If available resources, including the amount of non-VA assistance applied for but not received, do not exceed expenses, a loan may be approved without waiting for the application for non-VA assistance to be finalized. The amount of non-VA assistance will be considered available income in determining the amount of the loan to be granted. The applicant must then be notified that the loan amount may be reconsidered if the non-VA assistance is not received, or is received in a lesser amount than applied for. Such notification will be by dictated letter and will also contain the general information contained on FL 22-891.

6. *Assignment of accelerated payments.* (a) 38 U.S.C. 1798(f)(1) has been added which requires that each veteran or eligible person eligible for a VA education loan shall, upon application for a loan, assign to the benefit of the VA the amount of any accelerated payment to which such veteran or eligible person may become entitled and any matching contribution by a State or local governmental unit. Until VA Form 22-8725 can be amended to accomplish this, the following statement must be signed and dated by the applicant and attached to the application: "I hereby assign to the benefit of the VA the amount of any accelerated payment to which I may become entitled from the VA and any matching contribution from a State or local governmental unit pursuant to 38 U.S.C. 1682A(b)(8)."

(b) If the above assignment is not included with loan applications processed on or after

January 1, 1978 and the tuition exceeds \$700 per school year and the student is attending full-time, immediate action should be taken to obtain the assignment. The above statement (subpar. a) may be typed on a VA Form 21-4138 and forwarded to the applicant. The applicant should also be informed that his/her loan application cannot receive final approval until the signed and dated assignment has been received by the VA.

7. *Processing loan applications.* (a) 38 U.S.C. 1798(f)(2) has been added which requires that each loan payment will be drawn in favor of the veteran or eligible person and mailed to the school in which the veteran or eligible person is enrolled. The school will then deliver the check to the veteran or eligible person as soon as practicable after its receipt and certify to the VA that the check has been delivered.

(1) The delivery of the check by the school and the certification to the VA that the check was delivered will entitle the school to the \$11 advance payment reporting fee. Further instructions on the advance payment reporting fee for delivery of loan payment checks will be covered in a future publication.

(2) If a school does not choose to deliver loan payment checks to veterans and eligible persons, or if it is determined that the school cannot satisfactorily care for and deliver them, loan payment checks will be mailed directly to the veteran or eligible person. Under such circumstances, the Finance activity will process loan payments using the veteran's or eligible person's current mailing address as shown on the Promissory Note. A certification of delivery will not be required.

(b) VA Form 22-8725 will be modified as soon as possible to specifically ask if the school will agree to participate in the delivery of loan payment checks. Pending receipt of the revised forms, all field stations will take immediate action to contact schools within their jurisdiction to determine if the schools will process the loan payment checks. Contact should be made by letter or telephone with the certifying official and/or financial aid officer at all IHL's and those NCD institutions that offer programs of at least 6 months' duration. As the information is received, a list will be prepared to show the schools' responses. This information will be made available to Authorization and Finance personnel involved in the processing of education loans. If a school has not yet responded when a loan application is received, telephone contact will be made to obtain the school's decision prior to preparing the Promissory Note.

(c) The Promissory Note will be revised by Authorization to show that the loan payment will be mailed to the student in care of the school or sent directly to the student's current address. Until the revised forms are available, the Promissory Note must be appropriately modified whenever the school agrees to deliver the loan payment check. The modification will be as shown in the following example:

"Your education loan check will be mailed to you in care of your school at the following address:

University of Nebraska, For Ron Oldsmobile, 14th and R Streets, Lincoln, Nebr. 68508."

The address of the school to be shown on the Promissory Note must be the official school address that is maintained in the ap-

proval file. If the school will not process the loan check, the Promissory Note will be modified by Authorization to show: "Your education loan check will be mailed to your current address shown below."

(d) A new form to obtain the school certification of delivery of the education loan payment check, VA Form 4-5220a, Certification of Delivery of Education Loan Payment, (CODL), will be used to verify delivery (see Exhibit A). This form is a three-part set that will be initiated by the Finance activity when the loan payment checks are to be mailed to the schools. This form must have the same mailing address for the school as that maintained in the approval file. This address will be obtained by the Finance activity from the Promissory Note.

(1) Upon delivery of the check, the veteran or eligible person must sign the certification of delivery. The school certifying official will then certify the delivery of the loan payment check. The school will retain a copy of the certification for their records and return the original to the VA regional office at the address shown on the certification.

(2) If no school address is shown on the Promissory Note, the loan payment check will be mailed to the veteran's or eligible person's mailing address, and the Finance activity will not prepare a certification of delivery.

(3) The Finance activity will prepare the CODL in an original and two copies. Pending receipt of the CODL carbon sets, a temporary supply of single sheet forms will be furnished stations as soon as possible (see Exhibit A). The original and one copy will accompany the SF1166, Voucher and Schedule of Payments, to the Treasury Disbursing Center for insertion with the loan payment check. The other copy will be retained by Finance as a pending control. The veteran or eligible person will sign the statement to certify receipt of the check. The school certifying official will also sign the CODL to certify delivery and return the original to the VA. The copy will be kept by the school for their records. Additional finance instructions will be published shortly.

8. *Loans after delimiting date.* (a) 38 U.S.C. 1662(a)(2) and 1712(f) were added to allow education loans for up to 2 years after a veteran's spouse's or surviving spouse's delimiting date. (It should be noted that this provision does not apply to children.) After a veteran's, spouse's or surviving spouse's delimiting date, unused entitlement may be used to establish eligibility to an education loan if the veteran, spouse or surviving spouse was pursuing an approved program of education at a full-time rate on the delimiting date. He/she must be enrolled full time in the same approved program of edu-

cation during the period for which the loan is requested. The claims or DEA folder must be carefully reviewed to determine if these two conditions are met. A veteran, spouse or surviving spouse will be considered enrolled on his/her delimiting date if the delimiting date occurs during a scheduled school break and he/she was enrolled at a full-time rate in the immediately preceding term. Enrollment in a summer term is not required. Unused entitlement may be used to establish loan eligibility until the earliest of the following:

(1) Two years from the date of enactment of Pub. L. 95-202 (November 23, 1979), or 2 years from delimiting date, whichever is later; or

(2) Unused entitlement used to establish loan eligibility has been exhausted (entitlement is used at the rate of 1 month for each month of entitlement that would have been used had the veteran, spouse or surviving spouse been in receipt of educational assistance allowance); or

(3) Approved program of education in which enrolled on delimiting date is completed. (Normal progression will be permitted.)

(b) Once a veteran, spouse or surviving spouse has qualified for an education loan after his/her delimiting date, full-time enrollment in the same program would be required to qualify for any subsequent loan. For example, a veteran who has received a loan after his/her delimiting date for the spring semester of the 1977-78 school year, would be eligible for a loan for fulltime attendance in the same program in the spring semester of the 1978-79 school year (even though there was an intervening summer session or semester during which the veteran was not enrolled or was enrolled at less than full time). If a veteran's, spouse's or surviving spouse's delimiting date occurs during an enrollment period for which a loan is requested, two separate loans will be required for that enrollment period.

(1) The first, if allowable, will cover the period beginning with the start of the enrollment period and ending with the last date of eligibility (delimiting date). The loan amount for that portion of the enrollment period that occurs prior to the delimiting date will be based upon the entire enrollment period except that the aggregate amount of the loan will be based on the actual number of months, including fractional months, from the beginning of the enrollment period to the delimiting date. A second loan, is allowable, will be made for the period following the delimiting date.

(2) A second application must be filed after the delimiting date for that portion of the enrollment period that follows the delimiting date. When the Promissory Note is

sent covering the period up to the delimiting date, the claimant will be fully informed of this and also informed of the requirements that must be met in order to qualify for a loan after the delimiting date.

(c) If eligibility is determined, FL 22-891 must be modified prior to release to include a caution that the Promissory Note may not be submitted to the VA for payment unless the veteran, spouse or surviving spouse is attending school on a full-time basis on the date the note is signed. If he/she has completed the term at the time the note is signed, he/she must have completed the term on a full-time basis.

(d) Reporting instructions for loans made after the claimant's delimiting date will be issued at a later date. Pending receipt of these reporting instructions, all loans made after the claimant's delimiting date will be identified with a "D" suffix in the education loan number.

(e) The Authorization activity must maintain a record of remaining entitlement used to establish loan eligibility. The example shown below demonstrates the type of accounting required. Such an accounting should be made on sturdy white 8"x10 1/2" paper (e.g., bond) and backfilled on the left flap of the claims or DEA file. As shown in the example, the entitlement remaining at the delimiting date is reduced after each loan is made, by an amount equal to the number of months of entitlement that would have been used had the veteran, spouse or surviving spouse been in receipt of full-time educational assistance allowance for the period to which the loan applies. This accounting must be updated after each loan is made beyond a veteran's, spouse's or surviving spouse's delimiting date.

#### EXAMPLE LOAN AFTER DELIMITING DATE

|   |                               |
|---|-------------------------------|
| Delimiting date.....  | June 10, 1977.                |
| Program .....   | BA.                           |
| In full-time attendance through.....                            | May 20, 1977.                 |
| Entitlement remaining to establish loan eligibility.            | 24 mo.                        |
| End of 2-yr period (or earlier ending date).                    | Nov. 23, 1979.                |
| Loan after delimiting date approved for the period.             | Feb. 1, 1978 to June 1, 1978. |
| Entitlement remaining to establish additional loan eligibility. | 20 mo.                        |
| Additional loan after delimiting date approved for the period.  | Sept. 1, 1978 to May 1, 1979. |
| Entitlement remaining to establish additional loan eligibility. | 12 mo.                        |

DOROTHY L. STARBUCK,  
Chief Benefits Director.



## PROPOSED RULES

## Exhibit A

|  |       |                            |  |                       |
|--|-------|----------------------------|--|-----------------------|
| FILE NO.   | PAYEE | NAME OF PAYEE              | RD NO.                                     | FACILITY CODE         |
| I hereby certify that I received a VA education loan check in the amount indicated and on the date signed. I further certify that I continue to meet the enrollment conditions as outlined in the promissory note. |       |                            | LOAN NO.                                   | AMOUNT OF CHECK<br>\$ |
|  |       |                            | SIGNATURE OF STUDENT                       |                       |
| NAME AND ADDRESS OF VA OFFICE  |       | NAME AND ADDRESS OF SCHOOL |  |                       |
| I hereby certify that a VA education loan check in the amount indicated was delivered to the student named above on the date I have signed.  |       |                            | SIGNATURE AND TITLE OF CERTIFYING OFFICIAL |                       |
|  |       |                            | DATE SIGNED                                |                       |

VETERANS ADMINISTRATION  
**CERTIFICATION OF DELIVERY OF EDUCATION LOAN PAYMENT**  
*(Chapters 30, 34, and 35, Title 38, U.S.C.)*

**IMPORTANT INSTRUCTIONS** - Read these instructions carefully. After completion of this form and delivery of the enclosed loan payment check to the student, return the original (VA COPY) to the VA office shown on the reverse. If the student is no longer in attendance at your institution you must return the loan payment and this form to the Department of the Treasury as shown on the envelope. **DO NOT FOLD, STAPLE OR TEAR THIS CARD.** If damaged or destroyed, notify the VA immediately.

**COMPLETION OF REVERSE BY SCHOOL OFFICIALS**

- Verify that the file number, name of student and amount of check printed on the check is the same as printed on this form.
- Have student sign and date the appropriate blocks on both copies and release the check to him or her.
- Sign and date both copies of the form in the appropriate blocks.
- Retain the school copy for your files and forward the VA copy to the VA office indicated.

[FR Doc. 78-3451 Filed 2-8-78; 8:45 am]

FEDERAL REGISTER, VOL. 43; NO. 28—THURSDAY, FEBRUARY 9, 1978

HQ AR003960

HQ AR003961-HQ AR004041

| ROUTING AND TRANSMITTAL SLIP                                  |  | Date                           |
|---|--|--------------------------------|
| TO: (Name, office symbol, room number, building, Agency/Post) |  | 27 Dec 77                      |
| 1. CWO  |  | Initials<br>6<br>Date<br>12/27 |
| 2. CWO-R  |  |                                |
| 3.  |  |                                |
| 4.  |  |                                |
| 5.  |  |                                |
| Action  | <input checked="" type="checkbox"/> File                 | Note and Return                |
| Approval  | For Clearance  | Per Conversation               |
| As Requested  | For Correction   | Prepare Reply                  |
| Circulate   | <input checked="" type="checkbox"/> For Your Information | See Me                         |
| Comment   | Investigate  | Signature                      |
| Coordination  | Justify  |                                |

## REMARKS

I appreciate the quick response on this paper. Please note that both Gen Graves & the Chief concur w/ our present policy of not arming rangers.

12/27

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

|  |                |
|--|----------------|
| FROM: (Name, org. symbol, Agency/Post)         | Room No.—Bldg. |
| TILFORD C. CREEL                               |                |
| Colonel, Corps of Engineers                    | Phone No.      |
| Assistant Director of Civil Works              |                |
| Upper Mississippi Basin & Great Lakes Division |                |

OPTIONAL FORM 41 (Rev. 7-76)  
GSA FPMR (41 CFR) 101-11.205

HQ AR003961

| TO  |                                  | Executive Office, OCE<br>Room 4A245 |  | ROUTING SLIP      |                                     |
|---|----------------------------------|-------------------------------------|--|-------------------|-------------------------------------|
| 3   | CHIEF OF ENGINEERS<br>DAEN-ZA    |                                     |  | 1                 | EXEC DIR ENGR STAFF<br>DAEN-ZD      |
| 2   | DEPUTY CHIEF OF ENGRS<br>DAEN-ZB |                                     |  | 4                 | ASST EXEC DIR ENGR STAFF<br>DAEN-ZD |
|   | ASST CHIEF OF ENGRS<br>DAEN-ZC   |                                     |  | 5                 | DAEN-CWZ-E COL CREEL                |
|   | EXECUTIVE, OCE<br>DAEN-ZX        |                                     |  |                   |                                     |
|   | EXEC ADMIN ASST<br>DAEN-ZXA      |                                     |  |                   | COMMUNICATIONS ASST<br>DAEN-ZX      |
|   |                                  |                                     |  |                   | MAIL ROOM<br>DAEN-ASM-MM            |
| REVIEW  |                                  | APPROVAL                            |  | SIGNATURE         |                                     |
| ACTION  |                                  | FILE                                |  | X INFORMATION     |                                     |
| <p>Remarks</p> <p>During your discussions in NCD, you mentioned the importance of qualified rangers in insuring that the Corps show a proper face to the public. As an adjunct to that comment, you indicated that you were willing to consider reopening the question of arming rangers. After the Division Engineers' Conference I asked George Brazier to look into this matter in some detail. I am convinced that the three point program that I mentioned in my recent letter to Gen. McIntyre reiterating the Corps policy of not arming rangers is the best course of action.</p> <p>Concur.</p> <p>Graves/20 Dec 77</p> <p>OK [Signature] 21</p> |                                  |                                     |  |                   |                                     |
| From [Signature]<br>DIR/CW  |                                  |                                     |  | Tele No<br>37154  |                                     |
|   |                                  |                                     |  | Date<br>15 Dec 77 |                                     |

ENG FORM 0-2375  
1 SEP 77

EDITION OF 1 NOV 75 IS OBSOLETE

HQ AR003962



a. Increased criminal activity on projects has made it hazardous for rangers.

b. Rangers are required to issue citations which exposes them to confrontation that could be hazardous for them.

c. When trouble occurs in a recreation area, visitors come to the ranger for assistance-responding to visitors' request for assistance could endanger the ranger.

d. If an assault on a visitor is committed in the ranger's presence or the assault is against the ranger, he may not have time to wait for local police assistance nor be able to stop it by himself without using additional force such as a weapon.

e. Rangers are required to patrol isolated areas where they may unexpectedly become involved in a situation involving danger to themselves that they cannot get out of. In this case, a weapon could be used for self-protection.

## 2. Present COE Policies Concerning Law Enforcement on Corps Projects.

a. Corps policy does not permit rangers to carry firearms or engage in enforcement activities not expressly authorized by statute.

b. Corps rangers can issue citations for violations of regulations promulgated by the Secretary of the Army (Title 36, etc.). Theoretically they can arrest violators of regulations that relate to the collection of recreation fees and arrest violators of certain laws pertaining to navigable waters.

c. Congress has granted authority and money to establish formal contracts with law enforcement agencies to provide increased law enforcement support to Corps recreational facilities. Guidelines and procedures have been developed in ER 1130-2-418 that should be ready for distribution to the field 1 December 1977. Effectiveness of this program cannot be ascertained at this time.

d. Since the Corps only possesses proprietary ownership of project lands, the Corps policy is that general law enforcement is the responsibility of the FBI, State, County and local law enforcement agencies.

## 3. Arming Corps Rangers for Self-Protection - Problem Areas.

a. The legal authority to arm Corps rangers would have to be determined even though it might be only for self-protection. Permits to carry handguns may be required in certain states.

b. Corps rangers are not presently afforded the protection of Section 1114 of Title 18, USC. Latest information indicates no further action will be taken this year by Congress on changing Title 18 to protect Corps employees. Arming rangers might increase incidents that would require Title 18 protection.

c. If weapons were authorized for whatever reason, the Corps of Engineers would assume total liability for proper supervision and training of Corps rangers in the proper use of firearms.

d. Law enforcement policies, procedures and programs would have to be developed for the following areas:

(1) Personnel recruitment and selection. Personnel selected for ranger positions would have to be screened to insure their willingness and stability to carry firearms.

(2) Training. A contract would have to be executed for comprehensive law enforcement training at a recognized police training institution. As a minimum, the training would have to include proper handling and shooting of firearms and related safety procedures, as well as stress training related to law enforcement situations. Annual or semi-annual qualification training would also have to be established.

(3) Firearms and ammunition. The type of firearms and ammunition would have to be determined and purchased. Storage, maintenance, repair, use of force, safeguarding, issue and turn in policies and procedures would have to be established.

e. Increased manpower and budgetary requirements would be required to fully implement items discussed in paragraph d above.

f. Some of the existing resource-oriented rangers would not be willing to carry firearms since they were hired primarily for resource management.

g. The desired image of a Corps ranger would have to be taken in consideration. The presence of a weapon on his person could convey a negative appearance to some visitors. With the arming of rangers, incidents of self-inflicted wounds, careless or accidental discharge, as well as killing and wounding of visitors, would have to be expected. This could result in a negative response from the public and the news media. To offset criticism, policies, procedures and training governing the arming of rangers would have to be totally comprehensive and professional.

h. If temporary rangers were to be armed, they would have to be given the same firearms training that is given to permanent rangers.

REPLY TO  
ATTENTION OF:

DAEN-CWO-R

5 December 1977

Brigadier General Kenneth E. McIntyre  
Division Engineer  
U.S. Army Engineer Division, South Atlantic  
510 Title Building  
30 Pryor Street, S.W.  
Atlanta, Georgia 30303

Dear Ken:

This responds to your letter dated 12 October 1977 regarding proposed changes to improve law enforcement on Corps recreation projects. I have reviewed your procedures and actions regarding law enforcement and find them appropriate and commendable.

As you recommended, I have also reexamined our policy prohibiting rangers from carrying and using firearms and conclude that insufficient justification exists to reverse this policy. Such a change would require a drastic modification of the entire ranger program, which I do not consider appropriate at this time.

By virtue of their education, training and experience, the majority of our rangers are resource oriented. To attempt to switch their collective image to primarily one of law enforcement would be extremely disruptive to our resource management program, and it would not be in keeping with our desire to provide the public a congenial atmosphere in which to enjoy outdoor recreation opportunities.

I desire to see the results of efforts to improve the situation through the implementation of three actions. First, is legislation that would afford our rangers the same legal sanction and protection under Section 1114 of Title 18 as enjoyed by other bona fide federal law enforcement officers. Second, is the program to be implemented next summer whereby increased law enforcement support may be acquired during peak visitation periods through contracts with local police agencies. Third, is a training program I hope to implement this fiscal year which will provide rangers with improved skills and attitudes in meeting complex, stressful situations.

HQ AR003965

I hope these actions will improve the abilities of our rangers to meet and resolve stressful situations without the display or use of arms. I am enough of a realist, however, to also know that these actions alone cannot solve all ranger-related problems. Nevertheless, if we can relieve the anxiety of our rangers through further training while also improving visitor safety, I will consider our efforts successful.

Sincerely,



CHARLES I. MCGINNIS  
Major General, USA  
Director of Civil Works

20 NOV 1977

Case 4:14-cv-00139-HLM Document 38-15 Filed 11/16/15 Page 64 of 157  
 for the 1978 summer recreation season. A closer working relationship with the state and local law enforcement officials should also improve the safety of Corps rangers.

The Corps of Engineers' authority for law enforcement is limited to the enforcement of regulations governing the public use of Corps projects (36 CFR Part 327.). Corps of Engineers rangers enforce the regulations through citation authority requiring the violator to appear before a United States Magistrate (16 U.S.C. 460(d)). Rangers may issue warnings and violation notices to individuals in violation of the regulations. Oral and written warnings are used for minor infractions, and citations are utilized only for aggravated cases of a more serious nature such as dumping of refuse on project lands. These violations constitute only misdemeanors punishable as petty offenses against the Corps' proprietary interest. MITCHELL  
 A/DAEN-CWO-R

A report on a topic similar to that discussed in the Department of the Army Visitor Protection Report, entitled Crime in Federal Recreation Areas, was submitted to Congress by the Comptroller General on 21 June 1977. The Corps is continuing to analyze the results of these two significant studies to determine feasible aspects of the recommendations which may be implemented. The duties of Corps rangers generally relate more to natural resource management and visitor information and assistance services. Corps rangers are not law enforcement oriented, and the majority of them are not particularly well-suited to hard-line law enforcement duties involving felony offenses. The Corps has not requested the authority to arm rangers because the carrying of firearms would not be in consonance with our limited proprietary jurisdiction nor the principle that law enforcement should remain primarily the responsibility of local authorities. RAR  
 RYAN  
 CURE  
 DAEN-CWO

If I may be of further service to you, please contact me.

Sincerely,

CF: DAEN-CWO R/F  
 DAEN-CWA-A R/F

SIGNED  
 CHARLES I. MCGINNIS  
 Major General, USA  
 Director of Civil Works

SELLECK  
 DAEN-CWZ-C

McGINNIS  
 DAEN-CWZ-A  
 R/S 15 NOV  
 DAEN-CWZ



DAEN-CWO-R

25 NOV 1977

Honorable Jim Wright  
Majority Leader  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Wright:

This is in reply to your inquiry dated 13 September 1977 regarding the safety and protection of Corps of Engineers Rangers.

In connection with the submission of the December 1974 Report of the Secretary of the Army to the Congress on Visitor Protection at Corps of Engineers Lakes, the Department of the Army recommended and forwarded draft legislation which would have provided the same legal protection to Corps civilian employees engaged in law enforcement type activities as is presently provided to other Federal employees by amending Section 1114 of Title 18, United States Code. On 1 October 1975 Congressman Vigorito introduced H.R. 9964 to amend Section 1114 of Title 18 to include "any civilian official or civilian employee of the Corps of Engineers of the Department of the Army assigned to perform investigations, inspections, law or regulatory enforcement functions in connection with civil activities of the Department of the Army." The Bill died without further action, however, and no other similar legislation has been submitted. Such legislation was not presented during the first session of the 95th Congress, but we hope it will be presented during the second session.

In the original acquisition of land at Corps of Engineers Civil Works projects, the Corps obtains only a proprietary interest in such lands. Individual states retain the statutory authority and responsibility to enforce state and local criminal laws at these projects.

Congress recently has enacted Section 120 of the Water Resources Development Act of 1976, which authorizes up to \$6 million for FY 1978 and 1979 to contract with states and their political subdivisions for increased law enforcement during peak visitation periods. The Corps is now completing a regulation which will provide for contracts to be entered

HQ AR003968

A BILL

To amend section 1114 of title 18, United States Code to include certain employees of the Corps of Engineers of the Department of the Army within the protective provisions of title 18.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1114 of title 18, United States Code, is amended by striking out "or any officer or employee of the Department of Health, Education, and Welfare or of the Department of Labor assigned to perform investigations, inspection or law enforcement functions" and by inserting in lieu thereof the following: "any officer or employee of the Department of Health, Education, and Welfare or of the Department of Labor assigned to perform an investigative inspection or law enforcement function, or any civilian official or civilian employee of the Corps of Engineers of the Department of the Army assigned to perform investigations, inspections, law or regulatory enforcement functions in connection with civil activities of the Department of the Army."



# Clark Hill crime

## Violence, vandalism and harassment mar a scenic recreation area

By Randy Franklin

George grasped his loaded M-1 carbine and took a position next to the concrete picnic table.

It was dark. With his wife Katherine nearby, he was worried by the boisterous and profane male voices which drifted through the thickly-wooded campground.

And he had heard sharp, popping sounds: firecrackers — or gunshots.

Fearing trouble, George had armed himself.

Nearby, another man had his .357-magnum revolver out. Others took up sticks and clubs while two mothers told their children to stay inside a camping vehicle and be very quiet.

It was Labor Day weekend 1977 at Clark Hill reservoir.

Law enforcement authorities say it was not unusual that campers at an isolated spot at the lake were frightened or disturbed by a disorderly group.

What was unusual was that a member of a group of teen-agers was killed that night by a U.S. Army Corps of Engineers employee who, without authorization, carried a gun when he went to the disturbance area.

The weekend, which unofficially marked the end of camping season, also marked the most recent of an unusual number of deaths at Clark Hill.

The deaths, added to the more routine burglaries, thefts, disorders and vandalism, have brought increased attention to security problems around and on the lake, and one federal agency has announced plans to revamp its lake management program.

A senior Georgia Bureau of Investigation (GBI) agent says harassment at the lake has gotten so bad he rarely goes camping at Clark Hill anymore, and a county sheriff says he has talked to other people who feel the same way.

### Violent deaths recorded

Although violent deaths at Clark Hill are not frequent occurrences, the ones that have taken place have been widely publicized. They include:

- Three Ft. Gordon soldiers who were brutally slain in June 1974 in a remote part of the woods by the shore in McCormick County. Described by a coroner as "barbaric," the killings were believed to have been committed as part of a robbery.

the Labor Day weekend shooting death of 19-year-old West-  
 garden during his high school fraternity initiation.  
 •The accidental shooting death of a 22-year-old Hepzibah man  
 Labor Day weekend. A 19-year-old Hepzibah man was wounded by  
 the same bullet.  
 Other incidents that have come to light in recent years include:  
 •Two fishermen in a boat near the dam being shot at by a mo-  
 torist on shore.  
 •Fishermen in boats beneath the dam being pelted with rocks  
 from passersby above.  
 •A man who drowned after falling overboard from a boat load-  
 ed with intoxicated people, although it is illegal to operate a boat  
 under the influence of alcohol or other drugs.

But deaths are not the only problems at Clark Hill. Officials are  
 concerned by recurring house and cottage burglaries, thefts from  
 parked vehicles and moored boats, vandalism and disorderly  
 groups.

Jim Parker, corps of engineers spokesman, says vandalism is the  
 worst problem encountered by the corps, which has limited jurisd-  
 iction. But he says of crime in general, "If you talk to fishermen  
 and people who go up there, you discover that there's a lot more  
 going on up there than anybody's willing to talk about."

### *Patrols prove inadequate*

How can crime be such a problem at Clark Hill reservoir, a rec-  
 reation spot over which at least 12 different government agencies in  
 states have some form of criminal jurisdiction in different

Most federal, state and county law enforcement officials con-  
 tacted indicated that lake patrols are inadequate at the lake which  
 had nearly six million visitors last year, according to corps records.

Although the land is operated or leased by the U.S. Army Corps  
 of Engineers, local authorities have jurisdiction for most criminal  
 offenses that occur at the lake.

Columbia County Sheriff Edward Tankersley is responsible for  
 police protection of a good portion of the lakeshore on the Georgia  
 side. "There's no way that I can patrol it the way it ought to be  
 patrolled...that's a big place," he says.

In fact, Clark Hill is the largest man-made lake east of the Mis-  
 sissippi River, according to a spokesman for the corps of engineers.  
 The shoreline touching Georgia and South Carolina totals around 1,-  
 200 miles, depending on the lake level.

Land area which is operated or leased by the corps of engineers  
 totals slightly more than 80,000 acres.

"I've had so much trouble up there...I try to patrol it as heavily  
 as I can," Tankersley says.

The sheriff says that with a staff totaling 23 persons, including  
 office workers, to cover the entire county, he cannot properly pa-  
 trol the lake areas.

The state patrol helps, but lake patrols remain "pretty thin,"  
 Tankersley says.

Other county authorities have expressed the same sentiments.

A sheriff's investigator in neighboring Lincoln County said ear-  
 ly this year, "There are so many access roads that lead to its  
 that it would be a full-time job just to patrol them. Just in-  
 teresting (access) is turning into a full-time job."

Because of the number of thefts and inadequacies of patrols, some lake residents and visitors have taken matters into their own hands.

Although guns are prohibited on the federal land except during hunting season, some visitors do carry them, and on occasion the results have been tragic.

Parker says he has heard estimates of the number of people who carry weapons to Clark Hill ranging from 30 to 70 per cent.

Capt. Jimmy Steptoe, of the law enforcement division of the Georgia Department of Natural Resources, says weapons rarely are carried openly. "You never know who carries one. We do occasionally find people with handguns, and they do carry them for protection."

Complete statistics of crimes around the lake are not available. But law enforcement officials ranging from C.W. "Red" Herndon, senior GBI agent in Thomson, to Sheriff Tankersley say there are a large number of burglaries.

Tommy Shaw, former owner of a Columbia County marina, says that if a house or cottage is in an isolated area, "I believe 100 per cent of them get hit. Unless they have got some type of protection or live in a group area, they will sooner or later get hit."

But Tankersley says the number has decreased in recent years as some parts of the lake have been more thickly settled. "It's way down considering what it was when the lake was first started being built."

Tankersley says a "good many" homes have burglar alarms, and Modoc resident estimates 90 per cent of the homes have them. "They are not cheap," the resident says, "but it's the best thing we have got to try to protect our interests."

Residents also look out for neighbors' property.

The Modoc resident, who asked not to be named, said he belongs to the Modoc Cottage Site Association. Members are given brightly-colored bumper stickers for the front and rear of their cars.

When a vehicle, especially a truck or van, is spotted that does not have stickers, "Somebody's going to follow it because the thought occurs, 'What's he doing in this area.'" The method has led to arrests, he says.

But vandalism and thefts still plague Clark Hill. Although no complete statistics are available on the value of goods taken or damaged, authorities say they have reports of the following:

Fishermen, boaters or skiers leaving cars and trailers parked at remote launching ramps may return to find almost anything missing, including: batteries, wheels, trailers, citizens band radios, tape players, tool boxes and other equipment. (A state game and fish ranger once lost his shotgun and citizens band radio from his vehicle.)

Moored boats have been cleaned of motors, gas cans, skis, life jackets and fishing equipment and then sunk. (Shaw once lost three outboard motors in one night.)

Car and trailer tires have been slashed, windshields broken and holes have been punched in boat bottoms.

Around campsites, bathroom and bathhouse fixtures have been removed or broken, lights knocked out, signs stolen and damaged and picnic tables broken.

think vandalism is our biggest problem," corps spokesman

Group disturbances are another big problem for campers, according to Sheriffs Swan and Tankersley.

Tankersley says it has been "picking up" this summer. Parker says he has heard of campers being chased out of campsites by others who want the sites.

Herndon says he knows from personal camping experience of loud and boisterous groups playing loud music and of individuals urinating in public and people in vehicles yelling obscenities and firing guns.

"There's nothing between me and them but a piece of cloth, and it's gotten to the point I don't enjoy camping anymore," Herndon says, adding he doesn't camp nearly as much as he used to.

Recognizing that a problem exists, the corps of engineers has re-evaluated its lake management program and plans to institute several changes next year.

Although local agencies have criminal jurisdiction in many cases, corps officials hope their management revamp will be a "major solution" to the problem.

A similar program tried at Lake Hartwell has been a "significant success" in reducing vandalism and other minor crimes, Parker says.

Several of the planned changes echo improvements suggested by Herndon and other local and state officials. They include:

- Quarterly security briefings for all lake employees on rules and regulations required to keep the lake safe for the public.

- Development of a liaison to get periodic patrols and better communication and response from local law enforcement authorities with a continuous information flow with police on developments affecting federal land.

- Intensification of the public information program at the lake to promote it as an "asset" to the local community. "If it's their lake, we would hope that they would want to help us take care of it," Parker says.

- Establishment of campground gates with full-time attendants for controlled access at all or almost all federal campgrounds during peak camping season. The attendants would be a couple who would live at the campgrounds in their own recreational vehicle with hookups provided by the corps. They would collect camping fees, distribute information and would provide around-the-clock watch on the campgrounds.

- Periodic pickup of fees so large amounts of money will not accumulate at the gatehouses.

- Establishment of fixed telephone lines at campgrounds to allow quicker and easier communication with authorities.

- Attempting to hire seasonal rangers with citation authority, the power to enforce federal regulations on such matters as use of federal land, boating safety and camping regulations.

- Night patrol vehicles will be equipped with radio telephones in addition to regular two-way radios.

- Night ranger patrols already have been altered to provide two-man patrols rather than a single ranger.

- With full-time attendants collecting fees, the rangers will have more time to patrol other areas, Parker said. He said the corps already is accepting applications for attendant positions.



Georgia rangers can arrest persons for any violation committed on state property, and off state land they can enforce game and fish laws and other violations occurring in conjunction with game and fish violations.

South Carolina conservation officers have full police powers throughout the state.

Federal rangers have no arrest powers.

"In particular with the picnic and camping areas, I feel the corps should give their rangers law enforcement powers," Herndon says.

If that isn't possible, Herndon thinks all symbols of law enforcement should be taken away from them, including marked vehicles, uniforms and badges. "Their position should be clearly known by the people who use the camping and picnic areas," according to Herndon.

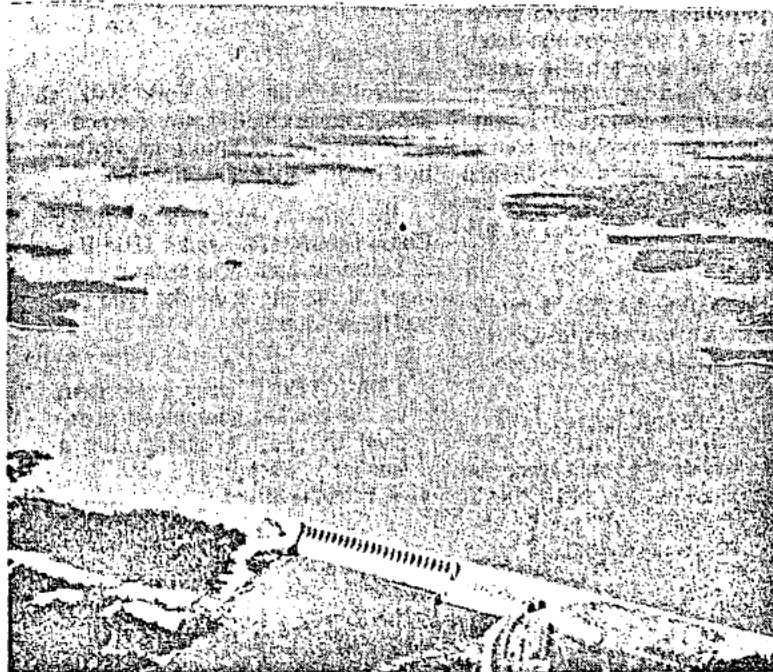
Tankersley agrees, saying he wouldn't want to go to the lake without arrest powers. "They will question your authority," he says.

Parker says, "It's kind of hairy to send a ranger in there without any law enforcement authority and ask him to put his life on the line."

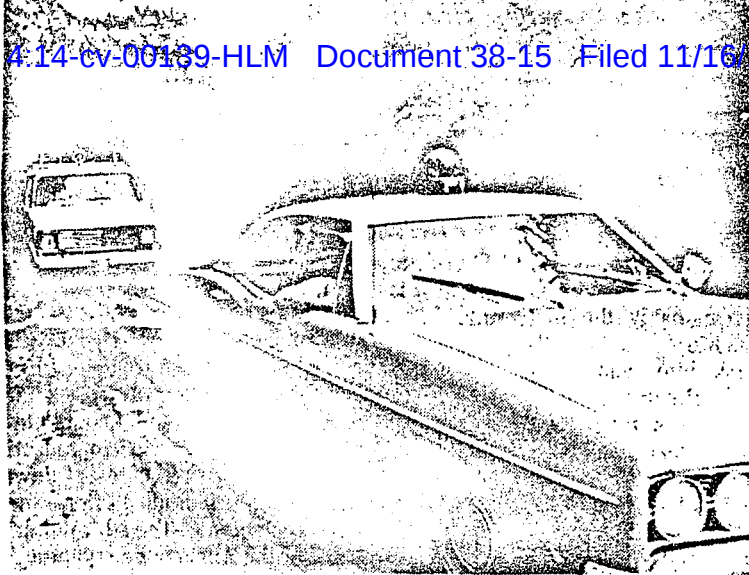
Herndon says it is his understanding that an act of Congress would be required to give federal rangers arrest powers. "Maybe the congressmen ought to be made aware of the situation," he says.

Tankersley worries about problems at the lake. "I just don't feel sometimes that we are giving the people what they deserve, but at the same time I've got to respect the taxpayer's dollars, and you can't have a car on every corner.

"There's definitely going to have to be more supervision up there because it's getting out of hand too fast," Tankersley says.



Clark Hill Dam creates a vast reservoir area

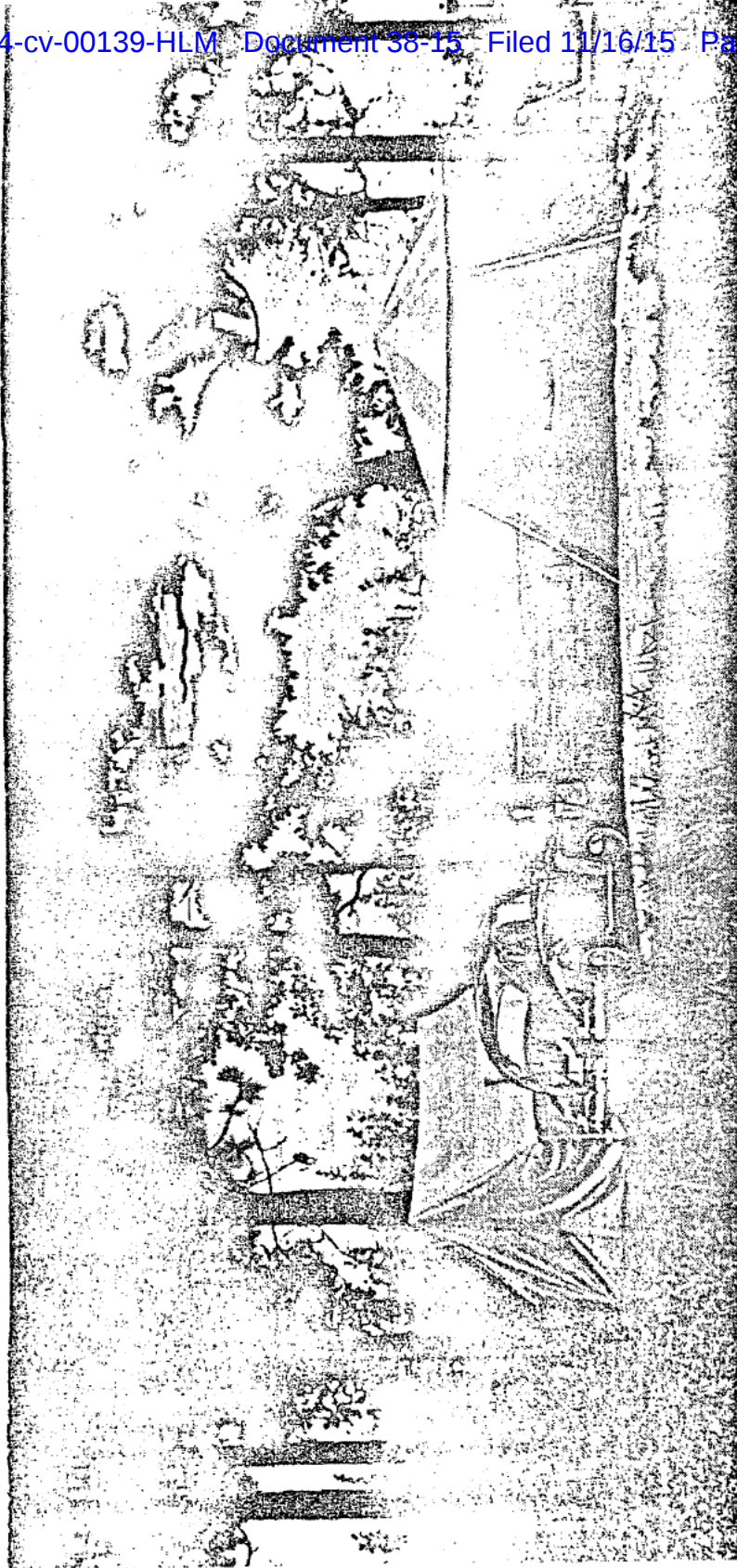


Emergency vehicles head for lakeside murder scene



HQ AR003975





Campers continue to visit lakeside areas despite increase in vandalism and violence



DAEN-CWO-R  
Warren/37177  
9 Sep 77

SUBJECT: Protection of Corps of Engineers Employees Under Title 18,  
United States Code

PURPOSE. To support need for legislation to include Corps of Engineers employees within the provisions of Title 18 of the United States Code.

FACTS.

1. It is not now a Federal offense to assault or kill Corps of Engineers employees in the performance of their official duties.
2. Title 18, United States Code, Section 1114, makes it a Federal offense to assault or kill specifically listed categories of Federal employees in the performance of their duties. The categories generally describe employees of specific Federal agencies who engage in judicial, investigative, regulatory, inspection or law enforcement functions as a part of their job. The Corps of Engineers is not one of the agencies listed.
3. On 1 October 197<sup>5</sup>, Congressman Vigorito introduced H.R. 9964 to amend Section 1114 of Title 18 to include "any civilian official or civilian employee of the Corps of Engineers of the Department of the Army assigned to perform investigations, inspections, law or regulatory enforcement functions in connection with civil activities of the Department of the Army." The Bill was referred to the Committee on the Judiciary. (See Inclosure 1.)
4. Attached as Inclosure 2 is a chart that displays the magnitude of the problem during the 1977 recreation season. The data are for relatively serious incidents involving one murder and attempted murder, actual assaults involving injury, and threats with a dangerous weapon.
5. Attached as Inclosure 3 is a letter from the Huntington District, Ohio River Division, dated 24 August 1977, that describes several incidents during the 1977 recreation season.

3 Incl  
as

HQ AR003977

94TH CONGRESS  
1ST SESSION

# H. R. 9964

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 1975

Mr. VIGORITO introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To amend section 1114 of title 18, United States Code to include certain employees of the Corps of Engineers of the Department of the Army within the protective provisions of title 18.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That section 1114 of title 18, United States Code, is amended

4 by striking out "or any officer or employee of the Depart-

5 ment of Health, Education, and Welfare or of the Depart-

6 ment of Labor assigned to perform investigations, inspec-

7 tion or law enforcement functions" and by inserting in lieu

8 thereof the following: "any officer or employee of the De-

HQ AR003978

2 inspection or law enforcement function, or any civilian official  
3 or civilian employee of the Corps of Engineers of the De-  
4 partment of the Army assigned to perform investigations, in-  
5 spections, law or regulatory enforcement functions in connec-  
6 tion with civil activities of the Department of the Army.”.

94TH CONGRESS  
1ST SESSION

H. R. 9964

## A BILL

To amend section 1114 of title 18, United States Code to include certain employees of the Corps of Engineers of the Department of the Army within the protective provisions of title 18.

By Mr. VIGORITO

OCTOBER 1, 1975

Referred to the Committee on the Judiciary

SUMMARY OF SERIOUS INCIDENTS  
AGAINST CORPS OF ENGINEERS RANGERS  
DURING 1977 RECREATION SEASON 1 /

|  | <u>LMVD</u> | <u>MRD</u> | <u>NED</u> | <u>NAD</u> | <u>NCD</u> | <u>NPD</u> | <u>ORD</u> | <u>SAD</u> | <u>SPD</u> | <u>SWD</u> | <u>TOTAL</u> |
|--|-------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|
| Murder/<br>Attempted Murder  |             |            |            |            |            |            |            |            |            | 2          | 2            |
| Assault/Attempted<br>assault w/deadly<br>weapon  | 2           |            |            |            |            |            |            |            |            | 6          | 8            |
| Threat w/deadly<br>weapon  | 1           | 1          |            |            |            |            | 3          | 2          |            |            | 7            |
| Assault/Attempted<br>assault with serious<br>injury or intent to<br>cause bodily harm <u>2</u> / | 2           |            | 1          |            |            |            | 1          |            |            | 2          | 6            |
| Total  | 5           | 1          | 1          | 0          | 0          | 0          | 4          | 2          |            | 10         | 23           |

- 1/ The summary includes personnel involved in Recreation-Resource Management only and does not include Regulatory Functions personnel.
- 2/ This category does not include verbal threats against life or person of Corps personnel, or attempts to assault where no serious injury occurred.

CITATIONS

ORHOP-R

24 August 1977

SUBJECT: Request for Protection of Corps of Engineers Employees Under  
Title 18, United States Code

Division Engineer, Ohio River  
ATTN: ORDCO-R

1. Reference: a. ER 190-2-3 dated 15 January 1971  
b. ER 190-2-4 dated 1 February 1972  
c. Title 18, USC
2. The Huntington District requested on 6 October 1975, through ORD that OCE initiate action necessary to amend Section 111 and Section 1114, Title 18, USC, to include Corps of Engineer employees under that shield of federal protection.
3. I am advised that at least part of the problem in having such action implemented results from lack of sponsorship of the necessary legislation by a congressional judicial committee.
4. Threats against Corps employees in the performance of their duties in this District have increased since 1975 to the extent that serious concern exists for employee personal safety, employee morale and for the continued high level of performance expected of our project managers and rangers. These employees are required to work in remote and isolated areas during all hours of the day and night where in fact they are the only law and order. Many of these project areas are located in rural counties with limited staffing of the state police and the county sheriff's office.
5. The most recent incident of a threat to Corps employees occurred at Dewey Lake, Kentucky, (see Incl 1). This incident emphasizes the urgent need for such statutory protection. Although the Dewey incident is both the most flagrant and the most recent, several others are noteworthy of mention.

FACSIMILE HEADER SHEET  
(ER 105-1-5)

H0AR003981

|                      |                          |                           |                                     |
|----------------------|--------------------------|---------------------------|-------------------------------------|
| FROM (Name)<br>WHITE | OFFICE SYMBOL<br>ORHOP-R | TELEPHONE NO.<br>529-5488 | RELEASEE'S SIGNATURE<br>[Signature] |
|----------------------|--------------------------|---------------------------|-------------------------------------|

SEP



a. Sutton Lake, West Virginia. The project Ranger while attempting to serve a warning citation for a noise violation was physically restrained from the performance of his duty. The warning citation was stuffed down the ranger's shirt collar while he was forcibly restrained by two other individuals. The incident culminated in federal Magistrate's Court with a fine against one individual and the dismissal of charges against the other two since they were juveniles.

b. Grayson Lake, Kentucky. The project Ranger issued a citation for a vehicular violation and during the course of the trial in Magistrate's Court a veiled threat was made by the defendant against the Ranger. After being admonished by the Magistrate the defendant made a more direct threat to the Ranger outside the courtroom.

c. Fishtrap Lake, Kentucky. The project Ranger in the performance of duties during a project recreation use survey was threatened at gunpoint by a member of the public.

d. Grayson Lake, Kentucky. The project Manager issued a citation to the operator of a boat which overran another boat resulting in the death of one of its occupants. The father of the operator who received the citation came to the project office and verbally threatened the Manager with bodily harm. This citation was later dismissed by the Magistrate since the operator was a juvenile. No charges have been pressed in this incident.

6. It must be recognized that inclusion of our employees under the protection of Title 18 will not solve all employee safety and protection problems. Inclusion should raise employee morale and elevate the seriousness of a threat against our employees to a level equal with other government agencies.

7. Recommend ORD reconfirm its strong support for the needed legislation and urge that OCE aggressively pursue sponsorship.

Incl  
as

GEORGE A. BICHER  
Colonel, Corps of Engineers  
District Engineer

CANTLEY OP-R

CRISP OP

CF:  
→ ORHOP-R

EVERSOLE OC

WANNER DD

BIMMER DE  
HQ AR003982



ORHOP-R

8 August 1977

## MEMORANDUM FOR RECORD

SUBJECT: Threat to Government Employees

1. On Tuesday, 2 August 1977, I travelled to Dewey Lake to meet with Resource Manager, Dean Murray and Ranger Bob Beverly, to review the events of the previous week, which culminated in Ranger Bob Beverly being forced from his home at gunpoint.

2. Mr. Ralph Anderson, Sr., Box 4, Banner, Kentucky 41603, located his camper trailer in the German Area when it opened early this summer. German Area operations have been severely disrupted this season by construction. The facility has recently been upgraded to a Class A campground but no fees are charged. Campers are registered on entry and are issued a permit for a given period of time. On expiration of each of his fourteen day permits, Mr. Anderson was asked to leave the area, but was permitted to reenter immediately and was assigned another space if one was available. This procedure is used to implement the fourteen days limit at that project.

3. On 24 July, Mr. Anderson was advised by the gate attendant (Student Aide) that he would have to move to another site before he would issue another permit. Mr. Anderson apparently made some effort to move the trailer, but then reported that his truck was broken. Mr. Anderson then persuaded the attendant to issue a new permit on the promise that he would move his trailer the next day. Anderson failed to show up on Monday. He did not show up on Tuesday so later that evening Ranger Rigor called the Anderson residence but received no answer. He then called Anderson's son-in-law, Don Harris, in whose name the camping permit was issued, although Harris was not present at the time of registration. Harris said the truck was fixed and that they would move the camper the next day (Wednesday). On Wednesday evening, Ranger Beverly found no one at the trailer, nor had any of the campers in the area seen anyone there that day. A note was then taped to the door advising that the trailer must be moved. On Thursday evening, Ranger Beverly again found that the trailer was unattended with the note intact. No one had been at the site. On Friday evening, Ranger Beverly found the camper unattended and at 5:00 p.m. he impounded the Anderson camper and also a tent from another site. The impounded equipment was placed next to the entrance station.

In Dec 77, Mr. Anderson  
shot & killed a man in Union  
dispute involving mining  
operations.

HQ AR003983

ORHOP-R

8 August 1977

SUBJECT: Threat to Government Employees

4. The following morning at 10:30 a.m., Ranger Beverly was at home eating breakfast with his mother and two sisters. One of the girls said someone was at the door. Bob walked to the door of a screened porch to find Mr. Anderson standing there wearing a holstered gun. Mr. Anderson was noticeably upset. He directed several rapid comments to Beverly about moving the camper, but did not allow time for a response. He then drew the gun, cocked it, and pointed it directly at Beverly. Mr. Anderson then told him to "Come on - get out here," and then "I'm going to shoot you for moving my camper while I was at the mines." Anderson forced Beverly to walk about a hundred feet toward the road. He also said, "I'll teach you people to bother my stuff. I've got a machine gun and I'm going to bring my men over to German Bridge and you are going to move my camper back where it was or if you don't, you and Dean Murray both better take an extended vacation." He then told Bob to put his shoes on and move his camper back and then he (Anderson) left. As Beverly returned to his house, he met his younger sister (15 years old) at the back door with a loaded .22 caliber rifle and his mother talking to the State Police by telephone.

5. Beverly called Dean Murray to tell him what had happened and then went immediately to the Court House and swore out a warrant for "Wanton Endangerment." Beverly took the warrant to Dean Murray's residence. Just as Beverly arrived at Murray's, Anderson also showed up. Mr. Anderson yelled a few things and Bob, who did not reply, went on into the house. Mr. Anderson stayed at his car for a couple of minutes and then left. Murray called the police who came by and picked up the warrant and arrested Mr. Anderson a short time later. Anderson remained in custody for about 45 minutes and was released on bond. Anderson then drove directly to German Area, moved his camper back to the site and told some other campers that he would stay there as long as he wanted. However, Anderson removed his camper from the area sometime Sunday.

6. On the advice of Pat Cantley, Chief, Recreation-Resource Management Branch, Mr. Murray pulled all Corps employees from the area, including the gate attendants. This occurred on Saturday, 30 July.

7. On Monday, 1 August 1977, Dean Murray and Bob Beverly met with Assistant U. S. Attorney, Cleve Campbell, in Lexington at his request. The purpose of the meeting was to determine what recourse was available through the Federal judicial system. After a lengthy meeting and a number of telephone calls to various agencies, (FBI and Bureau of AT and F) Mr. Campbell concluded that there was nothing that could be done in

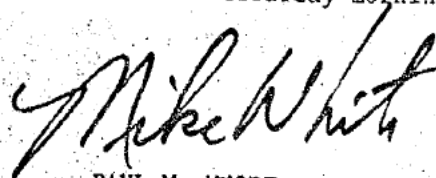
HQ AR003984

ORHOP-R

8 August 1977

SUBJECT: Threat to Government Employees

the way of any Federal warrants. (I subsequently learned that Campbell is trying to get a Federal warrant for two misdemeanors, Title 36 CFR; possession of a loaded firearm on Government property and interference with a Government employee. A student aide observed that Anderson strapped on a gun when he came to German Area Saturday morning and found his trailer moved.)



PAUL M. WHITE  
General Engineer  
Recreation-Resource  
Management Branch  
Operations Division

*WCC*  
8 AUG 77



Section 704. (a) Whenever an order is issued under this Act to abate a violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees) to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

#### PROTECTION OF GOVERNMENT EMPLOYEES

Sec. 704. Section 1114, title 18, United States Code, is hereby amended by adding the words "or of the Department of the Interior" after the words "Department of Labor" contained in that section. Any person who shall, except as permitted by law, willfully resist, prevent, impede, or interfere with the Secretary or any of his agents in the performance of duties pursuant to this Act shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or both.

#### GRANTS TO THE STATES

Sec. 705. (a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State programs under this Act. Except as provided in subsection (c) of this section, such grants shall not exceed 80 per centum of the total costs incurred during the first year, 60 per centum of total costs incurred during the second year, and 50 per centum of the total costs incurred during each year thereafter.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

(1) technical assistance and training including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and

(2) assistance in preparing and maintaining a continuing inventory of information

ing and reclamation operations and of the development, administration, and enforcement of State programs concerning such operations.

(c) If, in accordance with section 523(d) of this Act, a State elects to regulate surface coal mining and reclamation operations on Federal lands, the Secretary may increase the amount of the annual grants under subsection (a) of this section by an amount which he determines is approximately equal to the amount the Federal Government would have expended for such regulation if the State had not made such election.

#### ANNUAL REPORT

Sec. 706. The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this Act. Among other matters, the Secretary shall include in such report recommendations for additional administrative or legislative action as he deems necessary and desirable to accomplish the purposes of this Act.

#### SEVERABILITY

Sec. 707. If any provision of this Act or the applicability thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

#### ALASKAN SURFACE COAL MINE STUDY

Sec. 708. (a) The Secretary is directed to contract to such extent or in such amounts as are provided in advance in appropriation Acts with the National Academy of Sciences-National Academy of Engineering for an in-depth study of surface coal mining conditions in the State of Alaska in order to determine which, if any, of the provisions of this Act should be modified with respect to surface coal mining operations in Alaska.

(b) The Secretary shall report on the findings of the study to the President and Congress no later than two years after the date of enactment of this Act.

(c) The Secretary shall include in his report a draft of legislation to implement any changes recommended to this Act.

(d) Until one year after the Secretary has made this report to the President and Congress, or three years after the date of enactment of this Act, whichever comes first, the Secretary is authorized to modify the applicability of any environmental protection provision of this Act, or any regulation issued pursuant thereto, to any surface coal mining operation in Alaska from which coal has been mined during the year preceding enactment of this Act if he determines that it is necessary to insure the continued operation of such surface coal mining operation. The Secretary may exercise this authority only after he has (1) published notice of proposed modification in the Federal Register and in a newspaper of general circulation in the area of Alaska in which the affected surface coal mining operation is located, and (2) held a public hearing on the proposed modification in Alaska.

(e) In order to allow new mines in Alaska to continue orderly development, the Secretary is authorized to issue interim regulations pursuant to section 501(b) including those modifications to the environmental standards as required based on the special physical, hydrological and climatic conditions in Alaska but with the purpose of protecting the environment to an extent equivalent to those standards for the other coal regions.

SEC. 709. (a) The Chairman of the Council on Environmental Quality is directed to contract to such extent or in such amounts as are provided in appropriation Acts with the National Academy of Sciences-National Academy of Engineering, other Government agencies or private groups as appropriate, for an in-depth study of current and developing technology for surface and open pit mining and reclamation for minerals other than coal designed to assist in the establishment of effective and reasonable regulation of surface and open pit mining and reclamation for minerals other than coal. The study shall—

(1) assess the degree to which the requirements of this Act can be met by such technology and the costs involved;

(2) identify areas where the requirements of this Act cannot be met by current and developing technology;

(3) in those instances describe requirements most comparable to those of this Act which could be met, the costs involved, and the differences in reclamation results between these requirements and those of this Act; and

(4) discuss alternative regulatory mechanisms designed to insure the achievement of the most beneficial postmining land use for areas affected by surface and open pit mining.

(b) The study together with specific legislative recommendations shall be submitted to the President and the Congress no later than eighteen months after the date of enactment of this Act: *Provided*, That, with respect to surface or open pit mining for sand and gravel the study shall be submitted no later than twelve months after the date of enactment of this Act: *Provided further*, That with respect to mining for oil shale and tar sands that a preliminary report shall be submitted no later than twelve months after the date of enactment of this Act.

(c) There are hereby authorized to be appropriated for the purpose of this section \$500,000: *Provided*, That no new budget authority is authorized to be appropriated for fiscal year 1977.

#### INDIAN LANDS

SEC. 710. (a) The Secretary is directed to study the question of the regulation of surface mining on Indian lands which will achieve the purpose of this Act and recognize the special jurisdictional status of these lands. In carrying out this study the Secretary shall consult with Indian tribes. The study report shall include proposed legislation designed to allow Indian tribes to elect to assume full regulatory authority over the administration and enforcement of regulation of surface mining of coal or Indian lands.

(b) The study report required by subsection (a) together with drafts of proposed legislation and the view of each Indian tribe which would be affected shall be submitted to the Congress as soon as possible but not later than January 1, 1978.

(c) On and after one hundred and thirty-five days from the enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringent as those imposed by subsections 515(b)(2), 515(b)(3), 515(b)(5), 515(b)(10), 515(b)(13), 515(b)(19), and 515(d) of this Act and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal or Indian lands.

(d) On and after thirty months from the enactment of this Act, all surface coal mining operations on Indian lands shall com-

ON  
ANALYSIS OF OCE POLICIES ON LAW ENFORCEMENT  
FOR  
CHIEF, CONSTRUCTION-OPERATIONS DIVISION

TO BE PRESENTED TO  
DIVISION ENGINEERS CONFERENCE  
DURING

9-11 NOVEMBER 1977

AT  
LAKE LANIER ISLANDS - PINE HOTEL  
GAINESVILLE, GEORGIA

PREPARED BY  
CHIEF, RECREATION-RESOURCE MANAGEMENT BRANCH

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DAEN-CWO-R  
LEGGETT/37177  
18 Oct 1977

SUBJECT: Analysis of OCE Policies on Law Enforcement

TO: Chief, Construction-Operations Division

PURPOSE. To provide information for presentation to the Division Engineers Conference.

1. BACKGROUND.

A. The Corps of Engineers has recognized for several years that the management of visitors at Corps lakes has become increasingly difficult, and lack of adequate law enforcement capabilities and security at the lakes was compounding the problems of our park rangers.

B. With Corps water impoundments becoming more attractive to recreation use, Congress gave the Corps authority to provide public outdoor recreation facilities at its projects in the Flood Control Act of 1944. The Corps recreation authority was broadened in 1962 to cover all types of water resources projects, not solely reservoirs, in conjunction with the adaptation of Senate Document 97 which declared recreation as a full partner in the nation's multiple purpose water resources development programs. The Federal Water Project Recreation Act of 1965 further spelled out cost-sharing arrangements under which recreation developments can be provided at new projects (after 1965).

C. While these Acts provide the Corps with an overall legislative mandate to provide recreation facilities at their reservoirs, they do not provide specific guidance on how to cope with the increasing demands of resources management, changing recreation interests of visitors, and needs for public safety and visitor protection. There has not been a specific law enforcement mandate given to the Corps by Congress as with the Forest Service and the Park Service.

HAS BEEN DONE

D. The increase in outdoor recreation activity since World War II has been reflected in attendance at Corps lakes. In 1962 the Outdoor Recreation Resources Review Commission estimated that almost half of all outdoor recreation activity was water-related. Attendance at Corps recreation areas has increased ten percent a year during the last decade. In 1977 attendance at the 442 Corps lakes should exceed 400 million.

E. While the visitor to a Corps area may be motivated toward a constructive recreation experience, other environmental influences may come into play. Densities build up, traffic increases, people get careless with litter, vegetation becomes trampled, alcohol extends a conversation into an argument, and the Corps ranger has a difficult situation with which to contend.

HQ AR003989

Case 4:14-cv-00139-HLM Document 38-15 Filed 11/16/15 Page 87 of 137  
F. A large number of Corps lakes are within the limits of a Standard Metropolitan Statistical Area. Many, such as Old Hickory Lake and J. Percy Priest Lake around Nashville, Tennessee, are located within or near concentrated metropolitan areas. In the case of some lakes, like Old Hickory, there was little adjacent land taken in the project, and urban development has occurred right up to the edge of the lake. The panoply of urban problems have carried over in these situations.

G. An important point to be made is that in the minds of visitors coming to a Corps recreation area, security has, indeed, become an important concern. It was revealed in one study on user fees of a Corps lake that people would be willing to pay use fees if the money collected would be put directly back into the recreation area. And what they wanted most in that regard was better security. Visitors wanted to see more of the uniformed ranger which signifies security, even if it were only at the entry gate where fees are collected. Seeing the ranger serves as a deterrent to antisocial behavior and provides a sense of security, even though the ranger's actual law enforcement powers are now quite limited. Also, in the interviews conducted under this study, it was frequently indicated by local authorities that law enforcement problems had been significantly reduced by the initiation of the Corps Ranger Citation Program.

H. On an individual basis, some Corps rangers have done a commendable job in handling visitor control and protection problems. However, it is apparent from experience that, as it is now constituted, the Corps ranger force generally is not prepared in numbers, background, training, or mission to provide the kind of law enforcement measures needed at Corps recreation areas.

I. The preservation of the opportunity for, and quality of, a visitor's recreation experience is the paramount goal in providing visitor protection at Corps recreation areas. Law enforcement measures to protect the natural resources and developed facilities at a Corps lake may also be viewed as necessary ingredients to a meaningful and fulfilling recreation experience of an individual.

## 2. COMPARISON OF FINDINGS REVEALED IN TWO SIGNIFICANT STUDIES PREPARED ON LAW ENFORCEMENT AT CORPS LAKES.

A. "Report of the Secretary of the Army to the Congress on Visitor Protection at Corps of Engineers Lakes" - December 1974.

(1) Provided in response to Section 75 of the Water Resources Development Act of 1974 (PL 93-251).

(2) Corps contracted with PRC/Public Management Services, Inc. to conduct study, re: Corps lakes only.

(3) Objectives of study

(a) Analyze present visitor protection conditions at Corps lakes and determine the adequacy of law enforcement and visitor protection operations and delivery systems.

(c) Develop standards and goals for visitor protection at Corps lakes.

(4) Major Conclusions of Report

(a) There is a significant crime problem at Corps of Engineers lakes. The annual cost of offenses is estimated to be in excess of \$15 million. Criminal activity or the threat thereof at Corps lakes also results in a significant but often unquantifiable diminution of the value of the recreation experience. The crime problem is most severe in the areas of vandalism, theft from users, and minor assaults against recreationists. Severity of the crime problem is not uniform on all lakes but is variable depending primarily upon project location relative to population centers.

(b) Evaluation of visitor protection needs indicate that Ranger staffing levels on Corps lakes should be increased. Additionally, Corps personnel lack legal protection of their physical safety afforded other federal agency personnel. Local law enforcement agencies generally lack sufficient personnel to respond during periods of peak recreation use. Emergency communications for the public and between the Corps personnel and local law enforcement agencies should be upgraded. Additionally, recreation area access modification should be accomplished to provide better control for visitor protection.

(c) The most significant law enforcement needs are in the areas of surveillance, visitor assistance and rapid response to minor crimes against persons and property. The varying nature of these crimes, as well as the varying severity from project to project requires a highly flexible cooperative law enforcement program. Such a program can be achieved most successfully through a fully integrated program involving Corps of Engineers Rangers and local law enforcement officers.

(d) A Visitor Protection Program should meet stated goals rather than striving for a police officer to number of persons ratio or similar criteria. It should provide maximum flexibility to deal with the varying nature of type and severity of crime, and it is the joint responsibility of the Corps of Engineers and local law enforcement agencies to meet established goals.

(5) Recommendations of Report

(a) That the Congress extend the protection afforded by Section 1114 of Title 18, U.S.C. to certain Corps of Engineers employees.

(b) That the Congress grant authority for contracting with local law enforcement agencies for extraordinary services.

B. "Report to the Congress by the Comptroller General of the United States on Crime in Federal Recreation areas - A Serious Problem Needing Congressional and Agency Action" - June 1977.

(1) Furnished pursuant to the Budget and Accounting Act of 1921 and the Accounting and Auditing Act of 1950.

(2) GAC conducted the study with in-house personnel, and it concerned all Federal agencies involved in public outdoor recreation. Agencies studied are listed below:

- (a) ✓ Corps of Engineers
- (b) ✓ National Parks Service
- (c) ✓ U.S. Forest Service
- (d) ✓ Bureau of Land Management
- (e) ✓ U.S. Fish and Wildlife Service
- (f) ✓ Tennessee Valley Authority

(3) Objectives of study

(a) Analyze visitor protection conditions at Federal recreation areas and to determine the adequacy of law enforcement and visitor protection operations.

(b) Suggest ways in which Congress, as well as the executive branch, can improve the Government's efforts.

(4) Major conclusions of the report

(a) Crime is a serious problem at national recreation areas.

(b) Federal laws prohibiting misconduct against visitors or their property do not apply at many recreation areas.

(c) The law enforcement tools (expressed statutory authority to arrest, investigate, obtain and execute warrants, and carry firearms) were inadequate to provide effective law enforcement services.

(d) Corps rangers can issue citations for violations of regulations promulgated by the Secretary of the army, arrest violators of regulations that relate to the collection of recreation fees, and arrest violators of certain laws pertaining to navigable waters. The Corps has strictly construed these enforcement authorizations and believes that general law enforcement is the responsibility of the FBI and State, county, and local law enforcement agencies. Therefore, Corps policy does not permit rangers to carry firearms or engage in enforcement activities not expressly authorized by statute.

(e) Very little uniformity in law enforcement policies and authorities between various agencies.

(f) Contracting law enforcement duties to local police agencies will greatly help.

(5) Recommendations of the report

(a) Increase numbers of professionally trained rangers.

(b) Develop a national policy on visitor protection applicable to all related Federal agencies.

(c) Develop guidelines and procedures to be followed when contracting with state and local law enforcement agencies for law enforcement services. This is necessary to make certain that services received are the same as those for which are contracted.

3. POSITIVE AND NEGATIVE ASPECTS OF OCE POLICY PROHIBITTING FIREARMS.

A. Negative aspects of firearm prohibition

(1) Increased criminal activity on projects has made it hazardous for rangers and the possession of a weapon might save a life if threatened by an enraged visitor. It would at least increase their self confidence and morale in general.

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(2) Rangers are charged with the responsibility of public safety and visitor protection. Situations may develop in which a ranger needs a weapon to protect a visitor from a would be attacker.

(3) When rangers are away from their vehicles and radio contact they are defenseless, and the criminal element knows it and will use it to their advantage.

(4) The public knows only that the Corps rangers are to be of assistance, and when they come to a ranger seeking urgent help and safety, the ranger often cannot immediately respond because he has no means with which to protect the visitor and himself, and he has no arrest authority.

(5) If a criminal act is conducted in his presence, the ranger has no weapon with which to support his position in taking the criminal into custody.

(6) Most violators in Corps projects do not know the rangers have no arrest authority or weapons available to them. Therefore, when they are discovered (by a ranger committing a criminal act) they may often try to "shoot it out" in order to escape, leaving the unarmed ranger at a definite disadvantage.

(7) The public would feel more safe and secure if they saw uniformed rangers wearing sidearms. Visitors to Corps areas are bringing weapons to protect themselves because they know our rangers can't protect them from criminals. This is increasing the risk of accidental shootings.

(8) The appearance of a weapon on a uniformed ranger adds an air of necessary authority and strength to the ranger. This presence of authority may dispell possible dangerous confrontations that might otherwise get out of control without the ranger's weapon on the scene.

(9) The increase of drug use on Corps projects is making it more dangerous for a ranger to approach the vehicle of a visitor who committed a minor park-related violation. Rangers are fearful that they never know when they may have possibly stopped someone who is mentally deranged and may shoot and ask questions later. Weapons would reduce the chances of being shot by a dope-head. Most police agencies have a SOP whereby the officer is covered by a partner or he draws his weapon upon approaching a questionable vehicle.

(10) Rangers are frequently requested to assist and support state and local law enforcement officers by setting up road blocks, etc. If a shooting incident should occur with an unarmed ranger involved, the ranger ~~may~~ be injured or killed.

#### B. Positive Aspects of Firearm Prohibition

(1) Until authority is provided whereby Corps rangers can enforce felony type crimes, rangers should not be permitted weapons. Firearms are not justified in enforcement of misdemeanor crimes. The presence of a weapon greatly increases the chance of an accidental shooting.

(2) Firearms should not be permitted without extensive training in firearms safety. By introducing a firearm into a potentially violent situation, the ranger may be taken by surprise, have his weapon removed, and possibly result in himself or others being shot.



(3) Rangers could be taken by surprise when away from their vehicles and radio contact and their weapon would then be of no benefit, other than to the criminal who may use it on the ranger or visitors to the area. ?

(4) If a visitor comes to a ranger in <sup>need</sup> ~~need~~ of urgent assistance and protection, it would be poor judgment on the part of the ranger to proceed too hastily. He should request assistance from local authorities or other Corps rangers prior to approaching the scene. It is too easy for a ranger with a gun to develop a false sense of security that if a problem develops, he can "shoot it out."

(5) If a criminal act (felony) is conducted in the presence of a ranger, he should not attempt to take the violator into custody. He has no authority, and he is inadequately trained for this action. He should call local authorities for assistance in the matter. The opportunity for a ranger to use a firearm in this situation might easily prove disastrous to the ranger. o

(6) Although it is not widely known that Corps rangers do not have arrest authority or authority to carry firearms, criminals will usually have the element of surprise and willingness to kill in their favor, whether or not the ranger possesses a weapon. o

(7) Rangers should not respond to hazardous crime situations without assistance from local authorities. Possession of a weapon would not alter the risk involved, and these matters should be investigated by properly trained and experienced police officers. +

(8) The ranger's primary responsibilities are public service and visitor safety. The desired image of a Corps ranger is that of a friendly public servant who is courteous and willing to furnish information and assistance to the visiting public. The presence of a weapon on his person would convey a negative appearance and create a feeling of apprehension and submissiveness in many visitors, especially young people. The ranger would then be considered as a "tough guy" and possibly a "trigger-happy cop." —

(9) Approaching unknown vehicles is indeed hazardous, but possession of a weapon would have little effect in reducing this risk. Certainly, he would not approach such vehicles with weapon in hand, and without benefit of a partner, he would have little chance, even with a weapon, if he was being "set-up." The ranger should always radio his location, vehicle identification, and license plate number. The best solution to this situation is to require the person to get out of the vehicle and proceed back to the ranger's vehicle. ?



(10) Rangers should not respond to calls for assistance from local or State police unless the incident is occurring within the project boundaries. His authorities do not extend beyond the boundaries and he should not inform other police agencies. In the event he is called upon to set up a road block on a state highway within project boundaries, he should do no more than assist in this respect, and stay clear from other enforcement activities.

(11) Perhaps the most significant argument against arming rangers is the resulting negative response from the public when the news medias inform them that the Army has authorized an armed police force within the U.S., and they are stationed in the various public use areas across this country. This could create serious public disfavor and unrest and totally negate the Corps' public relations efforts.

(12) The budgetary and manpower requirements of furnishing full-service training (4 months NPS school) for a minimum of one ranger per project are enormous. It would be necessary to furnish 3 employees for support purposes for each armed ranger. Realizing there are over 500 Corps projects in the U.S. this minimum effort would require 1500-2000 additional employees to support this effort. The budgetary implications of this matter are obviously staggering.

(13) The added authority and responsibility for making felony arrests would result in thousands of additional federal court situations which would greatly overburden the various federal magistrates and U.S. Attorneys across the country.

*Many not suited*  
(14) Many of the existing resource-oriented rangers would not accept intensive law enforcement duties involving felony crimes and carrying firearms. They are concerned primarily with resource management activities and do not want full-time law enforcement responsibilities. Therefore, if these employees resign, it is logical to conclude that only the police-oriented types would apply for ranger positions; and these type individuals usually do not have the attitude and personality desired to function effectively with the majority of respectable family units visiting Corps lakes.

#### 4. ALTERNATIVES TO EXISTING LAW ENFORCEMENT POLICIES

##### A. Contract total responsibilities for Law Enforcement.

(1) Implementation of this procedure would result in Corps rangers concentrating entirely on resource management needs and fee collection, while all law enforcement activities would be contracted out to local authorities, state park rangers or rangers from other park-related agencies (NPS, USFS, etc.).

(2) Administrative requirements of contracts of this scope and magnitude would necessitate several additional personnel spaces on each of the Corps 500 projects plus at least two additional spaces in each of the 30 plus District offices. Therefore a minimum of 1600 additional personnel would be required.

be required for proper administrative, clerical, and District management support of a totally contracted law enforcement program. X

B. Corps Accept Total Responsibilities for Law Enforcement.

(1) In order to successfully adopt this type of total involvement, it would be absolutely necessary to accomplish the following prior to implementation:

(a) Congress grant Corps rangers full protection as actual "peace officers" of the Federal Government, and thereby amend present wording of Section 1114, Title 18, U.S.C.

(b) Congress grant Corps rangers authority for complete spectrum of law enforcement activities including arrest powers and the carrying and use of firearms. *investigation of crime*

(c) Furnish in-depth, comprehensive law enforcement training at a recognized police training center (4 to 6 months duration) for all permanent rangers. Training would necessarily include proper handling and shooting of firearms and related safety procedures.

(d) The majority (75%) of existing temporary rangers utilized during summer months would be terminated and partially replaced with permanent rangers. A typical project now having 3 permanent rangers and 20 temporary rangers during the summer would be modified to have approximately 8 permanent rangers who would be fully trained, armed, and possess complete law enforcement powers, and 12 temporary summer rangers to be utilized only as fee collectors. All citations, area patrols, lake patrols, investigatory activities, arrests, search and seizure, etc. duties would be conducted by the eight permanent rangers. During winter months the five additional permanent rangers would place increased emphasis on developing needed resource management objectives, enhancing trail systems, interpretive programs, and increase involvement with local schools and civic organizations relative to public relations and outdoor education. One additional permanent space would also be required in each District office to devote full time efforts to administration of this year-around law enforcement program. Therefore, using the same 500 projects and 30 Districts involved, the additional manpower spaces would need to be increased by over 2,600.

(2) Other non-personnel ramifications related to this alternative would include the following:

(a) Problems to be confronted with public and local law enforcement agencies upon assuming total responsibility for law enforcement, including arrests, armed rangers, etc., while Corps possesses only proprietary ownership of the project lands.

(b) Cost for two months of training at the Federal Law Enforcement Training Center in Georgia for approximately 4,000 permanent and temporary Corps rangers to be conducted during a 3 -year period would be approximately \$4,000,000 based on 4,000 rangers at \$1,000 per ranger. Obviously, the projected cost is beyond anticipated allocations. However, it would be absolutely unfeasible to attempt a total law enforcement program with less than 5 to 8 qualified officers per project. There is no wisdom whatsoever in the possibility of furnishing only one thoroughly trained armed ranger per project. He would never be in the right place at the right time, and in his absence the program would suffer. Numerous other minor complications would also develop. Another point that should be understood is that if temporary rangers are used in the performance of the same duties as permanent rangers, they should definitely receive the same training as do the permanent rangers. If not, we could find ourselves in a difficult legal confrontation initiated by a temporary ranger who might have been injured performing hazardous duties for which he was improperly trained *or not trained.*

(c) There would be many policy changes needed regarding selection of personnel, security checks, attitude emotional testing procedures, and grade structure within this "police force." These rangers would also qualify for hazardous duty pay increases plus increased retirement benefits.

(d) It would also be necessary to develop an "officer review board" to make rulings on critical issues such as shooting incidents involving armed rangers, analysis of performance in various judgment situations, and recommend promotions, demotions, etc. of ranger personnel based on past performance records.

(e) Coordination with the Personnel Officer would be necessary in establishment of restructuring GS levels commensurate with duties of fully qualified, armed rangers. Top grade level for rangers currently is GS-9 and conceivably could be justified as a GS-11. The GS-11 grade would designate the project "Chief Ranger," and he would be eligible for promotion to the Resource Manager Position (GS-12). *Some suggest new GS-7*

C. Maintain Existing Procedures with Individual Modifications being made Gradually on as Needed Basis.

(1) One significant improvement which could be easily implemented is the type and quality of present ranger training courses. This training is not adequate presently, but is gradually improving. One course which could be added should concern stress training relating to riot control, disorderly crowds, confronting the mentally ill, and various other crisis situations.

(2) Another feasible possibility to significantly improve the present situation would entail implementation of recommendations furnished in the 1974 Report to Congress on the Corps law enforcement program. These

recommendations were previously listed in paragraph 2.A, but for this purpose they may be summarized into two broad statements.

(a) Congress should extend the protection of rangers afforded by Section 1114 of Title 18, U.S.C. This is now being explored, and we are in hopes of favorable congressional action by next year.

(b) Congress should grant authority for contracting with local law enforcement agencies for extraordinary services. This authority was furnished by Congress through Section 120 of the Water Resource Development Act of 1976 (PL 94-587, 90 Stat. 2917). ER 1130-2-418 has been drafted and comments have been provided by the Office of the Assistant Secretary of the Army. Minor revisions are in progress, and the regulation should reach the field prior to 1 December 1977.

(3) A key objective in improving existing ranger operations is the greatly needed increase in permanent ranger positions. The present ranger strength, Corps-wide, is 700, representing an average number of less than two rangers per project. The FY 79 budget request submitted by DAEN-CWO-R contained sound justification for an increase of 500 spaces, but was denied in its entirety. Therefore, without better budgetary and manpower support for the recommendations from experts regarding the ranger program, we cannot accomplish the goals and achieve the success possible within the guidelines of established regulations and policies. Without this genuine concern we cannot hope to progress to the level of effectiveness necessary for good ranger morale and increased visitor protection so vitally important to the Corps continued public relations efforts.

## 5. SUMMARY AND CONCLUSIONS

A. Sufficient visitor and resource protection is not being provided by the Corps of Engineers at the majority of lakes. Overall, the Corps spends between \$3 and \$4 million annually on services related to visitor protection. This figure is approximately 15 to 20 percent of the annual allocation for operation and maintenance spent on recreation related activities. In terms of manpower response, the Corps ranger staff appears undermanned. The ranger staff is overwhelmed by visitors and as a result is not capable of properly managing resources and people. This frustration, in terms of not being able to dent the problem, is reflected in the low output of citation issuance. Additionally, the lack of backup management support and "clout" plays a significant part in diminishing the rangers' productivity. This lack of "clout" is due to uncommitted management objectives both on the part of the Corps and state/local law enforcement.

### B. Proposed Goals for the Corps Law Enforcement Program

(1) Visitor Assistance - proper protection and services will be provided to enhance visitor enjoyment of lake recreation resources.

HQ AR 003998

(2) Environmental Protection - protection, maintenance and preservation of the highest standards of environmental quality and attractiveness of the lake will be provided by appropriate law enforcement authority.

(3) Patrol - the lake will be patrolled by officers with law enforcement authority on a regular and continuing basis.

(4) Authority and Manpower - law enforcement officers with authority sufficient to apprehend and present suspects to the proper judicial authority will be available.

(5) Communications - Communication devices will be available throughout the lake area to handle emergencies and other situations requiring law enforcement services without undue delay or difficulty.

(6) Coordination - law enforcement authorities at the lake will develop and maintain effective working relationship with U.S. Magistrates, U.S. Courts, U.S. Attorneys and all applicable Federal, State and local law enforcement and criminal justice agencies.

(7) Records - adequate and accurate records will be maintained on all situations related to law enforcement needs and problems at the lake so that Corps decision-makers can make informed assessments and plans for visitor protection.

(8) Planning - Corps of Engineers lakes will be developed to: (1) enhance the personal safety of visitors; (2) facilitate safety of visitors; and (3) facilitate the effective provision of law enforcement and visitor protection services. Master Plans for Corps lakes and recreation areas will have a law enforcement and visitor protection component.

(9) *Enforcement - All needed Law Enforcement equipment*  
C. These eight goals may be further condensed into three major areas of concern:

(1) Protection of visitors - more rangers.

(2) Protection of rangers - better training.

(3) Protection of resources - rangers with backgrounds in natural resources.

D. Statistics regarding numbers of crimes in cities of 100,000 population have been obtained from the 1976 Crime in the United States, issued by the FBI. Figures reveal that the general crime index rate per 100,000 inhabitants is up 37% since 1972. More specifically, the report indicates that a typical metropolitan area of 100,000 people could expect 550 violent crimes and 5,523 property crimes during one year. There are 145 Corps lakes



within Standard Metropolitan Statistical Areas of 100,000 population, and with increasing visitation, it is reasonable to believe that urban crime will become a growing concern in these areas. Many individual recreation areas have over 100,000 visitors during peak visitation periods. These lakes offer excellent "cover" for a wide variety of criminal activities because criminals realize that people on vacation act and dress rather differently than usual, and that vacationers do not pay particular attention to the somewhat strange activities of other apparent visitors. From this information, we cannot merely hope conditions will improve by chance alone. If the Corps actually cares about visitor protection and the personal safety of its rangers, then additional rangers will be required and they will need more appropriate and intensive training and improved protection under an amendment to Section 1114 of Title 18, U.S.C.

REPLY TO  
ATTENTION OF:

DAEN-PM

26 October 1977

SUBJECT: Corps Ranger Training Program

1. OCE is interested in developing a basic law enforcement training program to meet the needs of Corps rangers throughout CONUS.
2. Consideration is being given to developing a basic law enforcement curriculum to be taught by the Federal Law Enforcement Training Center, Glynco, Georgia, or some other qualified law enforcement training institution. Development of an additional training course devoted to specific COE law enforcement problems is also being considered. This course would be taught at the Division or District level.
3. As a first step in establishing course objectives, it is necessary to identify those law enforcement related tasks performed by ranger personnel in support of the visitor protection program. Attached at Incl 1 is a detailed breakout of tasks identified by this office. Request that you review and comment on the appropriateness of these tasks, adding any additional ones you believe are important.
4. Further request that you coordinate your review with the appropriate staff agency at your Headquarters and at District to insure we have as complete a task list as can be developed. Where possible, categorize courses as to mandatory, nice to have, and whether they should be taught by an appropriate law enforcement institution or by Engineer Division or District.
5. Request you submit your reply to this office by 15 Nov 77. If you have any comments or questions, feel free to contact me at (202) 693-7304/5.

1 Incl  
as

*Carl O. Swanson, Jr.*  
CARL O. SWANSON, JR.  
Colonel, Military Police Corps  
Provost Marshal

HQ AR064001



1. Techniques in handling people.

- a. Display proper demeanor.
- b. Interview persons (witnesses/victims/suspects).
- c. Cope with personal stress.

(1) Maintain self-control and administer fair, equal and impartial treatment of offenders and nonoffenders.

(2) Maintain order in the discharge of duties and responsibilities with tact, diplomacy and compassion.

(3) Maintain a high degree of objectivity in enforcement decisions and actions.

(4) Control emotionally motivated behavior (anger, fear, etc.) in stress situations involving public contacts without jeopardizing officer or visitor safety.

d. Relate to people in a constructive, courteous and problem-solving manner.

e. Display understanding of differences in people and why they behave the way they do.

f. Handle unethical situations in an acceptable and professional manner.

g. Avoid use of degrading, prejudicial or biased actions and statements.

h. Operate within statutory limits of authority.

i. Observe the constitutional rights of citizens.

2. Proper techniques and procedures to protect people and property.

a. Protect crime scene.

b. React to bomb threat.

c. React to alarm devices.

d. Take notes for use in preparing reports.

e. Write reports.

HQ AR004002

- f. Use radio.
  - g. Testify in court.
  - h. Present evidence of probable cause before magistrate.
  - i. Obtain information about public and private community resources for use in helping people.
  - j. Control movement of vehicles.
  - k. Use first aid.
  - l. Fight fires.
  - m. Describe details accurately (who, what, when, where, why, how).
3. Ranger safety
- a. Unarmed defense.
  - b. Stop and safely approach traffic violators.
  - c. Operate vehicle safely.
  - d. Domestic disturbance.
  - e. Multiple offenders.
  - f. Communications.

Arming Corps Rangers for Self-protection

TO DAEN-CWZ-A

FROM DAEN-PM

DATE 2 Nov 77

CMT 1

COL Swanson/37303

1. The purpose of this DF is to provide you with my comments concerning the re-examination of Corps' policy regarding the carrying and use of firearms as stated in Brigadier General McIntyre's letter of 12 October 1977, subject: Proposed Changes to Improve Law Enforcement on Corps Recreation Projects.
2. As a result of discussions with Corps supervisors and rangers during my recent orientation visits to the field, as well as discussions with personnel from your Resources Management Branch, I have listed at Tab A five situations that appear to cause some Corps rangers to fear for their own safety.
3. At Tab B is a list of present COE policies that govern law enforcement activities on Corps projects.
4. When addressing the possibility of arming Corps rangers, I am particularly concerned with the problem areas enumerated at Tab C. I do understand the fear expressed by Corps rangers for their own safety in performance of official duties. However, my experience with developing policies and training programs for policemen, especially in the area of firearms training, causes me to stress the importance of insuring that COE has totally comprehensive and professional training programs that will stand a test of close scrutiny by the courts and the public; since once weapons are authorized, poor judgement and accidents by the use of firearms are bound to occur.
5. My office is prepared to assist your Directorate in recommending policy regarding the use of firearms by Corps rangers.

*Swanson*  
SWANSON

3 Incl  
as

HQ AR004004



SUBJECT: Existing Situations that Put Corps Rangers in Danger

1. Increased criminal activity on projects has made it hazardous for rangers.
2. Rangers are required to issue citations which exposes them to confrontation that could be hazardous for them.
3. When trouble occurs in a recreation area, visitors come to the ranger for assistance - responding to a visitor's request for assistance could endanger the ranger.
4. If an assault on a visitor is committed in the ranger's presence or the assault is against the ranger, he may not have time to wait for local police assistance nor be able to stop it by himself without using additional force such as a weapon.
5. Rangers are required to patrol isolated areas where they may unexpectedly become involved in a situation involving danger to themselves that they cannot get out of. In this case, a weapon could be used for self-protection.

SUBJECT: Present COE Policies Concerning Law Enforcement on Corps  
Projects

1. Corps policy does not permit rangers to carry firearms or engage in enforcement activities not expressly authorized by statute.
2. Corps rangers can issue citations for violations of regulations promulgated by the Secretary of the Army (Title 36, etc.). Theoretically they can arrest violators of regulations that relate to the collection of recreation fees and arrest violators of certain laws pertaining to navigable waters.
3. Congress has granted authority and money to establish formal contracts with law enforcement agencies to provide increased law enforcement support to Corps recreational facilities. Guidelines and procedures have been developed in ER 1130-2-418 that should be ready for distribution to the field 1 December 1977. Effectiveness of this program cannot be ascertained at this time.
4. Since the Corps only possesses proprietary ownership of project lands, the Corps policy is that general law enforcement is the responsibility of the FBI, state, county and local law enforcement agencies.

SUBJECT: Arming Corps Rangers for Self-protection - Problem Areas

1. The legal authority to arm Corps rangers would have to be determined even though it is only for self-protection. Permits to carry handguns may be required in certain states.
2. Corps rangers are not presently afforded the protection of Section 1114 of Title 18, U.S.C. Latest information indicates no further action will be taken this year by Congress on changing Title 18 to protect Corps employees. Arming rangers may increase incidents that would require Title 18 protection.
3. When weapons are authorized for whatever reason, the Corps of Engineers assumes total liability for proper supervision and training of Corps rangers in the proper use of firearms.
4. Law Enforcement policies, procedures and programs would have to be developed for the following areas:
  - a. Personnel recruitment and selection. Personnel selected for ranger positions should be screened to insure their willingness and stability to carry firearms.
  - b. Training. Comprehensive law enforcement training at a recognized police training institution would have to be contracted for. As a minimum, the training would have to include proper handling and shooting of firearms and related safety procedures, as well as stress training related to law enforcement situations. Annual or semiannual qualification training would also have to be established. See DF at Incl 1 for more discussion on this subject.

HQ AR004007

would have to be determined and purchased. Storage, maintenance, repair, use of force, safeguarding, issue and turn in policies and procedures would have to be established.

5. Increased manpower and budgetary requirements would be required to fully implement items discussed in paragraph 4 above.

6. Some of the existing resource-oriented rangers may not be willing to carry firearms since they were hired primarily for resource management.

7. The desired image of a Corps ranger must be taken into consideration. The presence of a weapon on his person could convey a negative appearance to some visitors. With the arming of rangers, incidents of self-inflicted wounds, careless or accidental discharge, as well as killing and wounding of visitors, would have to be expected. This could result in a negative response from the public and the news media. To offset criticism, policies, procedures and training governing the arming of rangers must be totally comprehensive and professional.

8. If temporary rangers are going to be armed, they must be given the same firearms training that is given to permanent rangers.

10 DAEN-CWO

FROM DAEN-PM

DATE 31 Oct 77 CMT 1  
COL Swanson/37303

1. The purpose of this DF is to respond to your request for PM comments on above subject.
2. My review of current OCE guidance on law enforcement training, as well as discussions with supervisors and rangers during my orientation visits to the field, has led me to conclude that a definitive OCE basic law enforcement training program is required to meet the needs of the Corps rangers throughout CONUS. As a start to accomplish this program, I have dispatched a letter to Division PM's requesting input in developing a basic law enforcement curriculum for Corps rangers. This letter, attached at Incl 1, was coordinated with Resources Management Branch.
3. I agree that stress training is necessary for our rangers, particularly since they are required to issue citations. This duty assignment thrusts them into the role of policemen and potentially sets them up to face the same danger that any law enforcement officer faces; although, policemen would normally be armed and able to defend themselves. However, in my opinion stress training should be taught only as an integral part of an established and recognized OCE law enforcement training program. During my experience in training policemen in behavioral modification, of which stress training is a part, I have found it to be the most difficult course to develop and extremely difficult to teach. Only personnel who have a high degree of knowledge in behavioral science can successfully develop and teach this type of training. Stress training cannot be accomplished by supervisors reviewing a set of lesson plans developed by OCE and then presenting courses.
4. I have contacted the Federal Law Enforcement Training Center in Glynco, GA, for their comments concerning stress training. Their comments concerning stress training are as follow:
  - a. They do not have a separate course on stress training; it is integrated throughout their courses and it is for police officers who have arrest authority and are armed.
  - b. They are not aware of a stress course that would be adequate for our rangers that does not relate to policemen who are armed and have arrest authority.
  - c. Locating and soliciting an established recognized course in the type of training we need could be a very difficult task.
  - d. In order to develop a stress course for Corps ranger training we would first have to develop our own task list then contract out.

HQ AR004009



5. In conclusion, I am not in favor of "shotgunning" courses to meet after-the-fact situations. I would prefer the more professional approach of establishing a basic law enforcement curriculum that would help prepare rangers not only to avoid or reduce the possible reoccurrence of the type of tragedies that occurred at Blue Mountain Lake and at Clark Hill Reservoir, but to provide them with the knowledge to react properly in all types of law enforcement situations.

*Swanson*  
SWANSON

1 Incl  
as

SADCO

12 October 1977

SUBJECT: Proposed Changes to Improve Law Enforcement on Corps Recreation Projects

HODA (DAEN-CWZ-A)  
WASH DC 20314

1. The purpose of this letter is to inform you of actions being taken by the South Atlantic Division to improve law enforcement procedures at Corps projects to help avert further tragedies such as occurred at Clark Hill Lake on 4 September 1977.

2. I have re-emphasized to all SAD Districts that regulations prohibit possession or use of weapons by all ranger and resource management personnel while on duty. My staff has reviewed current regulations, procedures and practices regarding law enforcement and we are proceeding with the following actions which are within our existing authorities.

a. Camp Areas

(1) Our goal in SAD is to have all camp areas at least 30 camp sites in size or larger. We currently have 101 camp areas with fewer than 30 sites. These will be expanded, converted to day-use or closed, as appropriate. Forty-one areas have more than 30 sites; and 44 are free areas as required by PL 93-303 and are of various sites. This will, of necessity, take several years to accomplish.

(2) SAD is expanding the use of contract gate attendants (ma & pa) to eventually include all areas except the required one free area for each project.

(3) Our camping season is being expanded to encompass the period of April into October. Camp areas will be manned by contract gate attendants during this period. During the off-season most of these areas will be closed, renovated and rested until the next camping season.

b. Non-fee Areas (Principally day-use, but some free camping)

(1) We will work to minimize the number of access routes for the ease of control.

(2) Ranger patrols will be increased in these areas. The steps in a. above will tend to concentrate enforcement problems in the day-use areas and free areas. Therefore, ranger presence will be increased.

HQ AR004011

c. Communications

(1) We are providing for all rangers and gate attendants, equipment that can be used to directly call the local law enforcement people. Wilmington, Charleston and Jacksonville Districts have equipment that will do this, although some of it needs to be updated. Savannah District does not have such equipment but has it ordered. Mobile District has some equipment, but not enough. Mobile also has additional equipment on order.

(2) In addition to the mobile unit, we plan to provide each ranger with a walkie-talkie type set that he can use to call the law at any time he is away from the car (within 5 to 10 miles range of transmitter).

d. Training

(1) Each permanent full time ranger will be given a minimum of 32 hours training on use of communication equipment, how to handle Title 36 enforcement without getting hurt, and how not to get involved in other violations under jurisdiction of local enforcement activities. SAD has conducted such a course for several years and will lengthen and improve it.

(2) Districts will conduct similar courses for all temporary and seasonal uniformed people and gate attendants before they are allowed to meet the public.

e. Procedures

We will develop a set of Standard Operating Procedures designed to assist rangers in handling various types of incidents. A condensed version of this SOP and an SOP on communications will be carried by each ranger at all times.

3. The tragedy at Clark Hill Lake has focused attention on the question of arming rangers and resource management personnel. The limited enforcement authorities of our rangers, coupled with prohibition to carry or use firearms, often puts them into very dangerous situations, and fosters unauthorized carrying of firearms. While arming rangers would present problems, and responsibilities, it may well be one of the most effective steps we can take to improve our enforcement procedures. The Comptroller General's report dated 21 June 1977 points to some merit in arming some trained, qualified, citation rangers. Local law enforcement is inadequate on many of our projects and we suspect will not significantly improve under the two-year PL 94-587 program. The only way for better enforcement in some areas may be to provide some of our rangers with the means to enforce our regulations. Accordingly, I would appreciate it if you would re-examine the policy regarding carrying and use of firearms. I recommend this examination address the question from the points of view of working under Title

36 authorities, and seeking possible expansion of our authorities to include arrest.

KENNETH E. MCINTYRE  
Brigadier General, USA  
Division Engineer

1. Camp Areas (Fee)

- a. Work toward none having fewer than 30 camp sites.
- b. Use gate attendants (ma & pa) at all fee areas.
- c. Extend the period for gate attendants to approximately April into October. Close areas at all other times.

2. Non-fee Areas (Principally day-use, but some free camping)

- a. Minimize the number of access routes for better control.
- b. Increase ranger patrols in these areas. The steps in 1. above will tend to concentrate enforcement problems in non-fee areas and reduce ranger patrol requirements. Therefore, ranger presence should be increased in these areas.

3. Communications

- a. Provide for all rangers and gate attendants equipment that can be used to directly call the local law enforcement people.
- b. In addition to the mobile unit, provide each ranger with a walkie-talkie type set that he can use to call the law at any time he is away from his vehicle.
- c. Assure coordination between communications people and recreation-resource management people.

4. Training

- a. Provide adequate training for all personnel who have direct contact with the public. Permanent rangers should have more intensive training, particularly in stress situations.
- b. Seasonal rangers and gate attendants should be trained in how to handle situations, who to contact, etc.

5. Develop a set of procedures for employees to follow. A condensed version of this and an SOP on communications to be carried by each employee while on duty.



THE ISSUE OF FURNISHING WEAPONS  
TO CORPS RANGERS - STATEMENTS FOR AND AGAINST

STATEMENTS IN FAVOR OF ARMING RANGERS

1. Increased criminal activity on projects has made it hazardous for rangers and the possession of a weapon might save a life if threatened by an enraged visitor. It would at least increase their self confidence and morale in general.
2. Rangers are charged with the responsibility of public safety and visitor protection. Situations may easily develop in which a ranger needs a weapon to protect a visitor from a would be attacker.
3. When rangers are away from their vehicles and radio contact they are defenseless, and the criminal element knows it and will use it to their advantage.
4. The public knows only that the Corps rangers are to be of assistance, and when they come to a ranger seeking urgent help and safety, the ranger often cannot immediately respond because he has no means with which to protect the visitor and himself, and he has no arrest authority.
5. If a criminal act is conducted in his presence, the ranger has no weapon with which to support his position in taking the criminal into custody.

STATEMENTS AGAINST ARMING RANGERS

1. Until authority is provided whereby Corps rangers can enforce felony type crimes, rangers should not be permitted weapons. Firearms are not justified in enforcement of misdemeanor crimes. The presence of a weapon greatly increases the chance of an accidental shooting.
2. Firearms should not be permitted without extensive training in firearms safety. By introducing a firearm into a potentially violent situation, the ranger may be taken by surprise, have his weapon removed, possibly resulting himself or others being shot.
3. Rangers could be taken by surprise when away from their vehicles and radio contact and their weapon would then be of no benefit, other than to the criminal who may use it on the ranger or visitors to the area.
4. If a visitor comes to a ranger in need of urgent assistance and protection, it would be poor judgment on the part of the ranger to proceed too hastily. He should request assistance from local authorities or other Corps rangers prior to approaching the scene. It is too easy for a ranger with a gun to develop a false sense of security that if a problem develops, he can "shoot it out."
5. If a criminal act (felony) is conducted in the presence of a ranger, he should not attempt to take the violator into custody. He has no authority, and he is inadequately trained for this action. He should call local authorities for assistance in the matter. The opportunity for a ranger to use a firearm in this situation might easily prove disastrous to the ranger.

STATEMENTS IN FAVOR OF ARMING RANGERS

6. Most violators in Corps projects do not know the rangers have no arrest authority or weapons available to them. Therefore, when they are discovered committing a criminal act by a ranger, they may often try to "shoot it out" in order to escape, leaving the unarmed ranger at a definite disadvantage.

7. The public would feel more safe and secure if they saw uniformed rangers wearing sidearms. Visitors to Corps areas are bringing weapons to protect themselves because they know our rangers can't protect them from criminals. This is increasing the risk of accidental shootings.

8. The appearance of a weapon on a uniformed ranger adds an air of necessary authority and strength to the ranger. This presence of authority may dispell possible dangerous confrontations that might otherwise get out of control without the ranger's weapon on the scene.

9. The increase of drug use on Corps projects is making it increasingly dangerous for a ranger to approach the vehicle of a visitor who committed a minor park-related violation. Rangers are fearful that they never know when they may have possibly stopped someone who is mentally deranged and may shoot and ask questions later. Weapons would reduce the chances of being shot by a dope-head. Most police agencies have a SOP whereby the officer is covered by a partner or he draws his weapon upon approaching a questionable vehicle.

STATEMENTS AGAINST ARMING RANGERS

6. Although it is not widely known that Corps rangers do not have arrest authority or authority to carry firearms, criminals will usually have the element of surprise and willingness to kill in their favor, whether or not the ranger possesses a weapon.

7. Rangers should not respond to hazardous crime situations without assistance from local authorities. Possession of a weapon would not alter the risk involved, and these matters should be investigated by properly trained and experienced police officers.

8. The ranger's primary responsibilities are public service and visitor safety. The desired image of a Corps ranger is that of a friendly public servant who is courteous and willing to furnish information and assistance to the visiting public. The presence of a weapon on his person would convey a negative appearance and create a feeling of apprehension and submissiveness in many visitors, especially young people. The ranger would then be considered as a "tough guy" and possibly a "trigger-happy cop."

9. Approaching unknown vehicles is indeed hazardous, but possession of a weapon would have little effect in reducing this risk. Certainly, he would not approach such vehicles with weapon in hand, and without benefit of a partner, he would have little chance, even with a weapon, if he was being "set-up." The ranger should always radio his location, vehicle identification, and license plate number. The best solution to this situation is to require the person to get out of the vehicle and proceed back to the ranger's vehicle.



STATEMENTS IN FAVOR OF ARMING RANGERS

10. Rangers are frequently requested to assist and support state and local law enforcement officers by setting up road blocks, etc. If a shooting incident should occur with an unarmed ranger involved, the ranger involved, the ranger is more likely to be injured or killed.

STATEMENTS AGAINST ARMING RANGERS

10. Rangers should not respond to calls for assistance from local or State police unless the incident is occurring within the project boundaries. His authorities do not extend beyond the boundaries and he should not inform other police agencies. In the event he is called upon to set up a road block on a state highway within project boundaries, he should do no more than assist in this respect, and stay clear from other enforcement activities.

11. Perhaps the most significant argument against arming rangers is the resulting negative response from the public when the news medias inform them that the Army has authorized an armed police force within the U.S., and they are stationed in the various public use areas across this country. This could create serious public disfavor and unrest and totally negate the Corps' public relations efforts.

12. The budgetary and manpower requirements of furnishing full-service training (4 months NPS school) for a minimum of one ranger per project are enormous. It would be necessary to furnish 3 employees for support purposes for each armed ranger. Realizing there are over 500 Corps projects in the U.S. this minimum effort would require 1500-2000 additional employees to support this effort. The budgetary implications of this matter are obviously staggering.

13. The added authority and responsibility for making felony arrests would result in thousands of additional federal court situations which would greatly overburden the various federal magistrates and U.S. Attorneys across the country.

STATEMENTS IN FAVOR OF ARMING RANGERS

STATEMENTS AGAINST ARMING RANGERS

14. Many of the existing resource-oriented rangers are not suited for law enforcement duties and would not accept assignments involving felony crimes and carrying firearms. They are concerned primarily with resource management activities and do not want full-time law enforcement responsibilities. Therefore, if these employees resign, it is logical to conclude that only the police-oriented types would apply for ranger positions; and these type individuals usually do not have the attitude and personality desired to function effectively with the majority of respectable family units visiting Corps lakes.

1 February 1972

MILITARY POLICE  
Citation Authority and Procedures

1. Purpose. Prescribes policy and procedures for implementation of the provisions of Section 234 of the Flood Control Act of 1970, PL 91-611, (84 Stat. 1818).

2. Applicability. Corps of Engineers Civil Works installations specifically designated by Division Engineers.

3. References.

- a. Flood Control Act of 1970, PL 91-611, (84 Stat. 1818).
- b. 36 CFR Chap III.
- c. Federal Magistrates Act of 1968, PL 90-578, (82 Stat. 1107).
- d. ER 190-2-3.
- e. ER 670-2-1.
- f. AR 190-29.

4. Authority.

a. Division Engineers are granted authority to implement the citation authority set forth in reference 3a at Civil Works installations, and should notify HQDA (DAEN-CWO-R) WASH DC 20314 of the installations so designated. This program will be implemented as broadly as required and as resources will permit.

b. Authority for Division or District Engineers to certify that specific individuals have authority to issue citations for the enforcement of the provisions of PL 91-611 (84 Stat. 1818) is contained in Appendix A. Sample Certificate of Authority and Certificate of Cancellation are shown at Appendix B and C. A record of certifications will be kept for use by each designee when required to prove his authority.



5. Policy. Individuals will be cited for aggravated cases of refuse dumping and violations of the provisions of Chapter III, Title 36, Code of Federal Regulations at Civil Works installations that are specifically designated by Division Engineers. Maximum use of oral and written warnings will be made in minor cases. This regulation grants citation authority only, and should not be construed as granting authority to CE personnel to take an offender into custody. Weapons will not be carried or used in the citation enforcement program. Federal, state, county and local law enforcement agencies, as applicable, retain the statutory authority and inherent responsibility to enforce all other laws, therefore, the CE will not engage in the actual enforcement of other laws. This regulation may be implemented at outgranted areas, after coordination with local authorities, when local enforcement is inadequate or when other local conditions require such implementation.

6. Procedures.

a. An appropriate public information program will be planned and implemented prior to implementation of this regulation to insure public understanding and support of the nature and purpose of the new citation procedure. It should be emphasized to local police agencies that this citation enforcement program does not assume their responsibility for local enforcement of other laws.

b. Signs cautioning the public that citations of individuals will be made for violations of the provisions of Section 234, PL 91-611, should be placed at entrances to designated installations at least 30 days prior to implementation of this law. Signs should include the wording as indicated in Appendix D. Applicable sections of Title 36, Chapter III, Code of Federal Regulations, will be posted on bulletin boards at designated installations.

c. Training.

(1) Division Engineers will insure that a comprehensive training program is conducted prior to the implementation of this regulation. The training program will include, but not limited to, instruction on authority and jurisdiction, procedures for issuing citations, enforcement considerations, investigative techniques, confrontation planning, court appearances of officers, public and minority relations, liaison with police and court officials, and standards for ranger personnel.

(2) The training program should emphasize that the Flood Control Act of 1970 grants citation authority only.

d. Supervision of ranger personnel assigned citation duties will be through normal channels. Provost Marshals/District Security Officers, in close coordination with counsels, safety officers, and operations personnel, will monitor the training program, provide staff advice on law enforcement matters and make staff visits to installations participating in this program.

e. Personnel designated to issue citations will:

(1) Be selected from resource managers and rangers on the basis of aptitude, temperament, personality, experience and ability.

(2) Carry out their duties in the uniform prescribed in reference 3a.

(3) Wear an official badge.

(4) Operate from official U.S. Government vehicles equipped with law enforcement identification lights and sirens acceptable within the state concerned. Such vehicles should also be radio equipped and, where practicable, have access to radio channels occupied by local cooperating law enforcement agencies.

(5) Attend an appropriate orientation/instruction course, as approved by the Division Engineers, on citation procedures prior to being assigned duties of citing violators of this law.

f. Written citations.

(1) Liaison will immediately be established with clerks of District Courts in order for forfeiture schedules to be assessed and to arrange other administrative details in order to implement the provisions of this law.

(2) Liaison will also be established with local federal magistrates to make arrangements for court appearances and to formulate plans to handle other administrative details.

(3) Written citations directing appearance before a US Magistrate will be issued, as warranted. DD Form 1805, Violation Notice, will be used for this purpose. Guidance on the use of this form is included in reference 3f.

(4) Payment by alleged violators may be made according to the forfeiture schedule approved by the District Court, in lieu of appearance which terminates the proceedings against individuals. Collection and handling of such payments should be performed as follows:

HQ AR004021

(a) CE employees will not accept or agree to handle such payments.

(b) Payments in the scheduled amount and the related citation may be placed and sealed by the alleged violator in an envelope preaddressed to the US Magistrate (provided by the citing officer). The alleged violator will be advised that the payment may be mailed so as to be received by the Magistrate in lieu of, and prior to, the required appearance date stated on the violation notice.

(5) Maximum use of oral and written warnings will be used for minor infractions. Written warnings will be made on ENG Form 4381, Warning Citation, which will be initially distributed by OCE when the Forms are published. Warning citations will be prepared in duplicate and the file copy maintained for at least one year.

g. Appearance before US Magistrate.

(1) In addition to the normal citation procedures, a written complaint may be required to be prepared and signed by the citing Officer (on forms provided by the US Magistrate's Office) upon failure of the person cited to appear before the Magistrate. Such complaints will set out the pertinent details of the offense including the name of the alleged violator and names of witness, if any.

(2) Citing Officers will accompany alleged violators in appearances before US Magistrates along with witnesses who agree to appear.

(3) In instances where alleged violators fail to appear as directed, the Magistrate will normally cause a summons or warrant for arrest and appearance to be issued. Service of summons or warrants for arrest and appearance are the responsibility of the US Marshal.

h. If an individual is uncooperative and refuses to accept a citation, CE employees may not take such a person into custody. Investigative steps may be taken such as recording the vehicle license plate number and description and taking statements of witnesses. The Magistrate may cause a summons or warrant for an arrest and appearance to be issued provided that sufficient evidence is presented.

i. Reports.

Statistical data on citations issued will be reported on ENG Form 4378, Recreation-Resource Management Data required by ER 1130-2-400. (RCS DAEN-CWO-39).

1 Feb 72

j. Procurement and supply.


(1) Badges will be centrally procured by the Philadelphia District. Division Engineers will requisition badges, which will be numbered and accountable, from DAEN-PM.

(2) DD Forms 1805, Violation Notice, and ENG Form 4381, Warning Citation, will be requisitioned through normal supply channels.

FOR THE CHIEF OF ENGINEERS:

4 Appendices

APP A - Designation of Authority  
APP B - Certification of Authority  
APP C - Cancellation of Authority  
APP D - Warning Sign



RICHARD F. McADOO  
Colonel, Corps of Engineers  
Executive

Office of the Chief of Engineers

ENGPM

Washington, D.C. 20314

Regulation  
No. 190-2-3

15 January 1971

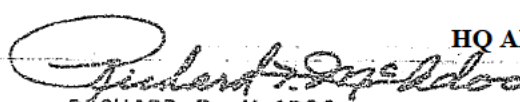
## MILITARY POLICE

## Law Enforcement at Corps of Engineer Civil Works Installations

1. Purpose. Prescribes law enforcement policy at all CE Civil Works installations.
2. Applicability. All Corps of Engineer installations and activities exercising Civil Works responsibility. This regulation is not applicable to the enforcement of the provisions of Section 207 of the Flood Control Act of 1962 (Public Law 87-874) as amended.
3. Policy. In the original acquisition of land at CE Civil Works installations, the CE obtains proprietary interest only. Individual states and federal law enforcement agencies retain the statutory authority and inherent responsibility to enforce the law. Therefore, the CE will not engage in actual law enforcement at these installations.
4. Responsibilities.
  - a. Civilian police agencies retain responsibility for law enforcement and police investigative service at all CE Civil Works installations.
  - b. Division Engineers and Commanders/Directors of separate installations will maintain continuous liaison and full cooperation with civilian law enforcement agencies to insure that adequate police services are provided.
  - c. Provost Marshals, in close coordination with their respective Division Counsels, will monitor the enforcement of law by civilian police authorities at CE Civil Works installations.
  - d. Individuals employed by the CE, who may be deputized as law enforcement officials of a civilian police agency, may not perform the duties of that office on or off CE Civil Works installations during duty hours as CE employees.
5. Exceptions. Division Engineers and Commanders/Directors of separate Civil Works installations may submit requests, with justification, for exceptions to this policy to the Chief of Engineers, ATTN: ENGPM.

FOR THE CHIEF OF ENGINEERS:

HQ AR004024

  
RICHARD F. McADOO



DAEN-CWO-R

DEPARTMENT OF THE ARMY  
Office of the Chief of Engineers  
Washington, D.C. 20314

ER 1130-2-418

Regulation  
No. 1130-2-418

Project Operation  
LAW ENFORCEMENT SERVICE CONTRACTS AT  
CIVIL WORKS WATER RESOURCE PROJECTS  
(PL 94-587)

LOCAL SUPPLEMENTAL OF THIS REGULATION IS PROHIBITED  
EXCEPT UPON APPROVAL OF HQDA (DAEN-CWO-R) WASH DC 20314

1. Purpose. The purpose of this regulation is to provide policy and guidance for the establishment and management of the contract law enforcement program including preparation of and management of contracts ensuing from this program.

2. Applicability. This regulation is applicable to all field operating agencies having responsibilities for Civil Works water resource development projects.

3. References.

a. Section 4 of the Flood Control Act of 1944, as amended (16 USC 460d).

b. Section 234 of the River and Harbor and Flood Control Act of 1970 (PL 91-611, 84 Stat. 1818).

c. Section 120 of the Water Resource Development Act of 1976 (PL 94-587, 90 Stat. 2917).

d. 36 CFR Chapter III.

e. ER 190-2-3.

f. ER 190-2-4.

4. General.

a. Section 120(a) of reference 3c authorizes the Secretary of the Army, acting through the Chief of Engineers to contract with States and

HQ AR004025

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their political subdivisions for the purpose of obtaining increased law enforcement services at water resource development projects under the jurisdiction of the Secretary of the Army to meet needs during peak visitation periods.

b. Further, Section 120(b) of the Act authorizes a maximum appropriation of up to \$6,000,000 per fiscal year for the fiscal years ending 30 September 1978 and 30 September 1979, to carry out this section.

## 5. Policy.

a. It is the policy of the Corps of Engineers to provide, to the extent of its authorities, a safe and healthful environment for public use of lands and waters at Civil Works water resource development projects. To insure this safe and healthful environment, and to augment the citation authorities granted to the Corps of Engineers in accordance with reference 3b, District Engineers, subject to the authority of the Division Engineers, as set out below, are hereby delegated the authority to enter into contracts with States or their political subdivisions to obtain increased law enforcement at Civil Works water resource development projects. Division Engineers are hereby delegated the authority to approve any deviations from the standard law enforcement contract format as set out in Appendix A of this regulation except that any substantial deviations from the policies expressed within this regulation will require the prior approval of the Chief of Engineers or his authorized representative. Any required approval for deviation shall be made prior to execution of the contract. Division Engineers are also hereby delegated the authority to approve the transfer of funds (subject to provision of ER 11-2-201, Appendix C) between projects or Districts under their jurisdiction to the extent of the maximum amount of funds allocated to the Division. Any expenditure of funds in excess of the amounts allocated to the Division will require the prior approval of the Chief of Engineers or his authorized representative.

b. Contracts for law enforcement services, as authorized in paragraph 5a, shall be subject to the terms and conditions as provided for within this regulation and in accordance with standard contracting and accounting procedures applicable to the Corps of Engineers.

c. It is not intended by this regulation to diminish or otherwise limit the existing law enforcement responsibilities of the State or local law enforcement agencies and the Corps of Engineers, nor is it intended in any way to abrogate their responsibilities for securing the maximum public recreational enjoyment of the lands and water resources under the jurisdiction of the Secretary of the Army.

HQ AR 600-4026

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d. Contract law enforcement personnel shall not be given Federal citation authority for enforcement of regulations contained in Title 36 of the Code of Federal Regulations, Chapter III nor shall they be empowered to enforce such regulations.

e. Contracts for increased law enforcement shall be for those projects or portions of projects that are operated and maintained by the Corps of Engineers. ~~Law enforcement services will not be provided~~ under this program to those outgrant areas operated and maintained by a non-Federal sponsor. Exceptions to this policy must be approved by the Chief of Engineers or his authorized representative.

6. Criteria.

a. In order to provide reimbursement for law enforcement services supplied by a State or local law enforcement agency, a contract must be initiated, executed, and approved in accordance with the provisions of this regulation and in conformance with the standard law enforcement contract Format in Appendix A, prior to the provisions of such services.

b. The contract law enforcement program cannot take effect until 1 October 1977 and cannot extend beyond 30 September 1979. Law enforcement services acquired by contract under this program shall be limited to obtaining those additional law enforcement services required to meet the needs of the public during peak visitation periods. Accordingly, the contract period shall not extend beyond the dates of 1 April through 30 September inclusive, and in no event shall the contract be written for more than 120 days within that time period. The contract may provide for an option to renew for a similar, additional 120-day period in Fiscal Year 1979. Any exceptions to this criteria must be approved by the Chief of Engineers or his authorized representative.

c. Contracts shall be consummated only with those public law enforcement agencies legally empowered to enforce the State and local criminal and civil laws within their respective political jurisdiction. It is recognized that sole source negotiations may necessarily be utilized in the procurement of these services, but that such negotiations are authorized by reference 3c. In negotiating law enforcement contracts with these agencies the District Engineer must determine the reasonableness of the price for the law enforcement services offered under the contract. Such a determination shall be made prior to execution of the contract, in accordance with the applicable Contract Cost Principles and Procedures as set out in ASPR, Section 15.

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Such a determination shall be contained in the official contract file and must accompany any requests for deviations from the Division Engineer or Chief of Engineers as provided for in paragraph 5(a) of this regulation. Contract law enforcement personnel must meet all the qualifications, including minimal law enforcement training, required by State and local laws and regulations.

d. The contractor shall provide all personnel, equipment, and supplies which are required to provide the law enforcement services contracted for by the District Engineer. The Corps of Engineers shall not reimburse the contractor for the purchase or rental of any equipment or supplies desired by the contractor for use under this program. However, the Corps of Engineers shall reimburse the contractor for the reasonable costs incurred by him in the rental or use of such equipment which is allocated to the work performed by him under the contract. Such use shall include: (1) a depreciation or use allowance for such equipment as determined by the service life evaluation system used by the contractor, and (2) the costs of necessary maintenance, repair, and upkeep of the property which neither adds to the permanent value of the property nor appreciably prolongs its intended life, but keeps it at an efficient operating condition.

e. Reimbursement for law enforcement services shall be considered only for increased law enforcement services to meet needs during peak visitation periods. Each District Engineer shall evaluate and establish a normal law enforcement service standard for each contract situation and include such standard in the plan of operation to be developed in accordance with paragraph 6.h. Each District Engineer shall evaluate the existing law enforcement services now being provided by State or local law enforcement agencies at those water resources projects or recreation areas where it is anticipated that law enforcement service contracts may be executed, and determine the scope including the type and amount, of law enforcement service which exceeds the normal law enforcement standard and which will become eligible for reimbursement under the contract. Normally, requests by the District Engineer or his authorized representative for emergency or unanticipated law enforcement assistance will be considered nonreimbursable. Increased law enforcement services, eligible for reimbursement under the terms of the contract, shall be those regularly scheduled patrols or surveillance in excess of the normal law enforcement standard presently being provided by the contractor.

f. An appropriate orientation program will be given by Corps personnel to all contract law enforcement personnel assigned to Corps

HQ AR004028

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The Corps of Engineers shall reimburse the contractor for the cost per man hour as set out in paragraph 6(h)(4) for attending the orientation program.

g. The contractor shall be required to keep a record of the services provided to the District under the terms and conditions of the contract in accordance with the criteria established in the plan of operation required in paragraph 6(h).

h. The District Engineer, in cooperation with the Contractor, shall prepare a Plan of Operation for the provision of law enforcement services as an attachment to the contract. The Plan of Operation shall contain, but not necessarily be limited to, the following information:

(1) Identify, by name and location, the project or projects and specific areas (recreation and others) that require law enforcement services.

(2) Describe the normal law enforcement services to be provided by the Contractor without reimbursement by the Government (see paragraph 6e). Identify time of day, number of hours-per-day, number of days-per-week, and the number of patrols.

(3) Describe the reimbursable law enforcement services to be provided by the Contractor under the contract. Identify the time-of-day, number of hours-per-day, number of days-per-week, number of patrols, manpower per patrol, and effective starting and ending dates.

(4) Identify the cost-per-man-hour for the provision of reimbursable law enforcement services, and identify the costs for utilization and operation, maintenance and repair of such equipment as allocated for use under the contract. (See paragraph 6(d).)

(5) The District Engineer and the Contractor should designate specific individuals to issue or receive requests for reimbursable law enforcement services under the contract.

(6) Describe the billing procedures to be utilized for the reimbursable law enforcement services. The Contractor shall provide, at a minimum, the total charges, the number of hours involved, and starting and ending dates of the billing period.

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(7) The Contractor shall prepare a Daily Law Enforcement Log (see paragraph 6(g), in accordance with the sample format contained in Appendix B of this regulation or equal, for the law enforcement services rendered as specified in (3) above. These logs shall be compiled by the Contractor and submitted to the District Engineer or his designated representative on a regular basis throughout the life of the contract. It is intended by this reporting requirement to minimize the paperwork burden on behalf of the Contractor while, at the same time, assuring ourselves of an adequate information base on which to supervise the law enforcement services being provided under the contract. Any requirement for additional information to be contained in these reports due to unique or special circumstances encountered in negotiating a Plan of Operation with a particular law enforcement jurisdiction must receive the prior approval of the Division Engineer.

7. Funding.

a. Reference 3c set forth the maximum allowable funds available for law enforcement contracting in FY 1978 and FY 1979. The Division funding levels for FY 1978 are based on information as previously submitted.

b. The FY 1979 funding request for increased law enforcement contracting will be submitted as part of the FY 1979 budget submittal.

8. Annual Report. The Division Engineer will provide a consolidated annual report by 30 October of each year which will contain the following:

a. Districts reporting.

b. Contract numbers.

c. Name of projects covered under each contract.

d. Number of man-hours of visitor protection service provided under each contract.

e. Total contract cost.

f. Cost per man-hour for each contract.

HQ AR004030

g. Costs of Engineers administrative or overhead costs associated



ER 1130-2-418

h. Number of arrests and type of offense committed, i.e., assault, burglary, auto theft, etc.

j. The Division Engineers assessment of the effects of the contract law enforcement program and recommendation.

FOR THE CHIEF OF ENGINEERS:

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2 Appendices

1. App A - Sample Contract
2. App B - Daily Law Enforcement Log

ALFRED F. LAWRENCE, JR.

Colonel, Corps of Engineers  
Executive

HQ AR004031

ER 1130-2-418

APPENDIX A

FORMAT FOR CONTRACT FOR LAW ENFORCEMENT SERVICES

Contract No. \_\_\_\_\_

CONTRACT FOR LAW ENFORCEMENT SERVICES  
DEPARTMENT OF THE ARMY

Contractor and address: \_\_\_\_\_

Contract for the enforcement of State and local laws on Federal lands under the control and jurisdiction of the Department of the Army.

Payment to be made by \_\_\_\_\_ at \_\_\_\_\_

The services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same:

This contract is negotiated pursuant to the authority contained in Section 120 of the Water Resources Development Act of 1976 (Public Law 94-587).

HQ AR004032

CONTRACT FOR LAW ENFORCEMENT SERVICES

THIS CONTRACT, entered into this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_,  
the United States of America (hereinafter referred to as the Government)  
represented by the contracting officer executing this contract and \_\_\_\_\_  
\_\_\_\_\_, (hereinafter referred to  
as the Contractor).  
Witnesseth that:

WHEREAS, the construction of the \_\_\_\_\_ (hereinafter called the  
"Project") was authorized by the \_\_\_\_\_ Act, approved \_\_\_\_\_  
\_\_\_\_\_, (Public Law \_\_\_\_\_), and the provision of  
recreation resources at [recreation project sites] was authorized by  
[\*the same] [\*the provisions of (the Federal Water Project Recreation  
Act of 1965)] [\*Section 4 of the 1944 Flood Control Act, as amended  
(16 U.S.C. 460d)]; and

WHEREAS, it is the responsibility of the Government, in administering the  
Project lands, to provide the public with safe and healthful recreational  
opportunities; and

WHEREAS, the Contractor has the authority to enforce the State and local  
laws for (the law enforcement jurisdiction) on such lands, and

WHEREAS, Section 120 of the Water Resources Development Act of 1976 (Public  
Law 94-587) authorized the Government to contract with States and their  
political subdivisions for the purpose of obtaining increased law enforcement  
services on Project lands to meet needs during peak visitation periods;  
and

WHEREAS, it is in the best interests of the Government to obtain the  
assistance of the Contractor in the enforcement of State and local laws  
on Project lands.

NOW, THEREFORE, the parties hereto mutually agree as follows:

Article 1. Plan of Operation.

(a) The Government and the Contractor, have agreed to a Plan of  
Operation which describes the scope and extent of law enforcement services  
to be provided by the Contractor in accordance with this contract. Such  
Plan of Operation, as concurred in by the Contractor, is attached hereto  
as Appendix \_\_\_\_\_ and made a part hereof.

(b) It is recognized and understood that should the Government elect  
to exercise its option under Article 4(b) of the contract and \_\_\_\_\_

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term of the contract for an additional one year period, the parties may review and renegotiate the Plan of Operation, at the request of either. The renegotiated Plan of Operation shall, upon written agreement thereto by the parties, supersede Appendix \_\_\_\_\_ without the necessity of modifying this contractual document. However, if any changes made in the renegotiated Plan of Operation cause the total cost of the law enforcement services to be provided by the Contractor to exceed the amount specified in Article 3 to be paid by the Government, then such changes shall be implemented only by a supplemental agreement to this contract.

---

Article 2. Obligations of the Contractor.

(a) The Contractor agrees to furnish law enforcement services as described in the Plan of Operation under Article 1 hereof. Such services shall include:

(1) The enforcement of the civil and criminal laws of the State and (local jurisdiction) on Project lands which fall within the scope of the normal law enforcement service standard as described in paragraph 2 of the Plan of Operation without cost to the Government.

(2) The enforcement of the civil and criminal laws of the State and (local jurisdiction) on Project lands in accordance with the schedules and duties described in paragraph 3 of the Plan of Operation, with payment by the Government in accordance with Article 3 of this contract.

(3) Responding to special needs for law enforcement services over and above the services to be provided in subsection (2) above and at the request of the contracting officer or his authorized representative. Such special needs are intended to reflect special calls for assistance or aide to meet emergency or unforeseen situations, and are not intended to reflect any routine patrol and surveillance duties described in and made a part of the Plan of Operation for payment by the Government.

(b) The Contractor agrees to provide all personnel, equipment, and supplies which are required in order to provide the law enforcement services requested by the contracting officer in accordance with subparagraph (a) above.

(c) The Contractor agrees to provide only these personnel who are qualified and trained pursuant to the requirements of State and local laws and regulations to undertake the law enforcement services to be provided under the terms of this contract. Where State and local standards for the qualifications of law enforcement personnel do not exist, the Contractor will advise the contracting officer of the experience, qualifications and training of those personnel expected to be assigned law enforcement duties under this

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Article 3. Obligation of the Government. Subject to the availability of funds the Government agrees to pay the Contractor for the total cost of the law enforcement services to be provided in accordance with the obligations agreed to be undertaken by the Contractor in Article 2(a)(2) above, including the costs of utilization, operation, maintenance, and repair of such equipment as is required for the provision of such services and identified in the Plan of Operation under Article 1 above. The total cost of such law enforcement services shall not exceed \$\_\_\_\_\_. At the request of the Contractor, partial payments may be made as the law enforcement services are performed, on monthly estimates as identified in the Plan of Operation under Article 1 above and approved by the Government. This provision shall not be construed as relieving the Contractor from the responsibility to perform the law enforcement services agreed to be undertaken by him under this contract, or as a waiver of the right of the Government to require complete fulfillment of all the terms of this contract.

Article 4. Period of Services.

(a) It is mutually agreed that the Contractor shall provide the law enforcement services as described in Article 1 and 2 hereof for a period of not more than 120 days extending from the date on which this contract is approved, or April 1, 19\_\_\_\_ whichever is later, through September 30, 19\_\_\_\_, unless terminated by mutual agreement, or on 30 days' written notice from either party to the other.

(b) Option to Extend the Terms of the Contract. This contract is renewable, at the option of the Government, by the contracting officer giving written notice of renewal to the Contractor by December 31, 19\_\_\_\_. The total duration of this contract, including the exercise of an option under this clause, shall not exceed two (2) years.

Article 5. Disputes.

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the contracting officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the contracting officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the contracting officer a written appeal addressed to the Chief of Engineers. The decision of the Chief of Engineers or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: provided, that nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

Article 6. Default. In the event the Contractor fails to meet any of its obligations under this agreement, the Government may terminate the whole or any part of this contract.

Article 7. Exclusion of Federal Employee Benefits. It is understood and agreed that the services to be provided by the Contractor and its employees shall not be considered to fall within the scope of Federal employment, that the Contractor and its employees shall not be considered as agents or employees of the Federal Government, and that none of the benefits of Federal employment will be conferred under the terms of this contract.

Article 8. Release of Claims. The Contractor agrees to hold and save the Government, its officers, agents and employees, harmless from liability of any nature or kind, for or on account of any claim for damages that may arise during the performance of the law enforcement services by the Contractor under this contract.

Article 9. Equal Opportunity. During the performance of this contract and subject to the provisions of ASPR 12-805(c), the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

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(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this Equal Opportunity clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant order of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of Paragraph (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the Contractor become involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

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Article 10. Examination of Records by Comptroller General.

(a) This clause is applicable if the amount of this contract exceeds \$10,000 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding \$10,000 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above for records which relate to (i) appears under the "Disputes" clause of this contract, (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals litigation, claims or exceptions have been disposed of.

Article 11. Audit by Department of Defense.

(a) General. The contracting officer or his representative shall have the audit and inspection rights described in the applicable paragraphs (b), (c) and (d) below.

(b) Examination of Costs. If this is a cost reimbursement type, incentive, time and materials, labor hour, or price redeterminable contract,

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or any combination thereof, the Contractor shall maintain, and the contracting officer or his representatives shall have the right to examine books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. Such right of examination shall include inspection at all reasonable times of the Contractor's plants, or such parts thereof, as may be engaged in the performance of this contract.

(c) Cost or Pricing Data. If the Contractor submitted cost or pricing data in connection with the pricing of this contract or any change or modification thereto, unless such pricing was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer or his representatives who are employees of the United States Government shall have the right to examine all books, records, documents and other data of the Contractor related to the negotiation, pricing or performance of such contract, change or modification, for the purpose of evaluating the accuracy, completeness and currency of the cost or pricing data submitted. Additionally, in the case of pricing any change or modification exceeding \$100,000 to formally advertised contracts, the Comptroller General of the United States or his representatives who are employees of the United States Government shall have such rights. The right of examination shall extend to all documents necessary to permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(d) Reports. If the Contractor is required to furnish Cost Information Reports (CIR) or Contract Fund Status Reports (CFSR), the contracting officer or his representatives shall have the right to examine books, records, documents, and supporting materials, for the purpose of evaluating (i) the effectiveness of the Contractor's policies and procedures to produce data compatible with the objectives of these reports, and (ii) the data reported.

(e) Availability. The materials described in (b), (c) and (d) above shall be made available at the office of the Contractor, at all reasonable times, for inspection, audit, reproduction, until the expiration of three years from the date of final payment under this contract or such lesser time specified in Appendix M of the Armed Services Procurement Regulation, and for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (1) and (2) below:

(1) If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for a period of three years from the date of any resulting final settlement.

(2) Records which relate to appeals under the "Disputes" clause of this contract, or litigation or the settlement of claims arising out of the performance of this contract, shall be made available until such appeals, litigation, or claims have been disposed of.

(f) The Contractor shall insert a clause containing all the provisions of this clause, including this paragraph (f), in all subcontracts exceeding \$10,000 hereunder, except altered as necessary for proper identification of the contracting parties and the contracting officer under the Government prime contract.

Article 12. Officials Not to Benefit. No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation to its general benefit.

Article 13. Covenant Against Contingent Fees. The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purposes of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion, to deduct from the contract price or consideration, or otherwise recover; the full amount of such commission, percentage, brokerage or contingent fee.

Article 14. Gratuities.

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Secretary or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract; provided, that the existence of the facts upon which the Secretary or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other

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damages to which it may be entitled by law, to exemplary damages in an amount ( as determined by the Secretary or his duly authorized representative) which shall be not less than three nor more than ten times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

Article 15. Convict Labor. In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment except as provided by Public Law 89-176, September 10, 1965 (18 U.S.C. 4082(c)(2)) and Executive Order 11755, December 29, 1973.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA

THE [STATE] OF \_\_\_\_\_

By \_\_\_\_\_  
(Colonel, Corps of Engineers)  
(District Engineer)  
(Contracting Officer)

By \_\_\_\_\_  
(Title)

DATE \_\_\_\_\_

(Necessary approvals and countersignatures required by State and local law with respect to execution on behalf of the State must be ascertained by the contracting officer and his counsel and added to the signature block.)

HQ AR004041



HQ AR004042-HQ AR004099

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# REPORT TO THE CONGRESS



BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES

## Crime In Federal Recreation Areas-- A Serious Problem Needing Congressional And Agency Action

The Government has no policy on criminal law enforcement on Federal lands.

Visitor protection provided by numerous Federal agencies has been inconsistent because of inadequate legal authority and weaknesses in law enforcement programs.

Legislation is needed to provide clear and adequate law enforcement authority. Existing law enforcement programs can be improved in such areas as training of personnel, crime reporting systems, and cooperative agreements with local police agencies.

GGD-77-28

JUNE 21, 1977



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-186985

To the President of the Senate and the  
Speaker of the House of Representatives

This report describes the shortcomings in the Government's efforts to provide visitor protection services at Federal recreation areas. The report shows that limited statutory authority and lack of applicable Federal criminal statutes are hampering visitor protection services. If visitor protection efforts are to be more effective, agency programs and authorizing law enforcement statutes must be made uniform and consistent. The report suggests ways in which the Congress, as well as the executive branch, can improve the Government's efforts.

We made this review to analyze the visitor protection conditions at Federal recreation areas and to determine the adequacy of law enforcement and visitor protection operations. Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget, and the heads of the departments and agencies discussed in this report.

A handwritten signature in dark ink, reading "Luther B. Smith", is positioned above the printed name of the Comptroller General.

Comptroller General  
of the United States

PageABBREVIATIONS

|    |      |                                 |
|----|------|---------------------------------|
| 43 |      |                                 |
| 44 | BLM  | Bureau of Land Management       |
| 45 | FBI  | Federal Bureau of Investigation |
| 46 | FS   | Forest Service                  |
| 46 |      |                                 |
| 51 | FWS  | Fish and Wildlife Service       |
| 55 |      |                                 |
| 60 | GAO  | General Accounting Office       |
| 62 |      |                                 |
| 63 | NPS  | National Park Service           |
| 64 | PSS  | Public Safety Service           |
|    | RCMP | Royal Canadian Mounted Police   |
|    | TVA  | Tennessee Valley Authority      |

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COMPTROLLER GENERAL'S  
REPORT TO THE CONGRESS

CRIME IN FEDERAL RECREATION  
AREAS--A SERIOUS PROBLEM  
NEEDING CONGRESSIONAL AND  
AGENCY ACTION

D I G E S T

More and more people are visiting Federal recreation areas. Unfortunately, the incidence of crime has grown correspondingly, exposing inadequacies in the protection of visitors.

The Federal Government owns and administers about one-third of the Nation's 2.2 billion acres of land. Most of it is administered by the Bureau of Land Management and the Forest Service; however, other agencies involved include the Fish and Wildlife Service, the National Park Service, the Army Corps of Engineers, and the Tennessee Valley Authority. Although the primary mission of these six agencies is managing natural resources, the lands they oversee also offer recreational opportunities.

THE PROBLEM

About 85 percent of the law enforcement employees surveyed at recreation areas said crime was a serious problem in their areas. Many cited vandalism, illicit possession of weapons, drug and alcohol abuse, destruction of natural and historical resources, larceny, burglary, and assault as frequent problems. Agency studies confirm the survey findings. (See ch. 2.)

THE LEGAL JUNGLE

Because of increasing crime, all agencies expanded their resource protection programs to include visitor protection. However, this work was handicapped by a network of limited and differing statutory authorizations, none of which authorized enforcement of all Federal laws governing the conduct of visitors.

As a result, at some recreation areas, agency employees overstepped their express statutory enforcement authority in order to provide visitors with police services including

- carrying firearms for law enforcement purposes,
- making arrests for all types of criminal offenses, and
- acting as deputy sheriffs.

At other recreation areas, the prevailing practice was to shy away from law enforcement activities concerning visitors.

Federal laws prohibiting misconduct against visitors or their property do not apply at many recreation areas. Such laws include the Federal statutes defining assault, maiming, murder, manslaughter, rape, robbery, and burglary. When the Federal criminal code has not defined a particular offense, such as breach of the peace, the Assimilative Crimes Act adopts as Federal law, for certain Federal lands, the criminal code of the State where the Federal land is situated.

Presently, neither the Federal laws which prohibit misconduct against visitors or their property nor the Assimilative Crimes Act applies to many of the Nation's recreation areas, even though Federal law enforcement officers may be present. For example, at the Grand Canyon misconduct against visitors or their property--including murder, rape, and robbery--is generally not a Federal offense. Visitors to such areas must rely on State and local officials for assistance. This assistance is affected by the local agencies' willingness and ability to respond to reported criminal activity occurring on Federal land.

Recently, legislation relating to the enforcement powers of the National Park Service and



the Bureau of Land Management was enacted. Although these acts expand the law enforcement authority of the two agencies, they do little to improve the agencies' ability to protect visitors where no Federal visitor protection laws apply. (See ch. 3.)

#### UNIFORM VISITOR PROTECTION PROGRAM NEEDED

If visitors are to receive adequate law enforcement service when on Federal land, the Government must:

- Upgrade program monitoring and evaluation so it can better assess visitor protection needs and allocate sufficient law enforcement resources to recreation areas.
- Make sure that personnel assigned law enforcement duties are properly trained.
- Establish standards and controls over non-Federal police agencies hired to provide law enforcement services.

To guide agencies in setting up visitor protection programs and to correct shortcomings, a Federal policy on visitor protection is needed. ~~It should be Federal policy that visitors to recreation areas receive the same law enforcement services, without regard to the agency administering the land or responsible for law enforcement services.~~ (See ch. 4.)

#### AGENCY COMMENTS

Most agencies involved in administering Federal recreational areas were not convinced that the problem was as serious as GAO portrays it. However, they acknowledged that law enforcement in such areas can be improved.

Agency reactions to GAO proposals for improving the situation were mixed. Most of the agencies did not embrace GAO's legislative proposal to extend the Federal criminal code to all Federal lands. They were concerned that it might reduce



law enforcement assistance from local agencies. GAO does not agree. It believes the cooperative efforts would be strengthened. (See ch. 5.)

RECOMMENDATIONS TO HEADS  
OF FEDERAL AGENCIES

GAO recommends that the Director of the Office of Management and Budget, in conjunction with the Secretaries of the Army, Agriculture, and the Interior, the Attorney General, and the General Manager of the Tennessee Valley Authority, develop and implement a program for visitor protection which has as its objective the protection of visitors and their property. The Government's program should:

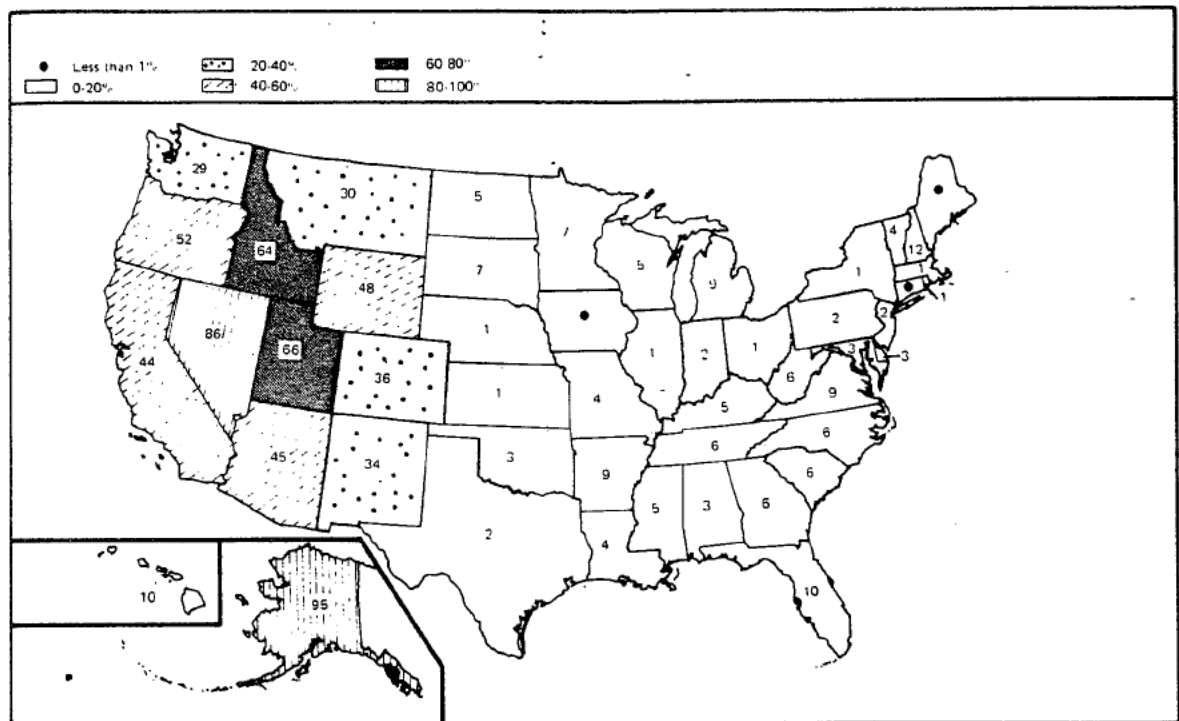
- Delineate acceptable levels of law enforcement service to be made available to visitors.
- Establish visitor protection guidelines and standards for all the agencies to follow. These guidelines and standards should include the philosophy, objectives, and procedures for providing visitor protection.
- Establish information systems so that there will be essential and reliable information available to top management on the seriousness and extent of crime at national recreation areas. Such a system could serve as the basis for a program of supervision and control over visitor protection efforts.
- Develop procedures to promote competent recruiting, provide for adequate training, and assure proper equipping of all rangers assigned law enforcement duties.
- Develop guidelines and procedures to be followed when contracting with State and local law enforcement agencies for law enforcement services.

RECOMMENDATION TO THE CONGRESS

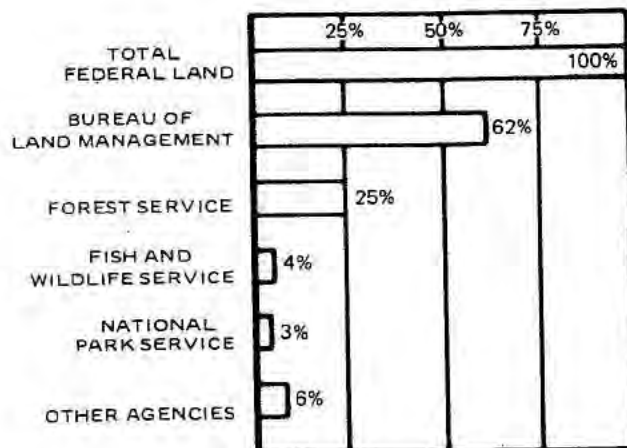
The Congress should enact legislation to untangle the legal and policy problems associated with law enforcement on visitor-oriented Federal lands. (See ch. 3 and p. 45.) Draft legislation to implement GAO's recommendations and explanatory comments is in appendixes III and IV.

CHAPTER 1INTRODUCTION

The Federal Government owns and administers over one-third of the Nation's 2.2 billion acres of land. The following map shows the distribution of federally owned lands as a percent of each State's acreage.



While the bulk of the Federal lands are administered by the Bureau of Land Management and the Forest Service, other agencies have similar administrative duties. The table at the top of the following page shows the amount of Federal lands administered by each agency.



In addition, although the primary mission of the National Park Service (NPS), Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), Forest Service (FS), Army Corps of Engineers, and Tennessee Valley Authority (TVA) is resource management, their lands also offer recreational opportunities. In 1975 over 958 million visits were made to Federal recreation areas administered by these six agencies. The following table shows the annual visitation rates between 1971 and 1975 for the six agencies which were included in our review.

| Agency                     | Calendar year             |         |         |         |         |
|----------------------------|---------------------------|---------|---------|---------|---------|
|                            | 1971                      | 1972    | 1973    | 1974    | 1975    |
|                            | ----- (000 omitted) ----- |         |         |         |         |
| National Park Service      | 200,543                   | 211,621 | 226,492 | 217,438 | 238,849 |
| Fish and Wildlife Service  | 18,856                    | 20,249  | 20,351  | 21,107  | (a)     |
| Bureau of Land Management  | 91,240                    | 84,566  | 95,359  | 89,847  | 79,259  |
| Forest Service             | 175,250                   | 181,054 | 181,013 | 191,261 | 198,537 |
| Corps of Engineers         | 310,000                   | 330,593 | 344,000 | 352,000 | 376,000 |
| Tennessee Valley Authority | 57,628                    | 60,294  | 61,262  | 61,859  | 65,612  |

a/FWS converted to fiscal year data collection in 1975. Therefore, calendar year visitation statistics were not available. Reported visitation for fiscal year 1975 was 24,121,000.



We reviewed law enforcement programs of the Federal agencies responsible for managing Federal recreation areas to determine how the agencies were protecting visitors. In addition, we sent questionnaires to 1,637 employees at 174 of the Nation's most frequently visited national forests, national parks, historical sites, lakes, refuges, etc. We also visited 24 recreation areas to observe how visitor protection services were provided and how law enforcement programs that had been established were being implemented. (Additional information on the scope of our review is included in ch. 6.)

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## CHAPTER 2

### CRIMINAL ACTIVITY AT

#### FEDERAL RECREATION AREAS

Most visitors to Federal recreation areas go there to have a relaxing experience, and do. Others, however, become victims of crimes such as burglary, assault, and sometimes even murder. With the number of visitors to Federal recreation areas continually increasing, the Federal agencies which administer these areas have a difficult situation to contend with. Various independent studies and agency studies verify that crime is a serious problem at national recreation areas. In addition, responses to our questionnaires surveying personnel performing law enforcement duties, statistics obtained from NPS, and information gathered from visits to recreation areas all confirm that criminal activity is a problem faced by employees.

#### INDEPENDENT AND AGENCY STUDIES

A 1970 study for NPS by the International Association of Chiefs of Police showed that some of the social unrest and antisocial behavior experienced in our larger urban centers had appeared in many of our national parks. The Association's report stated that an increased law enforcement burden had been placed on park rangers as a result of growth in public use of national parks and the growing tendency of many to disregard park regulations and the rights of others.

A 1971 BLM report on the California desert stated that valuable resource lands were being eroded by uncontrolled use, abuse, vandalism, and thefts and that visitor health and safety were being jeopardized.

In 1971 an FS report on its law enforcement organization discussed the law enforcement problems being experienced. The report stated that many visitors had been assaulted, had property stolen, or had otherwise been molested. The report further said that under Department of Agriculture regulations FS could prevent a visitor from playing his radio too loud but could take no action if one visitor harmed another or stole his property. In addition, the report concluded that more and more vandals, gangs of toughs, and careless visitors were destroying property, harassing others, and generally disregarding laws and regulations.

A 1974 study by Public Management Services, Inc., found that a significant level of criminal activity existed at many Corps of Engineers lakes. The cost of such crime was estimated at \$12 to \$17 million yearly.

A 1974 Department of the Interior task force found that drug abuse, robbery, assault, and vandalism were increasingly present on Interior-administered lands. The task force reported that law enforcement must be improved to meet the challenge created by the increasing crime.

In comments on a 1976 FWS report on law enforcement, the FWS Director recognized enforcement problems presented by his agency's land management activities. He pointed out that FWS personnel face problems similar to those experienced by such Federal personnel as park police and forest rangers.

CRIME AS PERCEIVED BY  
SURVEY RESPONDENTS

To update information on unlawful activities occurring at Federal recreation areas, we sent questionnaires to 1,637 employees of the 6 agencies reviewed; 1,249 employees responded. For the purpose of our analysis, however, only responses from employees of five agencies were used. The questionnaires received from TVA were not used because TVA's Public Safety Service Branch provided its employees with supplemental instructions for completing the questionnaires. Since it appeared that these additional instructions affected the way TVA employees answered the questions, we eliminated their responses. <sup>1/</sup> This reduced the usable responses to 1,216.

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<sup>1/</sup>In commenting on the report, TVA stated that it has taken measures to insure that in the future our requests for information will be handled in strict accordance with the procedures we indicate. (See app. VI.)



According to 744 rangers (61 percent) crime was a moderate to very great problem at their recreation areas. On the other hand, 450 rangers (37 percent) stated that crime was little or no problem. <sup>1/</sup> Two percent of the rangers did not answer this question.

#### Observed and reported crime

Rangers were asked whether they had observed, been informed by visitors, and/or had cause to report crimes to law enforcement authorities. They were also asked to assess the extent to which certain crimes were a problem.

The following table shows the percent of respondents who had observed, been told about, and/or had reported crimes in the fall 1975 through summer 1976 season. For the purpose of this report, the following categories of offenses were used:

- Type I offenses include murder, rape, robbery, auto theft, larceny, burglary, and assault.
- Type II offenses include illicit possession of weapons, narcotic and drug violations, and gambling.
- Type III offenses are resource protection law violations.

| <u>Question</u>   | <u>Percent of 1,216 respondents replying "yes"</u> |                |                 |
|---|--|----------------|-----------------|
|   | <u>Type I</u>                                      | <u>Type II</u> | <u>Type III</u> |
| Have you observed these types of crimes being committed?              | 21   | 53             | 75              |
| Have these types of crimes been reported to you?                      | 47   | 59             | 78              |
| Have you reported these types of crimes to law enforcement officials? | 45   | 51             | 55              |

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<sup>1/</sup>When the term "ranger" is used, it is meant to include all recreation area employees surveyed by questionnaire: rangers, technicians, aides, agents, refuge managers, and assistant refuge managers.

The following table shows the number of instances in which the respondents said crimes were reported to them or by them during the same period.

| <u>Question</u>  | <u>Estimated number of incidents reported by respondents</u> |                |                 |
|--|--|----------------|-----------------|
|  | <u>Type I</u>  | <u>Type II</u> | <u>Type III</u> |
| Number of times these types of crimes were reported to you | 7,538  | 16,295         | 34,501          |
| Number of crimes you reported to law enforcement officials | 6,255  | 12,596         | 20,018          |

These figures could be overstated to the extent that two or more rangers at the same location may have reported the same incident, or understated, because many crimes go unreported. Overall, however, we believe the figures show that any ranger assigned to law enforcement duty at any of the surveyed recreation areas could expect to be confronted with crime problems.

#### Respondents' assessment of crime problem

About 85 percent of the rangers we surveyed saw criminal activity as a problem.

We provided the rangers with a list of crimes which could occur at recreation areas and asked them to indicate how much of a problem each was at their particular areas. The following table shows, in order, the crimes which they reported most frequently as substantial to very great problems:

1. Vandalism of Government property
2. Destruction of natural and historic resources
3. Drunkenness and disorderly conduct
4. Game law violations
5. Drugs or narcotic violations
6. Vandalism of private property
7. Disturbing the peace
8. Unauthorized possession of weapons
9. Larceny
10. Boating violations