



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

SEP 29 1999



A5431(2400)

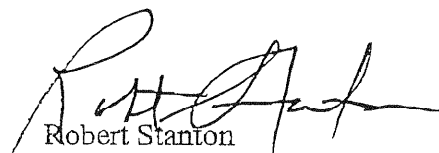
Ms. Elaine Kaplan
U.S. Office of Special Counsel
1730 M Street NW, Suite 300
Washington, D.C. 20030-4505

Dear Ms. Kaplan:

In reference to our September 14, 1999, letter to you, I am providing additional information.

Secretary Babbitt has delegated authority to me to review and sign this report.

Sincerely,


Robert Stanton
Director



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240



IN REPLY REFER TO:

A5431(PWR-O)

SEP 14 1999

Ms. Elaine Kaplan
U.S. Office of Special Counsel
1730 M Street NW, Suite 300
Washington, D.C. 20030-4505

Re: OSC File Nos. DI-99-0612; DI-99-0613

Dear Ms. Kaplan:

We received your letter of May 11, 1999, concerning allegations made by Mr. Steven Robinson and Ms. Amelia Bruno regarding the safety of the boat tour operations at Crater Lake National Park in Oregon. As heavy snows prevented an on-site investigation at the park until August 2, we requested and received from Ms. Catherine McMullen, in your office, an extension of time to respond to your letter. We have carefully reviewed the allegations you cite through an on-site investigation at the park and a close review and analysis of the information you provided. We also conducted a review of regional office and park files that pertain to these allegations and have consulted with the Coast Guard in these matters through the formal Memorandum of Agreement with the park.

In summary, we find that there were legitimate safety concerns regarding the boat tour operations at Crater Lake prior to 1996, but beginning in 1996, the safety of the operation was given the top priority consideration it merits by both the park and concession managers. Our investigation revealed that the safety of the boat operations, at this time, has improved markedly, particularly with the involvement of the U.S. Coast Guard in the inspection and certification of the boats and boat operations, in improved training being provided to the boat crews, and in upgrades to the maintenance of the boats. In addition, a program of continuous improvement in the safety program is in place. We also found that the National Park Service (NPS) as an agency must continue the work it has started to complete the update of Title 36 Code of Federal Regulations Part 3, which pertains to "Boating and Water Related Activities" in the NPS. We conclude that there have been different interpretations of the scope and meaning of 36 CFR Part 3.1, and that

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clarification is necessary to assure uniformity in application of the regulations in the various units of the National Park System. Our agency is working to resolve and clarify some of the regulatory and policy issues that pertain to boating on non-navigable waters. As this Servicewide work is completed, it will further affect and improve the boating safety program at Crater Lake.

As required by 5 U.S.C., Section 1213(d), we have organized this response to your letter and the report of our investigation into five parts.

SUMMARY OF INFORMATION INVESTIGATED

A team visited the park August 2-5, 1999, to investigate the allegations of Mr. Robinson and Ms. Bruno, as detailed in your letter and the enclosures you sent to us on May 11. Enclosed is the team report and its recommendations as they refer to the allegations. Specifically, the team looked into the following allegations:

Over the course of 4 years of their employment at Crater Lake, Mr. Robinson and Ms. Bruno documented specific instances of boat pilot error during tours, chronic mechanical failure of poorly maintained tour boats, inadequate rescue protocols during emergency situations and the failure to cancel boat tours when inclement weather was forecast.

Mr. Robinson and Ms. Bruno maintain that these boat tours are subject to applicable Coast Guard regulations codified in Title 46 of the Code of Federal Regulations. Your letter states that 36 CFR, Part 3.1, appears to mandate compliance with Coast Guard regulations without regard to navigability. Your letter asks for the current position of the NPS on the applicability of Coast Guard regulations and compliance with Coast Guard regulations at facilities located on navigable waters. You state you lack information about whether or not NPS considers Coast Guard regulations inapplicable at parks containing non-navigable waters.

Your letter states that Mr. Robinson and Ms. Bruno maintain that NPS regulations adopt all laws and regulations of the State within whose exterior boundaries a park area or portion thereof is located. The letter cites specific Oregon laws and statutes, particularly the state requirement that all boats carry one U.S. Coast Guard approved life jacket in an appropriate size for every person aboard.

Due to the location, depth, temperature, geological properties, and volcanic banks of Crater Lake, Mr. Robinson and Ms. Bruno allege a variety of safety violations, including:

- a. Inadequate marine training of boat pilots.
- b. Lack of Coast Guard certification for boat operators.
- c. Operation of boats in inclement weather.

- d. Death as a result of a falling rock.
- e. Children under the age of 5 not counted as passengers.
- f. Passenger count exceeds 60 people.
- g. The Boat Operations Plan, the minimum guide for the boat operators, was not available to them until 1997.
- h. Numerous incidents of boat pilot error.
- i. Failure to cancel tours when inclement weather was forecast.
- j. Unsafe design of the boats.
- k. The boats are inadequately equipped for emergencies and lack basic navigational equipment.
- l. The tour boats are not equipped with lifeboats.
- m. The number of life jackets and their sizes do not always match the numbers of the passengers and the ratio of adults to children.
- n. Rescue plans, equipment and training to conduct rescues are inadequate
- o. The boats lack other rescue equipment such as alternative power systems in case of engine failure, sea anchors to support transfer of passengers from one boat to another, and rescue ladders.
- p. The boats should carry fewer passengers due to their age and maintenance history.
- q. Boat engines are unreliable.
- r. The back-up or rescue boat is usually the weakest boat.
- s. The location of the boat engines, in relation to the fuel tanks, creates an ongoing risk of explosion.
- t. Boats are not properly supported when dry-docked and suffer damage over the winter months.
- u. NPS staff should be equipped with a life suit for cold water rescue and trained for this type of rescue operation.

The team also conducted interviews to ascertain if NPS officials adequately investigated and followed up on the safety concerns reported by Mr. Robinson and Ms. Bruno according to NPS Policy Directive, titled NPS-50.

CONDUCT OF THE INVESTIGATION

Upon receipt of your letter from DOI Secretary Bruce Babbitt on May 17, 1999, NPS Pacific West Regional Director, John J. Reynolds, designated the Associate Regional Director for Operations and Education, Martha K. Leicester, as the Team Captain to investigate the allegations and the boat tour operations at Crater Lake. Ms. Leicester recruited a team of two other investigators, Mr. Dennis Burnett, Law Enforcement Program Manager in the Ranger Activities Division in the Washington Office; and Mr. Vern Hurt, Safety Officer, in the NPS Midwest Regional Office. In preparing for their trip to the park for an on-site investigation, the team consulted with Mr. William Back, Deputy Regional Solicitor, Pacific Northwest Region, Portland; Mr. Stephen Crabtree, Concessions Specialist for the Pacific West Region; and with Mr. Jerry Case, Chief Ranger at Kaloko-Honokohau in Hawaii. Mr. Burnett, Mr. Hurt and Mr. Case are all members of the NPS Task Force responsible for writing and updating the regulations found at 36 CFR Part 3. Mr. Burnett has been a boat operator at Lake Mead National

Recreation Area and District Ranger and boat operator at Isle Royale National Park. Mr. Hurt served in the Coast Guard for almost 3 years and was also a law enforcement officer and boat operator at Point Reyes and Cape Cod National Seashores and at Yellowstone National Park. The park Superintendent, Charles Lundy, and Management Assistant and Concession Specialist, John Miele, provided logistical advice to the team and support for their visit.

Prior to the on-site visit, the team members reviewed the Office of Special Counsel letter and enclosures, regional office and park files. On August 2-5, the team visited the park to conduct the investigation. The investigation consisted of interviews with both NPS and concession employees and managers, a review of the boat tour operations, and file and facility reviews. The team prepared a draft report, which was reviewed and approved by the regional director. This final report is enclosed.

SUMMARY OF ANY EVIDENCE OBTAINED FROM THE INVESTIGATION

As described in the enclosed team report, a significant amount of documentary evidence was reviewed, and oral statements obtained, during the investigation. A site visit was also conducted.

VIOLATION OR APPARENT VIOLATION OF ANY LAW, RULE OR REGULATION

We found there to be some confusion as to what law, rule or regulation applied to the Crater Lake boat tour operation. We found that there has been inconsistent policy guidance on the scope of the 36 CFR Part 3.1 which we propose to remedy through the work of the NPS Boating Regulations Task Force. Part 3.1 (a) states:

“In addition to the regulations contained in this part, title 14 United States Code title 33 Code of Federal Regulations, title 46 Code of Federal Regulations, title 49 Code of Federal Regulations, and the laws and regulations of the State within whose exterior boundaries a park area or portion thereof is located shall govern water use, vessels, and their operation and are adopted as part of these regulations.”

In the course of the investigation conducted for Crater Lake, we found that there are inconsistencies in how this language is interpreted in the park units with significant boating activity. Crater Lake and other parks with boating on non-navigable waters have concluded, with policy support from the Washington Office, that Coast Guard regulations do not apply because the Coast Guard has no jurisdiction over non-navigable waters. Crater Lake has questioned the applicability of Oregon laws because of ORS 272.070 which provides that Oregon laws shall not apply within Crater Lake National Park.

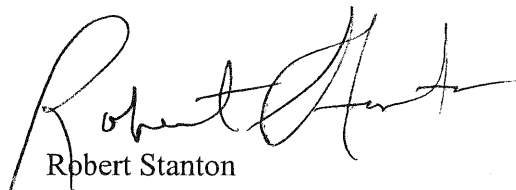
ACTIONS TAKEN OR PLANNED

We concur with the finding of the team, and as documented by Mr. Robinson and Ms. Bruno, that there were legitimate concerns regarding the safety of the boat operations prior to 1996. The operation that was investigated in August 1999, however, is safe for employees and passengers. We believe that the enclosed investigative report supports this claim. The report

also outlines the various actions that have been taken to achieve this safe operation. In addition, the recommendations of the investigation team contained in the report will serve as the basis for a continuing program of improvement for the boat tour operations at Crater Lake and will be reviewed on a periodic basis for compliance and implementation. We will also ensure that the NPS Boating Regulations Task Force to update 36 CFR Part 3 will meet to continue their work in the year 2000.

If you have any additional questions, please contact me directly at 202/208-4621, or Maureen Finnerty, Associate Director, Operations and Education, at 202/208-5651.

Sincerely,



Robert Stanton
Director

Enclosures

cc: Associate Director, Operations and Education, WASO
Regional Director, PWR
Superintendent, CRLA
Deputy Director, PWR
Associate Regional Director, Operations and Education, PWR
Deputy Regional Solicitor, Region Nine
Law Enforcement Program Manager, Ranger Activities Division, WASO
Safety Officer, Midwest Regional Office
Concessions Program Manager, PWR
Chief Ranger, Kaloko-Honokohau
Management Assistant, CRLA

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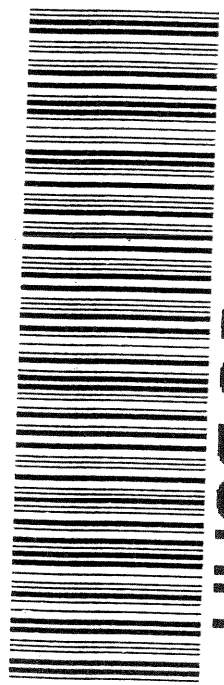
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Crater Lake Investigation Team Report and Response to OSC Files Nos. DI-99-0612; DI-99-0613:

A team visited the park August 2-5, 1999, to investigate the allegations of Mr. Robinson and Ms. Bruno, as detailed in the letter from the Office of Special Counsel and the enclosures sent to the Department of Interior on May 11.

Purpose of team visit: Review and investigate, on-site at the park, allegations and concerns about the safety of the boat operations at Crater Lake.

Team approach and method:

Interviewed:

Park management: Superintendent, Management Assistant/Concession Specialist, and Division Chiefs: Interpretation, Maintenance, and Protection,

Park Employees: (Permanents): Supervisor of Park Research Program, Aquatic Biologist, Interpretive Operations Supervisor (Assistant Chief of Interpretation), Park Safety Officer and Protection Ranger

(Term and Seasonal Employees): Watchman Fire Look Out, two returning interpretive seasonals, two new interpretive seasonals

Concessions: General Operations Manager, Facility Manager, past boat operations manager (1996 and 1997), 1999 season Boat Operations Manager.

Past Crater Lake Superintendent, 1994-1998.

Retired Marine Engineer and past boat operations inspector,

1999 Area Coast Guard Commander and the Coast Guard Lieutenant who conducted the 1999 Crater Lake boat operations inspections and issued the certifications.

Participated in boat tour, 8/3/99. Inspected facilities and boats and reviewed paperwork and boat logs on both the dock area and on Wizard Island.

Reviewed regional, park and concessioner files and records (spot checks)

Following is the Team report. References to the specific allegations from the OCS letter are written in boldface type. The team findings follow each allegation in normal typeface.

Over the course of four years of their employment at Crater Lake, Mr. Robinson and Ms. Bruno documented specific instances of boat pilot error during tours, chronic mechanical failure of poorly maintained tour boats, inadequate rescue protocols during emergency situations and the failure to cancel boat tours when inclement weather was forecast.

Mr. Robinson and Ms. Bruno maintain that these boat tours are subject to applicable Coast Guard regulations codified in Title 46 of the Code of Federal Regulations. Your letter states it appears that 36 CFR Part 3 appears to mandate

compliance with Coast Guard regulations without regard to navigability. Your letter asks for the current position of the NPS on the applicability of Coast Guard regulations and compliance with Coast Guard regulations at facilities located at or on navigable waters. You state you lack information about whether or not NPS considers Coast Guard regulations inapplicable at other parks containing non-navigable waters.

In a memorandum dated May 19, 1989, the NPS Associate Director for Operations implied that 36 CFR 3.1 applied only to navigable waters within national parks. The memorandum called attention to a need to regulate passenger-for-hire boat operations on non-navigable waters. Standards developed by the Rocky Mountain Region were intended to apply to passenger-for-hire boat operations on non-navigable waters.

Tour boat operations at Crater Lake National Park met the standards issued by the Rocky Mountain Region. The park took direction from the Pacific Northwest Region to implement the Rocky Mountain Region program at Crater Lake.

We found that there are inconsistencies in how the language of 36 CFR Part 3.1 is interpreted in the park units with significant boating activity. Crater Lake and other parks with boating on non-navigable waters have concluded, with policy support from the Washington Office, that Coast Guard regulations do not apply because the Coast Guard has no jurisdiction on non-navigable waters. We recommend that clarification of the regulatory or policy meaning of 36 CFR 3.1(a) be requested from the Washington Office.

OSC letter states that Mr. Robinson and Ms. Bruno maintain that NPS regulations adopt all laws and regulations of the State within whose exterior boundaries a park area or portion thereof is located.

The NPS has the authority to assimilate State laws and regulations as well as utilize Coast Guard regulations. For example, in some states there may be a regulation that all passengers wear life jackets, but the Coast Guard regulations require only that the life jackets be on board. Oregon does not have a law that requires passengers to wear life jackets, but the NPS would normally adopt the U.S. Coast Guard regulations and require only that the life jackets be on board. In fact, this is the case at Crater Lake.

The letter cites specific Oregon laws and statutes, particularly the state requirement that all boats carry one U.S. Coast Guard approved life jacket in an appropriate size for every person aboard. Crater Lake meets U.S. Coast Guard requirements.

36 CFR Part 3.1 (a) adopts state law. Oregon State law, ORS 272.070, provides that Oregon laws and regulations do not apply within Crater Lake National Park. Regulatory or policy clarification is needed as to whether Crater Lake NP, and other parks with exclusive jurisdiction, should apply state laws in light of state cession ORS 272.070

Due to the location, depth, temperature, geological properties, and volcanic banks of Crater Lake, Mr. Robinson and Ms. Bruno allege a variety of safety violations, specifically including:

a. Inadequate marine training of boat pilots.

Crater Lake has instituted a pilot training program. See the attached Boat Operations Plan (BOP). The Team concluded that the pilot training program is adequate.

B. Lack of Coast Guard certification for boat operators

Because of the determination that Crater Lake is a non-navigable body of water, the US Coast Guard has declined to issue a license for boat pilots on Crater Lake. The Coast Guard has advised that it has never been the intent of their licensing regulations to issue licenses for non-navigable waterways.

The authority to accept a licensing arrangement other than having a US Coast Guard licensed operator on National Park waters is allowed under 36 CFR 3.1(b) and 46 CFR 10.202(h). The Coast Guard has reviewed Crater Lake's boat pilot certification program, including the content of both the written and practical examinations.

All boat pilots carry a Limited Operator's Permit for boats operating fixed routes on non-navigable waters of Crater Lake National Park. The individual responsible for the training, examination, and certification of boat pilots must hold the MASTER or LIMITED MASTER license issued by the US Coast Guard.

C. Operation of boats in inclement weather

Whenever inclement weather conditions pose a potential threat to public safety, the Boat Operations Manager will make a decision to cancel boat tours or to shorten a tour that is underway. The NPS Management Assistant's observation has been that boat tour personnel are conservative in making the decision whether or not to operate boat tours under adverse weather conditions. If there is any doubt about whether conditions are severe enough to cancel boat tours, the policy has been to err on the side of passenger safety. The Park Management Assistant, John Miele, believe that the boat pilots and the Boat Operations Manager have exercised good judgement in making decisions regarding cancellation of boat tours. Furthermore, if the Boat Operations Manager would decide to run boats during weather that is questionable, the NPS Management Assistant or Chief Ranger has authority to override his decision and cancel boat tours.

The following comments are offered relative to specific allegations made by Mr. Robinson and Ms. Bruno:

"Tours undertaken on stormy days."

7/16/96 *"morning; cancelled in afternoon"*

The record indicates that all nine scheduled boat tours operated without incident on July 16. The official weather record for July 16 shows that the weather was clear with a high temperature of 73 degrees and a low of 39 degrees. The records are available to OSC for review upon request.

7/17/96 *"morning tours done; canceled after two tours caught in strong cold front storm."*

The record shows that the 1:30 pm and subsequent tours were cancelled due to bad weather. The official weather record shows that skies were clear at 8 am on July 17. The high temperature was 68 degrees and the low was 38 degrees. Apparently a storm moved in during the early afternoon and tours were cancelled due to bad weather. The records are available to OSC for review upon request.

On the next day all nine scheduled boat tours were cancelled due to bad weather and rough water. The weather record shows that there was a high of 48 degrees and a low of 32 degrees with .38 inches of precipitation on July 18, 1996. The records are available to OSC for review upon request.

7/25/96 *"Tours undertaken with lightning nearby; cancelled later due to storms."*
There were seven boat tours scheduled for July 25. The record shows that the 3 pm and 4 pm tours were cancelled due to a lightning storm. The park ranger/interpreter made this observation about the 1 pm tour: "Thunderstorms – we hugged the east shore due to storms. No real danger here – good communication between the boat driver (Nick) and myself regarding safety." When lightning strikes appeared near the caldera during the 2 pm tour, subsequent tours were cancelled for the day. Cancellation of these tours reflects good judgement on the part of the Boat Operations Manager.

8/23/96 *"Tours undertaken during storms; then cancelled."*
According to the official weather record, the weather for August 23 was clear; all nine scheduled boat tours operated without incident. On August 24 there were 2 tours cancelled in the afternoon due to thunder and lightning.

1997 Summer Season "On the first day of boat tours, as a park visitor at the top of the caldera, I once again witnessed tours operating during sleet, rain, and fog."

The first day of boat tours in 1997 was June 28. The record shows that the skies were partly cloudy, and that all four scheduled boat tours operated without incident. On June 29 one boat tour was cancelled due to lightning. On June 30, 1997, all four boat tours were cancelled due to a rainstorm.

General Comments: The decision on whether to operate or cancel boat tours based on weather conditions is a judgement call by the Boat Operations Manager. The safety of tour boat passengers is paramount in making this decision. Park Management Assistant, John Miele, has had occasion to observe weather conditions and observe decisions made by boat pilots and the Boat Operations Manager, and he has concurred with their decisions as prudent.

d. Death as result of a falling rock

On Thursday, August 12, 1993, a fatal accident occurred when a visitor was struck on the top of the head by a falling rock while hiking on the Cleetwood Cove Trail. The incident occurred approximately one-third mile up the trail from the lakeshore, boat dock facility.

The NPS Superintendent convened a Board of Inquiry on August 19, 1993, to review the accident. The evidence was inconclusive as to whether the rock was dislodged by a person or fell naturally. The Board determined that this particular incident was apparently unrelated to the level of trail maintenance.

M.E. Ross, a local teacher, has been a seasonal trail worker in the park starting in 1971. He stated that since the trail was opened in 1960, he has knowledge of only three incidents of someone being hit by a falling rock on the Cleetwood Trail.

Visitors walking on Cleetwood Trail are subject to some risk from falling rocks despite reasonable efforts by the National Park Service to mitigate hazards. Moreover, this trail is available to and used by park visitors in general and not just boat passengers.

e. Children under the age of 5 not counted as passengers

In 1996 and 1997, infants two years of age and under have not been counted as part of the maximum capacity of 60 passengers. Such infants have not occupied a seat on the boat and have been carried on the lap of a parent or other adult passenger. Children three years of age and over have always been counted as passengers. This determination was made after consultation with Certified marine Surveyor Stephen Cox.

The U.S. Coast Guard has provided an advisory opinion that infants under one year of age would not be counted as part of the maximum passenger capacity. This has been implemented starting in 1999.

f. Passenger count exceeds 60 people

The Concession Boat Operations Plan establishes an absolute requirement that the number of passengers on board the tour boat not exceed the established limit of 60. Before a tour boat leaves the dock at Cleetwood or Wizard Island, it is the duty of both the boat pilot and the interpretive park ranger to count the passengers prior to the start of the boat tour. Any discrepancies in the passenger count must be resolved before the boat tour is allowed to depart from the dock. This is a strict policy, which is designed to prevent overcrowding the boat. This is a strict policy, which is designed to prevent overcrowding the boat. This policy has been documented in the Boat Operations Plan since 1991.

The following comments are offered relative to specific allegations made by Mr. Robinson and Ms. Bruno:

7/6/96 63

The BOAT LOG kept by the park ranger/interpreters shows the passenger count as 63 for the 1:30 pm tour. There is no further explanation.

If indeed there were 63 passengers aboard the vessel on the tour, this would have been a serious violation. It is possible that the park ranger included crew members as part of the count. The crew members are not counted in calculating the maximum number of passengers (60). It is also possible that infants may have been included as part of the passenger count. Infants two and under have not been counted as part of the maximum capacity of sixty passengers.

8/7/96 60 plus 5 *"Is this legal?"*

Infants two years of age and under have not been counted as part of the maximum capacity of sixty passengers. Such infants have not occupied a seat on the boat and have been carried on the lap of a parent or other adult passenger.

8/10/96 65... *"I was informed it was 60/5 – but they weren't infants...I didn't second check with the count until we were off the dock. 5 people slipped by. I should have caught this but didn't."*

Again, if there were really 65 passengers aboard the 4:30 pm tour on August 10, this would have been a serious violation of the Boat Operations Plan. The boat tour should not have left the dock. Unfortunately, there are no other records that would substantiate this handwritten notation in the BOAT LOG.

G. The Boat Operations Plan, the minimum guide for the boat operators,

was not available to them until 1997.

The purpose of the Boat Operations Plan is to establish operational procedures for concession boats operating on Crater Lake. Under the Plan, the concession Boat Operations Manager is responsible for ensuring that the concessioner meets the standards set forth in the Plan. The NPS Park Management Assistant is responsible for monitoring compliance with the Plan. The Boat Operations Plan is signed by both the Superintendent, Crater Lake National Park, and Vice President/General Manager, Crater Lake Lodge, Inc. The Boat Operations Plan carries the force of a contract and is binding upon both parties.

According to its own terms, the Boat Operations Plan is subject to review annually and remains in effect until amended or revised. The National Park Service Superintendent, Crater Lake National Park, approved the 1996 Boat Operations Plan on August 1, 1996. Until that time, the previous Boat Operations Plan, an essentially similar document which was signed on June 22, 1993, remained in effect. There was a current, valid Boat Operations Plan in effect when boat tours started on June 27, 1996. The concession Boat Operations Manager and Boat Supervisor had copies of this plan, which was binding on all boat pilots. Concessioner boat operations personnel were familiar with the Plan and

were obligated to adhere to the Plan in conducting boat tour operations.

Our Investigation Team determined that the NPS Chief and Assistant Chief of Interpretation (Mr. Robinson's supervisors) had copies of the Boat Operations Plan, which was available to all interpretive park rangers. If Mr. Robinson had requested, either of his supervisors or the park's Management Assistant would have been glad to furnish him with a copy of the Boat Operations Plan. The Plan, however, should have been made available to all NPS employees at the beginning of the season. After the 1996 Boat Operations Plan was signed on August 1, the Plan was made available to all interpretive park rangers and boat operations personnel.

In 1997 and 1999, the BOP was provided to both concessioner and interpretive staff at the beginning of the season. All concessioner staff are given a written test on the material in the BOP. There were no boat tours for the 1998 summer season due to a maintenance project.

At this time the 1999 Boat Operations Plan is in effect (copy enclosed).

h. There were numerous incidences of boat pilot error.

Although the boat pilots have demonstrated competence and good judgement in operating the tour boats, there may have been some errors, which did not endanger the safety of tour boat passengers. We provide the following comments in response to the specific instances of boat pilot error during tours referred to by Mr. Robinson and Ms. Bruno:

7/2/96 "Boat crashed on rocks due to failure of three pilots aboard to turn on fuel valve."

On July 2, 1996, at approximately 8 am, MV Ralph Peyton became disabled after being released from its mooring. The wind blew the boat towards the shore. Two of the three boat pilots on board prevented the vessel from striking the rocks by using the boat hook carried on board the vessel. The NPS research vessel Neuston was dispatched to provide assistance and quickly pulled the Peyton away from the rocks and back to its mooring. It was determined that the fuel valve on the Peyton had not been turned to the open position, resulting in the engine quitting due to lack of fuel and the vessel becoming disabled. There was no damage reported to either vessel. The incident occurred prior to the start of boat tours, and there were no passengers on board the vessel.

7/8/96 "Bad docking on Wizard Island."

This notation, made by the park ranger/interpreter, appears in the BOAT LOG for the 4:30 tour on July 8. There is no further explanation. The record indicates that, on July 8, all nine scheduled boat tours operated without incident.

7/23/99 "Boat stalled due to failure to switch gas tanks."

On July 23, 1996, in the vicinity of the weather buoy, MV Rudy Wilson stopped due to lack of fuel. The boat pilot switched fuel tanks, restarted the engine, and completed the boat tour. The boat pilot should have switched fuel tanks at Cleetwood prior to starting the boat tour.

7/29/96 *"Redocking necessary."*

The notation "had to re-dock at Wizard Island," made by the park ranger/interpreter, appears in the BOAT LOG for the 10 am and 12:45 pm tours on July 29. The boat pilot was not identified. We are unable to determine why redocking may have been necessary. We are also unclear as to why this was considered by Mr. Robinson to be a pilot error.

9/5/96 *"Pilot hits Old Man, floating tree trunk."*

This notation, made by the park ranger/interpreter, appears in the BOAT LOG for the 4 pm boat tour on September 5, 1996: "Pretty dam good! Ann hit the old man in the golly jolly Happel." The park has no other records documenting this incident.

The "Old Man of the Lake" is a tree trunk that is floating upright in Crater Lake. It is mostly submerged with just the top 2-3 feet of the trunk above water. The "Old Man" travels all around the Lake, transported by wind and water action. It has been an attraction on Crater Lake for about seventy years.

The Boat Operations Plan calls for any accident involving the boats or passengers to be reported within 24 hours to the Chief Ranger. There is no incident report on this occurrence, which would indicate that it was not investigated. Consequently, we are unable to provide any further information on the incident.

i. Failure to cancel boat tours when inclement weather was forecast

Regional weather forecasts available to the park are not site specific for Crater Lake. Weather conditions at Munson Valley or Rim Village can be quite different than the conditions on Crater Lake. Oftentimes clear weather has been forecast, and a thunderstorm with high winds has occurred with little advance warning.

Decisions on whether or not to operate boat tours must be based upon sound judgement. If a decision is made to cancel tours and the weather turns out to be clear and sunny, visitors wanting to take the boat tours become angry and critical. If a decision is made to operate boat tours and the weather turns bad with high wind and wave conditions, passenger safety could be jeopardized.

Weather forecasts are one tool that is available in sizing up conditions and making a decision regarding cancellation of boat tours. An even more important factor is visual observation of actual prevailing conditions. Our observation has been that the boat pilots and boat operations manager have exercised good judgement and have been prudent in making decisions on whether or not to operate boat tours.

j. Unsafe design of the boats.

The tour vessels were placed into service on Crater Lake in 1968 (1 boat), 1971 (1 boat) and 1972 (2 boats). All four vessels were custom designed specifically for use on Crater

Lake by Rudy Wilson Boat Works, Portland, Oregon. The boats are built with white oak and Philippine mahogany.

Marine Surveyor Stephen Cox conducted a structural and safety survey of all four tour vessels beginning in 1987 and documented the design features and condition of each vessel. The vessels were determined to be sound, and no design deficiencies were noted in the survey reports. Stephen Cox is an individual well qualified to evaluate the seaworthiness of the tour vessels. Mr. Cox retired from the position of Executive Officer, Marine Safety Office, US Coast Guard, Portland, Oregon; previously he had held the position of Chief, Inspection Department, Marine Safety Office, US Coast Guard. Mr. Cox has stated that the tour vessels are exceptionally stable and well designed for their intended service, i.e. passenger service on the waters of Crater Lake.

On September 4, 1998, Naval Architect Don Stephens performed a simplified stability proof test on the vessel MV Paul Herron in accordance with 46 CFR 178.330. This test was witnessed by Chief Warrant Officer Neil A. Scott of the U.S. Coast Guard Marine Safety Office, Portland, Oregon. The test successfully demonstrated the vessel meets the standards for stability with the maximum passenger capacity of 60 persons plus two crew.

The tour boats have received Certificates of Inspection from the U. S. Coast Guard and are approved for carrying passengers for hire.

k. The boats are inadequately equipped for emergencies and lack even basic navigational equipment.

The tour vessels carry both sea anchors, or drogues, and "Danforth" style anchors, and a compass has been installed in each boat. Compasses were installed on all four tour vessels in July, 1999. The tour vessels carry the navigational equipment required by the U.S. Coast Guard. Although there have been no past situations where the lack of a compass has affected passenger safety, a compass would be needed if fog conditions develop suddenly on the Lake while a vessel is being operated. The compass is now also used to chart each tour route and confirm that the vessel stays within one mile of shore.

l. The tour boats are not equipped with lifeboats.

Commencing with the 1999 season, the vessels operate on a tour route that is within one mile of shore along the entire route. A vessel which operates on a lake route within one mile of land is not required to carry life boats, in accordance with 46 CFR 180.207(d).

All four tour vessels, however, are now equipped with the "Crew Saver" rescue ramp, an inflatable multi-functional rescue system. This inflatable ramp can also be used as an inflatable buoyant apparatus (IBA). As an IBA, the raft will provide flotation for 20 persons.

There is a safety plan in place which addresses rescue capability and survival of passengers. A backup tour boat with a qualified pilot is required to be operational and standing by at all times when passenger tours are conducted on Crater Lake. The backup boat has the capability to reach a vessel in distress within 30 minutes.

m. The number of lifejackets and their sizes do not always match the number of passengers and the ratio of adults to children.

46 CFR 180.71 requires that an adult life jacket must be provided for each person carried on board a vessel and, in addition, a number of child size life jackets equal to at least 10% of the number of persons permitted on board must be provided, or such greater numbers as necessary to provide a life jacket for each person being carried that is smaller than the lower size limit of the adult life jackets.

Each Crater Lake tour vessel carried at least 63 Coast Guard approved adult life jackets and 10 children's life jackets on board at all times when the vessel was in service carrying passengers for hire. Life jackets were and are now stowed beneath the seats and are readily accessible.

Currently, in the event that the number of child passengers exceeds 10, concessioner boat personnel place additional child life jackets on board the vessel. Each vessel carries at least one life jacket of an appropriate size for the person for whom it is intended at all times when the vessel is in service. The boat pilot checks the number of life jackets daily prior to the start of the boat tour and records this information on the Tour Boat Daily Log. All four vessels have been and are now in compliance with 61 OR Rev Stat 830.215, which requires that all boats carry one U.S. Coast Guard approved life jacket in an appropriate size for every person aboard, and 46 CFR 180.71.

n. Rescue plans, equipment and training to conduct rescues are inadequate.

Since 1992, rescue protocols for emergency situations have been contained in the Boat Operations Plan and in the Operations Manual issued to Boat Pilots by the Boat Operations Manager. Emergency situations covered include man overboard, equipment emergencies, engine problems, inclement weather, conditions/high waves, on-board fire, first aid, cold water survival and boat rescue procedures. Since 1992, boat pilots have received classroom training in emergency procedures and participate in practice sessions on the Lake. The boat pilots are tested to make sure that everyone is familiar with the procedures to be followed in the event of an emergency. The concessioner has conducted the training and certification program.

There has been a formal training program in effect for all boat pilots since at least 1988. The training program consists of classroom training and practical on-the-water training, which takes place on Crater Lake. The training program is documented in the Boat Operations Plan. All boat pilots must pass both a written and practical examination in order to be certified as a boat operator. Copies of each operator's permit are kept on file at park headquarters.

Under the Boat Operations Plan, the Boat Operations Manager is responsible for the training, examination and certification of boat pilots. In 1997, an instructor from the Clatsop College Maritime Science Department was invited to conduct a specialized 24 hour training course in boat operations and seamanship. This specialized training was designed to augment the regular training program.

In 1997, all boat pilots received intensive on-the-water training prior to the start of boat tours. Areas covered included seamanship, proper care and stowing of life preservers, engine checks, proper engine shut down and securing of the vessel, use of fire fighting equipment, safe boarding and disembarking procedures, boat handling, docking procedures, safe towing procedures, hazards along and adjacent to the tour route, and retrieval of an overboard victim. The park Management Assistant witnessed one of the person overboard drills on June 24, 1997.

According to the Boat Operations Manager, on-the-water training continued throughout the summer with drills conducted to practice various procedures.

In 1999, classroom and on the water training was conducted in rescue operations for both boat pilots and interpreters. Emergency situations included Man Overboard drills with deployment of the newly purchased Crew Saver Rescue Ramp, which replaced the rescue ladders. Boat operation, equipment emergencies, engine problems, inclement weather conditions, on board fire, first aid, cold water survival and boat rescue procedures were also included.

O. The boats lack other rescue equipment such as alternative power systems in case of engine failure, sea anchors to support transfer of passengers from one boat to another, and rescue ladders.

Rescue ladders are still on board but would only be used after the deployment of the Crew Saver Rescue Ramp. The Coast Guard has certified that the engine systems for this size boat meet applicable Coast Guard regulations.

p. The boats should carry fewer passengers due to their age and maintenance history.

On September 4, 1998, Naval Architect Don Stephens performed a simplified stability proof test on the vessel MV Paul Herron. The test was witnessed by Chief Warrant Officer Neil Scott of the U.S. Coast Guard. As all the vessels have the same design, the results of this test are also applicable to the three sister vessels: MV Ralph Peyton, MV Rudy Wilson, and MV Glen Happel. According to the results of the test, the maximum capacity for these vessels with a mixed passenger load including adults and children is 60 passengers plus two crew.

When vessel inspections were conducted in 1999, it was determined that seat extensions were needed to comfortably accommodate sixty passengers. It was decided to limit the number of passengers to 48 based on the length of the seats. This action was taken in order to provide for passenger comfort and enjoyment on the boat tour.

q. Boat engines are unreliable.

There are currently four boats that provide passenger tours on Crater Lake. In 1996 mechanical problems were the source of five minor incidents that affected boat tours underway on Crater Lake. The Park Management Assistant has evaluated each of these incidents and concluded that the boat pilots acted prudently in handling the situation. At no time was the safety of tour boat passengers placed in jeopardy.

1. On July 11, shortly after departure from Cleetwood at 11:00 am, tour vessel MV Ralph Peyton began to experience problems with its carburetor. The vessel returned to Cleetwood Dock on its own power, and the tour was cancelled. Passengers were given the option to take the next boat tour at 12 noon or receive a full refund
2. On July 23 in the vicinity of the weather buoy the engine of tour vessel MV Rudy Wilson stopped due to lack of fuel. The boat pilot switched fuel tanks, restarted the engine, and completed the boat tour. The pilot should have switched fuel tanks at Cleetwood prior to starting the boat tour.
3. On July 25 tour vessel MV Rudy Wilson was sent from Cleetwood to pick up passengers from Wizard Island. Shortly after departure, the vessel dropped its rudder and was towed back to Cleetwood. There were no passengers on board.
4. On August 9 tour vessel MV Ralph Peyton started having problems with the water pump enroute to Wizard Island. As a precautionary measure, passengers were transferred to another vessel at the Wizard Island dock for continuation of the boat tour.
5. On September 5 at the end of the boat tour, tour vessel MV Glen Happel started having problems with the transmission. The vessel was six minutes away from the dock; but as a precautionary measure, MV Ralph Peyton towed MV Glen Happel back to the dock.

These are the only incidents that occurred while boat tours were underway on Crater Lake, according to the boat log, and this listing coincides with the documentation furnished by Steve Robinson and Amelia Bruno.

The following comments are offered relative to specific allegations made by Mr. Robinson and Ms. Bruno:

Note: the responses to the allegations in this section are derived from source materials, primarily the management Assistant's log. This constitutes "the record" for these purposes.

7/9/96 "Possible engine problems on Peyton."

The record indicates that all nine scheduled boat tours operated without incident on July

9, 1996. These records are available to OSC for review upon request.

7/11/96 "Peyton was missing when RPM's were slowed." (Boat was still used, though it broke down earlier that morning. By 4 pm the Peyton was taken out of the rotation.)

The record indicates that there were seven boat tours scheduled on July 11, because MV Rudy Wilson was out of service for scheduled engine replacement. The 11 am tour was cancelled due to carburetor problems with MV Ralph Peyton as described above. No tickets were sold for the 1 pm boat tour. The Peyton was reported "missing" on the 2 pm boat tour. The record indicates that on July 12 seven scheduled boat tours operated without incident, and there were no mechanical problems reported with MV Ralph Peyton. The records are available to OSC for review upon request.

7/14/96 "Told by Kevin that in AM none of the boats were working. By midday all but Wilson were in service. 11 am tour canceled due to bilge pump not working."

The record indicates that there were seven boat tours scheduled on July 14, because MV Rudy Wilson was out of service for scheduled engine replacement. The record further indicates that six of the seven boat tours scheduled for July 14 operated on schedule. The 11 am tour was cancelled, apparently because the bilge pump was not working.

There is a notation in the BOAT LOG, an informal journal kept by park interpreters, that (interpreter was) "told by Kevin that in AM none of boats were working. By midday all but Wilson were in service." There is nothing else in the record to either confirm or refute this statement. The record does indicate that the 10 am boat tour did operate on schedule without mechanical problems. The records are available to OSC for review upon request.

7/14/96 "Herron very slow – but always has been."

This quotation is found in the BOAT LOG for the July 16, 3 pm boat tour. Other than the boat being slow, the boat tour apparently operated without incident.

7/23/96 "Little bit of trouble with boat. Sounded like transmission. Happel had transmission trouble where she couldn't take a load."

The record indicates that, on July 23, two of the nine scheduled boat tours were cancelled because MV Paul Herron had a problem with its rod bearing. Seven tours operated. The records are available to OSC for review upon request.

7/27/96 "Peyton slipped out of gear into reverse."

The record indicates that, on July 27, all nine scheduled boat tours operated without incident. The records are available to OSC for review upon request.

7/30/96 "Wilson took a long time to start."

This quotation is taken from the BOAT LOG. There is nothing else in the record to

either confirm or refute this statement. The record does indicate that on July 30 nine scheduled tours operated without incident. The records are available to OSC for review upon request.

8/6/96 "Tour left late due to broken back-up boat, but was repaired before leaving on tour."

The record indicates that the full nine boat tour schedule operated on August 6. A backup tour boat with a qualified pilot is required to be operational and standing by at all times when passenger tours are conducted on Crater Lake. If there would have been any problems with the backup boat, this could have delayed departure of a boat tour. The records are available to OSC for review upon request.

8/9/96 "Peyton broke down – went to a 7 tour day. Many frustrated people! backup boat questionable."

On August 9 MV Ralph Peyton had a problem with its water pump. One scheduled boat tour was cancelled. Eight scheduled boat tours operated. We have been unable to ascertain why the backup boat was alleged to be questionable.

8/10/96 "Herron - slow boat – tour back 30 minutes late."

It is possible that MV Paul Herron could have fallen behind schedule for a variety of reasons. There is nothing in the record that indicates that this vessel had any mechanical problems on August 10. The records are available to OSC for review upon request.

9/7/96 "Chapman Conference of world renowned geologists tour marred by missing boat. Herron missing a bit."

The special tour for Chapman Conference participants operated without incident on September 7. We interviewed one of the participants, and he could not recall any mechanical problems with the boat.

General Comments:

There were two vessels scheduled for engine replacement in 1996: MV Glen Happel and MV Rudy Wilson. The installation of the new engine in MV Glen Happel was completed on July 2; the vessel was placed in service at 3:00 pm after having passed inspection by the certified marine surveyor. Installation of the new engine in MV Rudy Wilson commenced on July 10 and was completed on July 14. MV Rudy Wilson returned to service on July 15. Aside from dropping its rudder on July 25, this vessel experienced no mechanical problems for the rest of the summer season.

In 1996 there were 638 scheduled boat tours between June 27 and September 15. Mechanical problems caused cancellation of 41 tours, which represents 6% of the total number of scheduled tours. If there is any question about the mechanical condition of a vessel, the concessioner policy is to take the vessel out of service and perform any necessary mechanical work. We believe that this is a prudent and safe policy needed to keep boat engines in good operating condition and minimize the potential for engine breakdowns while a boat tour is underway. Implementation of a preventive maintenance

program in 1996 has kept mechanical problems to a minimum.

In 1997 there were 627 scheduled boat tours between June 28 and September 15. Mechanical problems caused cancellation of 10 tours, which represents 2% of the total number of scheduled tours. The allegation that boat engines are unreliable is simply not supported by the record.

r. The back-up or rescue boat is usually the weakest boat.

The U.S. Coast Guard has inspected and certified all four boats carrying passengers for hire and all four boats have been approved for back up and emergency rescue operations

s. The location of the boat engines, in relation to the fuel tanks, creates an on-going risk of explosion.

The location of the engine in relation to the fuel tanks on the Crater Lake tour vessels are U.S. Coast Guard approved and is actually safer than what is found on most other small commercial and passenger vessels. The majority of these types of vessels have the fuel tanks located in the same compartment as the engine.

The fuel tanks on the Crater Lake tour vessels are located in separate compartments and are surrounded by ambient air. The tanks are located outside the engine compartment and are well isolated from the engine, greatly reducing the likelihood of a spark from the engine igniting the fuel in the tanks. The location of the fuel tanks in relation to the engine does not create an ongoing risk of explosion.

T. Boats are not properly supported when dry-docked and suffer damage over the winter months.

The cradling system that supports the boats while in dry dock was completely rebuilt in 1988 by Charlot Marine of Portland, Oregon. The cradling system has four corner blocks, six keel blocks, and two chine blocks to keep the vessel straight and true while in dry dock. The system has provided adequate support for the boats and prevented any bending or distortion of the keel.

The dollies were rebuilt three years ago to provide better support for the vessels while launching and dry-docking. The system is equivalent to that found in any commercial boat yard.

U. NPS staff should be equipped with a life suit for cold water rescue and trained for this type of rescue operation.

The primary responsibility for rescue of tour boat passengers is held by the boat operator, which is the concessioner. In the event of an emergency, the national Park Service would provide dispatch services and backup for the concessioner. If NPS research personnel are working on the lake, they would respond to a tour vessel in distress with the lake research

vessel.

NPS staff are equipped with "mustang" suits which are stored on Wizard Island and available for use in emergency rescue operations on Crater Lake. NPS staff could certainly benefit from more training in cold water emergency rescue operations.

The team also conducted interviews to ascertain if NPS officials adequately investigated and followed up on the safety concerns reported by Mr. Robinson and Ms. Bruno according to NPS Policy Directive, titled NPS-50.

Mr. Robinson submitted a formal memorandum to Superintendent Al Hendricks dated June 29, 1996, expressing concerns about the safety of concession tour boat operations. Management Assistant John Miele started work on addressing Mr. Robinson's concerns the following week. Prompt action was taken to address several of the concerns even though not required by the current Boat Operations Plan, e.g. purchase of sea anchors for each tour vessel.

The NPS Loss Control Management Guideline (NPS-50), Chapter 7,B.6 states "Each Report of Unsafe or Unhealthful Conditions" must be assessed for validity and severity by the NPS safety official. Although the NPS safety official is the addressee on the form and received the "Report of Unsafe or Unhealthful Conditions", the obligation to inspect and report on this condition does not necessarily mean that the NPS safety official must personally perform this task."

The objective of this section of NPS-50 is to provide for handling, investigating and resolving employee reports of unsafe or unhealthful conditions. Mr. Robinson never actually submitted a "Report of Unsafe or Unhealthful Conditions"; Robinson's June 29, 1996, memorandum was handled outside the context of the NPS-50 Guideline. Nevertheless, the Superintendent and park staff responded promptly to the issues raised by Robinson's memorandum and met their obligations and responsibilities under the NPS-50 Guideline to address safety concerns raised by an employee.

Pursuant to the NPS-50 Guidelines, Miele contacted Regional Safety Specialist Mark Seeley and requested him to review Robinson's letter along with the draft Boat Operation Plan for 1996. As part of his review of the safety issues, Seeley consulted with Commander Steve Danscuk and Captain C. E. Bills of the U.S. Coast Guard, Portland, Oregon. The U.S. Coast Guard, in a letter dated February 27, 1997, provided formal recommendations to the National Park Service for the safety of tour boat operations on Crater Lake. (attached as Exhibit 8) Most of the items recommended by US Coast Guard were already in effect; the other recommendations have since been implemented.

On July 18, 1996, Superintendent Hendricks convened a meeting to review progress in meeting Mr. Robinson's safety concerns. Also present at the meeting, in addition to Mr. Robinson, were Management Assistant John Miele, Chief of Interpretation Kent Taylor and Assistant Chief of Interpretation Andy Lesczykowski. The meeting lasted about three hours, and each of Robinson's safety concerns was reviewed. At this meeting Miele, Taylor and Lesczykowski verbally provided Robinson with an update on actions taken to address Robinson's concerns. After specific concerns had been addressed,

Robinson would then raise additional concerns. Superintendent Hendricks finally terminated the meeting.

On July 30, 1996, Miele and Lesczykowski met again with Robinson. Miele outlined actions that had been taken to improve safety of tour boat operations and commended Robinson for what he had done to focus attention on boat safety. Specific actions taken to address specific concerns were discussed in detail. Mr. Robinson was still not satisfied and indicated that he would not be satisfied until the US Coast Guard inspected the tour vessels at Crater Lake. Miele then described the park's efforts to have the US Coast Guard inspect the tour vessels and explained that it was just not possible to arrange for US Coast Guard inspections in the summer of 1996. Additionally, Miele reviewed the professional qualifications of the marine surveyors who had conducted the vessel inspections.

In summary, the record shows that park management addressed Mr. Robinson's safety concerns promptly. Park management also referred Mr. Robinson's safety concerns to the Deputy Regional Director and the Regional Safety Specialist in Seattle who in turn consulted with the US Coast Guard. The US Coast Guard is a recognized authority on marine safety within the federal government and possesses the competence and expertise to provide sound recommendations to the National Park Service. Mr. Robinson was also kept informed on actions taken by the park to address his concerns about the safety of tour boat operations.

CRATER LAKE BOATING SAFETY INVESTIGATION FINDINGS AND CONCLUSIONS:

Based on our investigation, we find that there were legitimate safety concerns regarding the safety of the boat tour operations at Crater Lake NP prior to 1996. Beginning in 1996, however, and continuing on to the 1999 season, the safety program has continually improved.

We make the following recommendations to continue to improve the safety of the Crater Lake boat tour operation.

GOAL: Establish a continuous improvement and behavior based safety program:

1. Planning:

- a. Complete an Emergency Evacuation and Rescue Plan by 12/31/99 that supplements the existing Safety Plan.
- b. The NPS and the Concessioner should complete a joint revision of the Boat Operations Plan annually, by December 1, for distribution to all employees by January 1 of the following year.
- B. This team recommends retiring the current boats at the end of their useful life, or earlier. New boats might take advantage of designs that would provide better comfort for passengers in all weather conditions and new alternative fuel technologies that would provide increased protection for water quality and perhaps increased cost effectiveness for the operation.

Complete joint revision of 1999 Boat Operations Plan between NPS and Concessioner by 12/1/99 for distribution to all employees by 1/1/00. Carefully consider and include in final negotiations for final passenger count a clear aisle for interpretive staff and boat pilots to carry out emergency procedures on the boat.

2. Operations and communications:

- A. Establish an annual peer review process for the boat operation by both concessioner and NPS interpretive employees. Purpose: review the total operation from a safety and visitor services viewpoint and make recommendations to peers and management for this year and next year improvements.
- b. Reformat the Interpretive logs to include a greater emphasis on safety, communications with the concessioner, weather and boat operation comments.
- c. Establish at least two team-building and social opportunities each season to increase interaction between concessioner and interpretive employees.
- d. Improve these written standard protocols for the boat operations so they are even more specific and clear.

1. Communication of weather prediction throughout the day.

2. Bad weather SOPs for canceling a tour.

Establish an employee work group to develop improved processes for these two critical aspects of the boat operations.

e. These three aspects of the operation received consistently high praise from both permanent and seasonal employees and must be continued:

1. Continue Coast Guard inspection and certifications.
2. Insure that authority to cancel the tours continues to rest at the dock level with the boat pilot and crew member. Continue the "conservative" approach by the Boat Operations Manager to allow for cancellation of tours when there is threatening or uncertain weather.
3. Insure that the concessioner continues to hire a Master License Boat Operations Manager and Assistant Manager and qualified boat mechanics.

f. The Superintendent should continue to attend concessioner management meetings at least twice a year.

g. The Management Assistant should establish a regularly scheduled process to review both the boat pilot and interpretive logs.

h. Now that the passenger count has been lowered to 48, the number of passengers getting off at Wizard Island has changed and the numbers that need to be picked up at the end of a day when all tours are full has changed. This new impact should be evaluated this season to provide the best customer service.

i. Review the signing plan from the parking lot to the dock. Install "No Smoking" signs at the beginning of the Cleetwood Trail.

3. Training. Training

a. Continue hands on rescue practice for man overboard rescue and as much hands on practice for boats skills as possible. 1999 training received high praise from interpretive staff for achieving high levels of confidence in rescue and boat crew skills..

b. Include in the seasonal training presentations by both the Superintendent and the concessioner General Manager on the relationship between the organizations and the shared goals and values with particular emphasis on safety and visitor service.

4. Protection Issues

a. Purchase a "Zodiak" type boat (18'-21' feet) for use by the Protection Rangers to use on the Lake that will increase the rescue capability and increase patrol capabilities on Wizard Island.

b. Increase regularly scheduled review of the boat tour operations by the park and/or safety officer during the summer season.

5. National Issue

The national Task Force responsible for updating and writing Title 36 CFR Part 3.1 should be re-convened to complete their work in FY 2000. The Task Force should

address the interpretation of Part 3.1 (a) in parks with non-navigable waters and in parks with exclusive jurisdiction.

BRIEFING re: Need to reconvene national Task Force on NPS Boating Regulations

For John Reynolds for NLC meeting week of September 7, 1999

ISSUE:

A national Task Force on Boating regulations was convened in 1997 and met to begin an update to 36 CFR Part 3, but the money ran out to support the work of the Task Force and this project has not been completed. Dennis Burnett, WASO Law Enforcement Program Manager (who used to head up the regulations work in the WASO Ranger Activities Division) estimates it will take the group approximately two more weeks of effort to complete the needed work. Their work would resolve the several serious NPS policy concerns regarding the regulation of boating activities in parks.

BACKGROUND:

Currently, 36 CFR Part 3.1 (a) states:

“In addition to the regulations contained in this part, title 14 United States code, title 33 Code of Federal Regulations, title 46 Code of Federal Regulations, title 49 Code of Federal Regulations, and the laws and regulations of the State within whose exterior boundaries a park area or portion thereof is located shall govern water use, vessels, and their operation and are adopted as part of these regulations.”

The meaning of this statement is that the NPS has assimilated all applicable Coast Guard regulations, regulations from the Department of Transportation (shipping), and all non-conflicting state laws in our enforcement of navigation and boating activities in the NPS. Several important issues must be clarified and resolved at the national level to achieve consistent interpretation of the NPS boating regulations.

1. Coast Guard regulations differentiate between navigable and non-navigable waters (navigable waters are primarily defined by whether or not commercial shipping takes place on them.) For example, Crater Lake, Olympic, Yellowstone, Grand Teton and Glacier National Parks contain bodies of water that are considered non-navigable, while Glen Canyon and Lake Mead are considered navigable. Coast Guard does not apply their regulations to non-navigable waters. Although USCG standards are minimum standards, they still provide a consistent standard for safety that many feel should be the standard for NPS, no matter if the water body is navigable or non-navigable waters.

NPS policy is ambiguous on this matter. In May, 1989, the Acting Associate Director for Operations, WASO, sent a memo to the field requesting review and comment on "Proposed Tour Boat Standards for Concessioner Tour Boat Operations." In an October, 1990, memo transmitting the proposed standards from the Rocky Mountain Region to the Pacific Northwest Region, then ARD for Operations, Homer Rouse, stated, "'our problem has been one of consistency in the NPS control and overview of these operations in our parks, primarily in the flatwater areas of reservoirs, lakes, and rivers defined as non-navigable waters by the U.S. Coast Guard. In these areas the Coast Guard does not provide the inspection and certification service that they do on navigable waters.'" By 1993, the field test of the proposed regulations was to be completed and a final policy issued by NPS on the national tour boat standards. This process was not completed and there are no national standards at this time. Recognizing the need to establish a safety standard, in the meantime, Crater Lake, applied the 1989 draft standards.

In September, 1997, the PWR Regional Director sent a memo to WASO requesting that national standards be issued. No reply has been received to that memo.

2. Mike Tiernan, WASO Solicitor, has advised the NPS Boating Regulations Task Force that, indeed, all the U.S. Coast Guard regulations apply to BOTH navigable and non-navigable waters as the NPS has now assimilated all those regulations in CFR Title 36 Part 3. Not only does the current ambiguous NPS policy, as cited in #1 above, seem in conflict with this, there is a management and legal concern that the sheer volume of what has been assimilated is too cumbersome for effective interpretation, application and enforcement.
3. Another legal question has also been raised. Oregon state code 272.070 provides that Oregon laws and regulations do not apply within Crater Lake National Park. Regulatory and policy clarification is needed as to whether Crater Lake NP, and other parks with exclusive jurisdiction, should apply state laws when the states have a law such as this.

Completing the update is of critical importance not only for operations at Crater Lake, but for other parks with concession tour boat operations. Our ability to ensure the highest standards of safety for park visitors enjoying these tours depends on resolving these issues and providing consistent national guidance. We are requesting NLC support for convening this Boating Task Force during FY 2000. The costs would be primarily for travel to convene the Task Force and for the editing and printing of the update.

NOTE:


1. This issue is of particular importance to our region, John, because we have proposed that the Director commit to reconvening this Task Force when he sends our reply to the OSC re: allegations of boating safety violations at CRLA. Maureen Finnerty would like to re-convene the Task Force but needs budget support to do so. NLC support would provide additional impetus for Maureen to get the needed budget. I believe that our credibility with OSC will be compromised if we are not able to bring the Boating Regs. Task force together to resolve the issues cited as they pertain directly to legal issues that can be raised at CRLA.
2. There is a bigger issue here re: regulations updates that pertains to more than just the boating regulations. Dennis Burnett has moved out of the Regulations position in WASO RAD and the job is filled temporarily by Chip Jenkins, whose wife is the current NPS Benvenuto Fellow. New regulations for parks and the update of existing regulations has reached a huge backlog that cannot be met by just one person. The boating regulations, although they may not be the number one priority for updating, are within the top two or three priorities. The regulations backlog will be a problem for all the regional directors and they will relate to your bringing up the issue from some specific needs they have in terms of this backlog.

Marti Leicester


9/2/99

Investigation completed: September 1, 1999


Investigators:

 9/1/99

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 9-1-99

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***Crater Lake National Park
Crater Lake Lodge, Inc.***

Concession Boat Operations Plan

1999

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CONCESSION BOAT OPERATIONS PLAN
CRATER LAKE LODGE, INC.
CRATER LAKE NATIONAL PARK
1999

Introduction

The purpose of this plan is to establish operational procedures for concession boats operating on Crater Lake. The ultimate goal of the plan is to provide for maximum human safety and to ensure the environmental integrity of Crater Lake is not degraded by concessioner boat operations.

The Management Assistant, Crater Lake National Park, is responsible for monitoring compliance with the Boat Operations Plan. The Boat Operations Manager, Crater Lake Lodge, Inc., is responsible for ensuring that the Concessioner meets the standards set forth in this plan.

1. Boat Inspections and Certification of Boat Pilots

The National Park Service will arrange for safety inspections of the concessioner-owned tour vessels to be conducted annually, prior to the start of boat tours. The Boat Operations Manager will advise the Management Assistant when the boats are ready for inspection. The Concessioner will not be allowed to operate on Crater Lake any vessel carrying passengers for hire which has not received a current Certificate of Inspection by the United States Coast Guard. The boat inspections by the Coast Guard are to be scheduled at least three days prior to the start of the boat tours. The National Park Service is to provide access to Cleetwood at least two weeks prior to the scheduled date of the boat inspections. If weather and snow conditions delay access to Cleetwood, boat inspections can be rescheduled.

The individual (employed by the Concessioner) responsible for the training, examination and certification of boat pilots, must hold the MASTER or LIMITED MASTER license issued by the US Coast Guard. All boat pilots must satisfactorily pass a written (Appendix C) and practical examination (Appendix B) to qualify for a license. The Boat Operations Manager will keep copies of the pilots' written examinations and certifications on file and maintain a record of boat pilots who are certified. A copy of each pilots' certification (Appendix D) will be sent to the National Park Service prior to that pilot conducting any boat tour services for the public.

The Boat Operations Manager is responsible for establishing and utilizing a preventive maintenance and inspection system for the tour boats. The system will provide for accomplishment of pre- and post-season maintenance on the tour boats as well as routine tune-ups and routine items such as checking fluid levels and making sure gauges work properly. There will be daily and weekly life safety and maintenance checklists completed for each boat with responsible boat pilot required to sign off on the checklist. A log of the safety checklists will be maintained on each vessel (Appendix E). The logs will be removed weekly from the vessels for safe keeping and be available for inspection.

2. Safety Operations

The boat pilot is responsible for the safe operation of the tour boat and the safety of its passengers. He/she is designated as the "in charge" person while the boat is under way. Before tour boats leave Cleetwood Cove Dock, the boat pilot will ensure that every passenger is advised of the safety precautions involved with the boat operation. This will include demonstration of proper use and locations of flotation devices. The ranger provided by the Division of Interpretation may assist the boat pilot in demonstrating how to put on the life vest. See appropriate sections of Appendices F and G - Tour Procedures and General Safety Requirements.

Boats will always be operated in a safe manner. A map locating and describing known lake hazard zones will be aboard all vessels when operating on Crater Lake. Other hazardous conditions do occur, such as floating logs, debris, and other boats. It will be the responsibility of the boat pilot to be alert to these hazards.

The maximum number of passengers aboard a vessel shall not exceed sixty. Infants (under three years of age) are counted as part of the sixty passengers. The boat pilot and the National Park Service Ranger on board the vessel are not counted in calculating the maximum number of passengers (60). Any other employees, including a trainee boat pilot or ranger, are to be transported as passengers. In no event will the occupant load of any tour boat exceed 62 persons. It is imperative that the number of persons on the tour boats not exceed the established limits.

*changed to
42 - July 99
post
CG
inspect*

Note: The maximum passenger capacity of 60 persons is based on a mixed load (men, women and children). When adults only and no children are carried, the maximum passenger capacity is 54 persons. The load capacity is based upon a simplified stability proof test performed on

September 4, 1998. If the concessioner wishes to increase the maximum passenger capacity, accurate calculation, i.e. an "incline test", must be performed to evaluate the intact stability of the vessel. Based upon the results of these calculations, the maximum capacity could be increased.

Radio communication will be maintained at all times by the boat pilot on the concessioner frequency between boats on the lake, the Cleetwood Cove Dock, ticket sales office, and a concession's unit at Rim Village. A backup tour boat with a qualified pilot is required to be operational and standing by at all times when passenger tours are conducted on Crater Lake. Backup pilot must keep in radio communication with all boats and be available onsite at Cleetwood Cove.

Any accident involving the boats or passengers will be immediately reported by the boat pilot or the Boat Operations Manager to the Management Assistant and the US Coast Guard. Only advising the ranger aboard the vessel is not adequate. A written report must be submitted within 24 hours of the accident/incident occurrence, using US Coast Guard Form CG-2692 (Report of Marine Accident, Injury or Death).

During an emergency operation (declared by the Chief Ranger or the Boat Operations Manager), all vessels will be under the management of the Chief Ranger or Acting Chief Ranger. The General Manager of Crater Lake Lodge, Inc. will be notified of the situation as soon as practical. *first mention of Chief Ranger*

The Boat Operations Manager or the Assistant Boat Operations Manager must be on duty in the park and in charge of the boat operation on all days when boat tours are offered to the public. During inclement weather, the boat pilots/supervisor or Boat Operations Manager will determine whether or not to run tour boats or to shorten a tour that is underway. If the boat pilot or Boat Operations Manager decides not to operate boats or to shorten a tour due to inclement weather, that will be the final decision. If the Boat Operations Manager decides to run boats during inclement weather, the Management Assistant or Chief Ranger has authority to override his decision and cancel boat tours.

Comments for review
When boat tours are canceled, the Boat Operations Manager will notify the ticket office at Cleetwood parking area. The Boat Operations Manager will also notify the concessioner main office at Rim Village and the boat ranger on duty at Cleetwood. The ranger will notify the NPS communications center, which in turn will notify visitor centers and entrance stations.

The concessioner will perform regular maintenance and safety inspections on the trail tractor. The trail tractor will be used for the purpose of hauling supplies and equipment. It will not be used for transportation of people. The Boat Operations Manager will train personnel in tractor operation. The number of tractor trips on Cleetwood Trail will be kept to a minimum.

*argues also for
min 5 all at Cove*

3. Fueling and Environmental Safeguards

The pristine character of Crater Lake cannot be jeopardized in any way. The possibility of petroleum leakage or spills into the lake or on the shore is of serious concern. Boats will be kept in such mechanical working order that they will not leak petroleum products. If any boat is found to be leaking petroleum products, it will be immediately removed from the water and repaired.

As a measure to avoid any potential petroleum leakage into the boats and potentially into the lake, oil pans will be installed under the engine and transmission of all boats. These pans will be cleaned out regularly. A bilge pump will be used to pump out any bilge water, but only after any petroleum product is first cleaned using absorbent diapers. These diapers will be inspected daily and replaced regularly as needed (once a week at a minimum). All oil, diapers and waste products (not including the bilge water) will then be placed into closed plastic hazard waste containers and removed at the end of each day. All used materials from boat winterization (antifreeze, oils, etc.) will likewise be placed into closed plastic hazard waste containers and removed at the end of each day. All such waste will be disposed of in an EPA approved manner at an approved location outside the park.

Great care will be taken by employees while refueling any boats (Appendix K). In the event of a fuel spill from the fueling station, absorbent booms will be used for containment and absorption of spills. Sausage-shaped booms can be lined together with built-in connectors to cover large areas. It is required that a minimum of 150 feet of sorbent boom and 3 bales of diaper material be readily available and stored by the Concessioner at Cleetwood dock.

The Boat Operations Manager will inform the Chief of Resource Preservation immediately of any spillage that occurs at any time, whether on land or on water.

The Concessioner will maintain the fuel tanks, storage areas and fuel line from the Rim to Cleetwood Cove to ensure the integrity and security of the line. Where the line is visible from the trail, it will be made as inconspicuous as possible. Gasoline safety warning signs will be placed as needed. The Boat

Operations Manager is responsible for reporting any leaks to the Chief of Resource Preservation or Management Assistant and taking immediate action to repair the leaks and contain and clean the spill.

4. Ticket/Retail Sales

The location of the ticket sales office is at the parking area adjacent to Cleetwood Trailhead. The ticket sales office will occupy the first two parking spaces on the East side of the parking area.

Passengers will purchase tickets for the boat tour before hiking down Cleetwood Trail. Tickets will be available for sale at the Cleetwood Cove dock on a space available basis only. There will be a conspicuous sign placed at the trailhead with the message.

BOAT TICKETS SOLD ONLY IN PARKING AREA

Ticket sales will normally be for seats on the next available boat tour. Ticket sales will cease for a particular boat tour 40 minutes prior to the scheduled departure time of that tour. This will allow adequate time for passengers to descend the trail and make a restroom stop before embarking on the tour boat. There will be a prominent sign outside the ticket sales office with scheduled boat tour departure times and cut off time for ticket sales (40 minutes prior to departure). Rates for boat tours will also be posted.

Passengers are to be given a full refund if the boat tour is canceled before leaving/passing Wizard Island, or if the passenger desires, the concessioner may issue a pass for a future boat tour.

Authorized retail sales will also take place at the facility housing the ticket sales. Retail sales are limited to the items authorized in Exhibit A. Concession personnel will encourage customers to use conspicuously placed trash containers for throwing away refuse generated by retail sales. The concessioner is responsible for trash and litter pick up around the Cleetwood Parking Lot, along the Cleetwood Cove Trail and around the Cleetwood Cove Dock and restroom facilities.

5. Wizard Island

Wizard Island is a fragile area. All concession boat tour personnel have special responsibilities in helping to maintain the pristine nature of Wizard Island. The

Concessioner's responsibility is especially critical due to their equipment and building inventory on the island. Concession employees will ensure that the boathouses and other work areas are maintained in a clean and neat appearing manner at all times with all trash and surplus material cleared from the area of the boathouses. The boathouses are to be painted brown. No exterior painting or surface preparation of boats will be done while the boats are in the water. All paint scrapings will be collected on tarps as the paint is scraped off. Paint scrapings and other waste from boat maintenance activities will be collected and disposed of outside the park.

A visit to Wizard Island is a special and unique experience available only to park visitors taking the boat tour on Crater Lake. To ensure the quality of this experience and to account for passengers who disembark at Wizard Island, all visitors desiring to visit the Island must have a pass. The Wizard Island transfers will be distributed by the boat pilots at the Wizard Island dock. This will keep an accurate count of people getting on and off the Island. The passes will be written out in advance with the tour number and ticket number for each person getting off the island. The boat will be able to get in and out of the dock in less than 10 minutes because the only time spent will be in handing passengers passes as they get off the boat.

The two parts of the pass will be returned to the Cleetwood dock for reconciliation and to keep track of the people on the island. In addition to the pass system, a grease board will be installed in the Cleetwood Cove shack. On the board will be the following headings: 1) Number of passengers, 2) Wizard Off, 3) Wizard On, and 4) Number left on the Island. Throughout the day the numbers will be double-checked to keep accurate counts. No Wizard Island passes will be issued for boat tours departing Cleetwood Cove at 3:00 pm or later each day. Those boats without any passengers to drop off or pick up at Wizard Island are not required to dock at the island. When the boat docks at Wizard Island, only those passengers with a pass will be allowed to disembark. The boat pilots will maintain a record at the Cleetwood dock showing all passengers getting off and on the boat at the Island. Passengers will be allowed to return from Wizard Island to Cleetwood on subsequent boat tours on a space available basis. Priority for embarking on the tour boat will be determined by the lowest number on the pass. If there are not enough seats on the last scheduled boat tour to pick up all passengers from Wizard Island, there will be a subsequent Island Run for the purpose of picking up any passengers remaining on the Island.

The Concessioner will be responsible for developing and maintaining an accurate record of all individuals transported to and from Wizard Island. The count at the end of each day should indicate that no one is left on the Island. If the head count after the last boat of the day indicates that there may be people still on the Island, the Concessioner is responsible for picking up the stranded visitors. Visitors will be notified of the departure time of the last boat, the regulation prohibiting camping on Wizard Island, and that they may be charged \$100 for a special pick-up. The Chief Ranger will be notified immediately if, at the end of the day, any visitors are not accounted for. The Chief Ranger will determine what action will be taken to locate the people.

6. Docks

The National Park Service and the Concessioner will share the cost of doing the necessary work on the docks per the 1982 Crater Lake Boat Operation Agreement, which states:

"The docks and gangplanks at Wizard Island and Cleetwood Cove will be cooperatively maintained by the NPS and Crater Lake Lodge. Major repair and expenditure will be the responsibility of the NPS. Minor repair and daily safety inspections will be made by the Concessioner. All employees should immediately identify, report, and/or repair safety hazards."

Visitors will not be allowed on the Wizard Island docks while a boat is docking. Boats will not dock when visitors are on the dock.

Concession employees at the Cleetwood dock will advise visitors of the designated waiting location for boat trips. Visitors will be kept clear of the dock area while vessels are embarking or disembarking passengers. Visitors may be on the dock if there are no boats docking or using the dock.

7. Interpretive Operation

Prior to initiating summer boat tours, the Concessioner Boat Operations Manager and the NPS Chief Interpreter will schedule a training/orientation session for rangers (crew members) and boat pilots. This training session shall include teaching the rangers how to control the boat in an emergency situation, (i.e. in the event that a concession boat pilot becomes disabled). Other agenda items will include routine and emergency procedures, communication methods, roles and responsibilities, passenger overboard drills and interpretive training for rangers and boat pilots. The training will consist of classroom instruction and a practical "hands on" session with the boats on Crater Lake. Park rangers who have not completed the training session may not serve as boat crew members.

At Cleetwood Cove and Wizard Island, the Concessioner will provide signs to advise visitors of safety directions, procedures for disembarking at Wizard Island, and a map showing the Crater Lake boat route. Sign text and design are subject to NPS approval.

Tour boat schedules are listed in the General Operations Plan. Boat tours are to depart Cleetwood Cove Dock on schedule; however, the boat pilot may delay departure to accommodate late arriving passengers. The boat pilot may delay the boat up to 5 minutes, but no longer. The tour route is counter clockwise around the Lake. The National Park Service ranger will determine the stops to be made along the tour route within the time period of the boat tour.

There will be no boat tours of Crater Lake conducted without both a boat pilot and a National Park Service ranger (crew member) on board. For all special tours outside the regular schedule, the Concessioner will provide the Chief of Interpretation with eight days' advance notice and reimburse the National Park Service for the cost of the ranger's services at the rate of \$85 per tour.

The boat pilot will be in charge of the boat. He/she will, however, be responsive to the needs of the interpretive program given by the ranger aboard. If problems arise out of this relationship, the Boat Operations Manager will work with the ranger supervisor to ensure a continued high standard of cooperation. If there are serious misunderstandings concerning the rangers and boat pilots, the Management Assistant will work directly with the General Manager of Crater Lake Lodge, Inc. to remedy the situation.

8. General

Appearance of NPS and concession employees will be such that passengers are able to recognize them for who they are. This would be especially critical in an emergency situation. The boat pilot should be recognizable as the person in charge of his/her boat. The Concessioner will have a standard uniform for all boat pilots. The approved uniform is:

Khaki twill wide brimmed hat
Khaki shirt with navy blue epaulets
Navy blue trousers or shorts with khaki belt and gold buckle
Navy and teal jacket

Boats are not to be used for personal business. Misuse of boats may be cause for dismissal. Tour boats will not be used to pick up stranded hikers along the lakeshore. The Chief Ranger will be notified of any hikers within the caldera (see Appendix N).

All employees will be well trained for their assignments and especially well trained in handling safety and emergency situations. Employees will conduct themselves in a professional manner. Before working on the lake, all employees will read and understand this plan. *and be tested on*

9. Concessioner Land Assignments

In order to effectively carry out business operations related to implementation of this plan, the following concessioner land assignments are designated:

1. Cleetwood Parking Area (Exhibit B)
2. Cleetwood Cove Dock Area, including fuel tanks, fuel line, and fuel dispensing facility (Exhibit C)
3. Wizard Island Dock and Boathouse Areas (Exhibit D)

The Concessioner is responsible for trash and litter pickup and removal within assigned areas. Additionally, the Concessioner is responsible for trash and litter pickup and removal on the Cleetwood Trail and within 5 feet of the trail. All trash and equipment that is no longer being used will be promptly removed.

The Concessioner may have a temporary building for shelter and equipment storage located adjacent to the dock at Cleetwood Cove. The Concessioner is permitted to use the building for limited retail sales. Authorized sales items are:

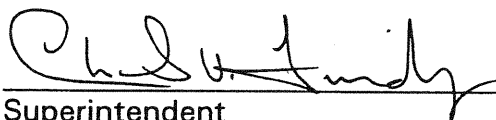
1. Bottled water (one size)
2. Snapple (two flavors)
3. Sunscreen (one size/type)
4. Hats (one or two styles)

10. Term of Agreement

THE BOAT OPERATIONS PLAN will be reviewed each year and will remain in effect until amended, revised, or revoked with approval of the National Park Service and Crater Lake Lodge, Inc. after 30 days notice.

NATIONAL PARK SERVICE

CRATER LAKE LODGE, INC.



Superintendent
Crater Lake National Park

6/7/99
Date



Vice President/General Manager
Crater Lake Lodge, Inc.

6-10-99
Date

CLEETWOOD TICKET/RETIAL SALES FACILITY
Authorized List of Sale Items

BOAT SCENES

- panoramic postcards
- postcards
- tote bag
- Crater Lake Volcano Cruises patch
- Youth and adult size t-shirts
- Sweatshirts
- Crater Lake Volcano Cruises mug
- Crater Lake Volcano Cruises pin
- Crater Lake Phantom Ship poster

GENERAL MERCHANDISE

- baseball and other hats
- visors
- single use cameras
- film
- maps
- binoculars
- narrated tape about Rim Drive
- sunscreen
- sunglasses
- chapstick/lip balm
- moist towelettes
- mosquito repellent
- selected books related to Crater Lake Rim Drive
- emergency blankets
- lightweight PVC poncho

ASSORTED BACKPACKING EQUIPMENT

- fanny pack
- day pack
- ID holder
- one bottle belt pack
- two bottle belt pack
- large pouch

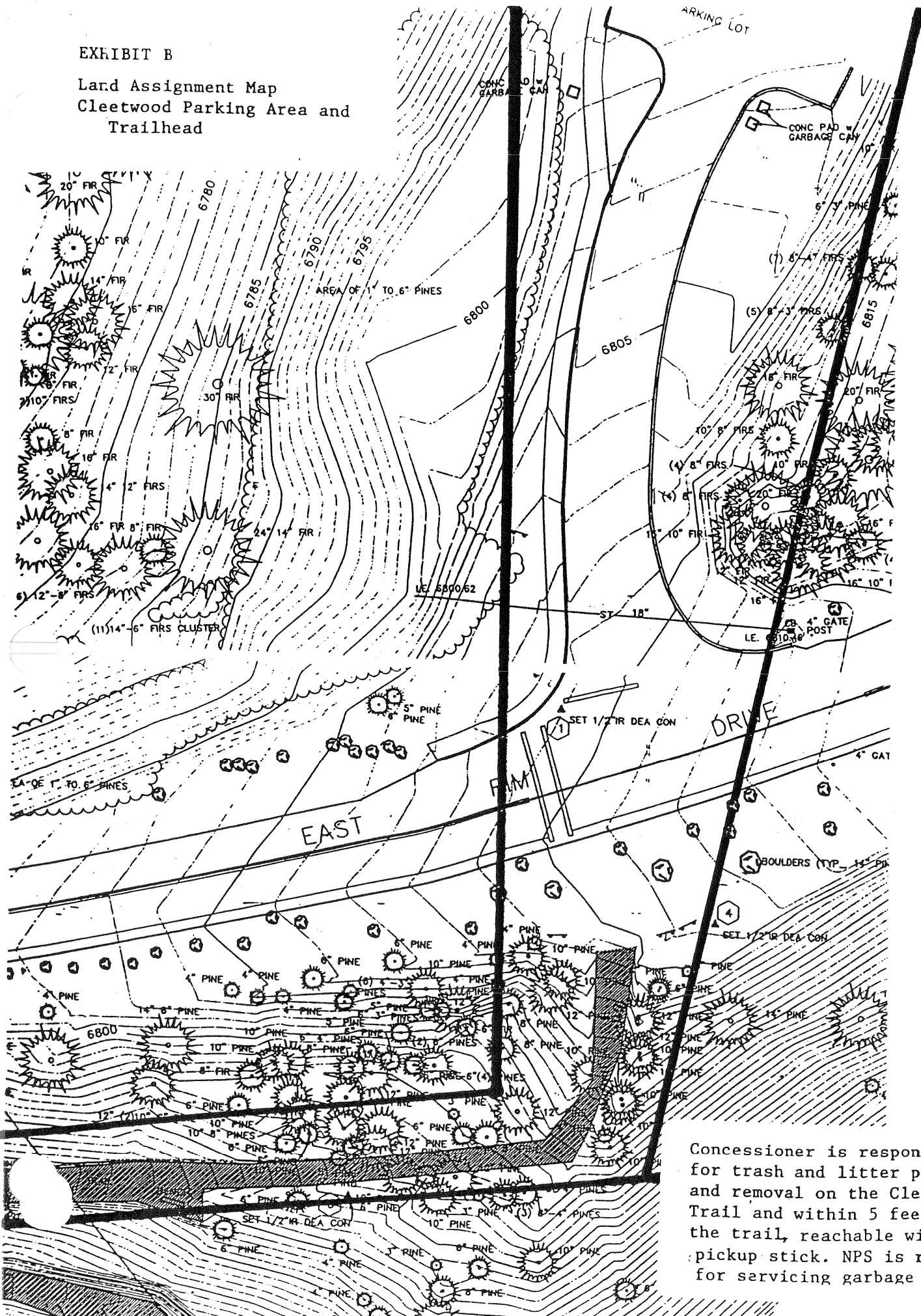
FOOD AND BEVERAGE

- trail mix
- pretzels
- chips
- candy bars
- gum
- mints
- jerky
- bottled water in two sizes (only if follow procedure to discard the sealer at time of purchase and post disclaimer that water does not come from Crater Lake)
- variety of juices
- cookies

Note: Some items may generate trash along trail. Approval of sales items is contingent upon prompt and thorough cleaning of trash from Cleetwood Trail.

EXHIBIT B

Land Assignment Map Cleetwood Parking Area and Trailhead



Concessioner is responsible for trash and litter pick-up and removal on the Cleetwood Trail and within 5 feet of the trail, reachable with a 5' pickup stick. NPS is responsible for servicing garbage cans.

EXHIBIT C

Land Assignment Map
Cleetwood Cove

CRATER LAKE LODGE, INC.

CLEETWOOD COVE
.....050 ACRES

The Concessioner is responsible for trash and
litter pick-up within assigned areas.

CRATER LAKE

FLOAT

Land Assignment
includes fuel tanks,
fuel line, and fuel
dispensing facility.

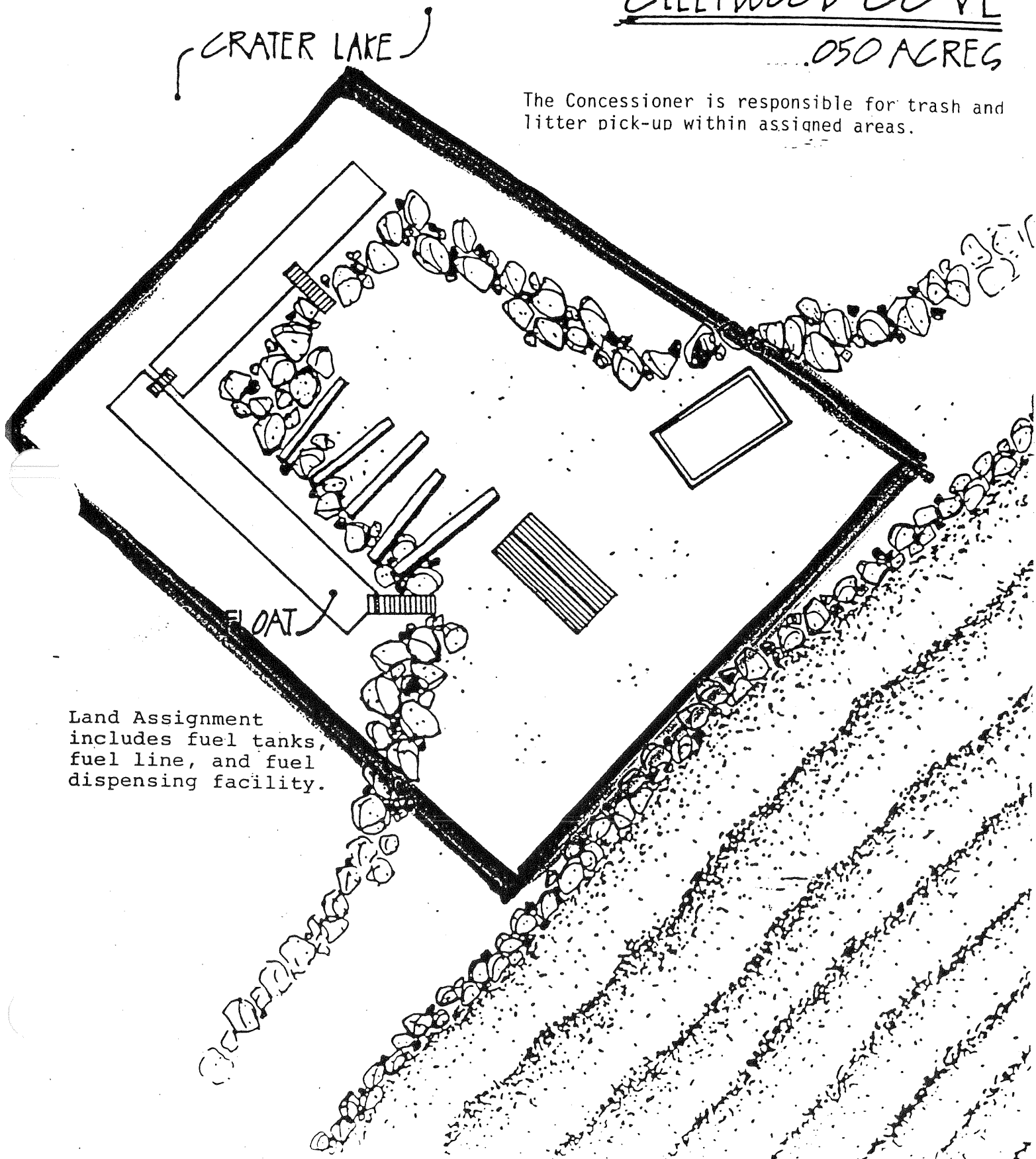
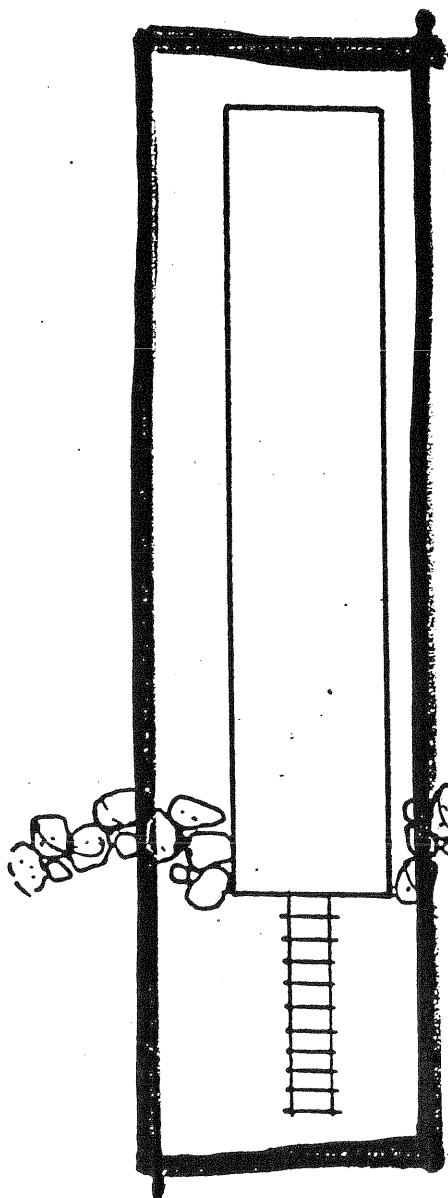


EXHIBIT D

Land Assignment Map
Wizard Island

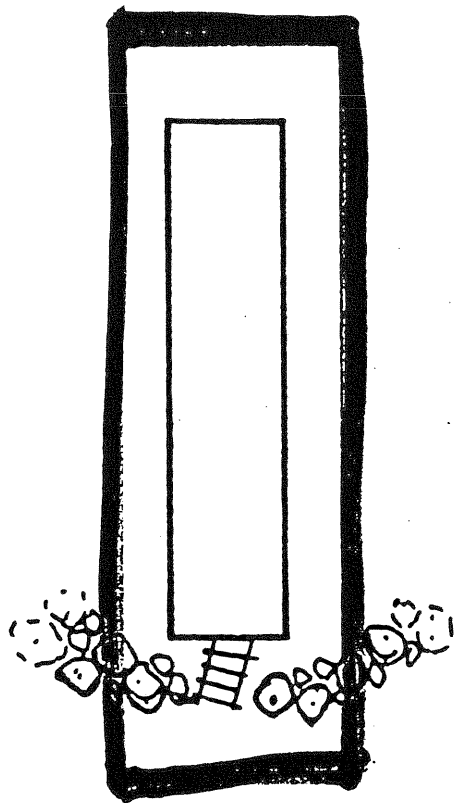
CRATER LAKE LODGE, INC.

WIZARD ISLAND

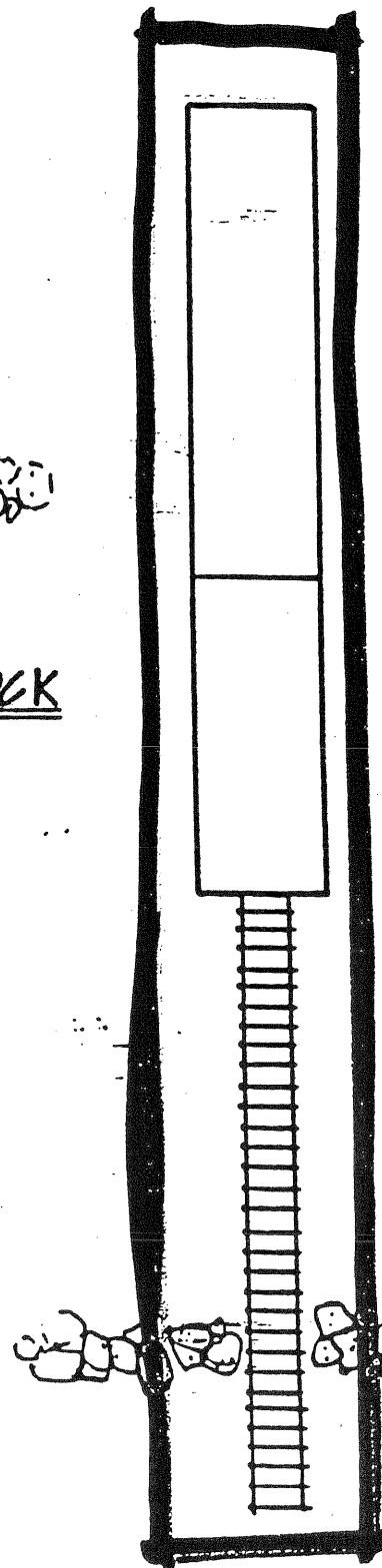


OLD BOATHOUSE

0.41 ACRES



DOCK



NEW BOATHOUSE

0.57 ACRES

**REQUIREMENTS FOR LIMITED OPERATOR'S PERMIT
for Boats Operating Fixed Routes
on Non Navigable Waters of Crater Lake**

1. Operator Qualifications and Experience
 - a. Must have attained the age of 19 years and possess a valid state driver's license.
 - b. Must possess, as a minimum, current Standard First Aid and CPR certification from the Red Cross or other provider approved by the US Coast Guard.
 - c. Must have completed a physical examination in accordance with the attached standards. Applicants will use the US Coast Guard's physical examination form.
 - d. Must pass an approved drug test (Department of Transportation 5 panel test).
 - e. Must show proof of US citizenship.
 - f. Candidates for the limited operator's permit are subject to driving record and criminal background checks.
 - g. Must have 40 days of "sea time" experience as an operator of a motor vessel.
2. Boat Pilot Training Requirements: All boat pilots must have completed the following training in order to be certified to operate tour vessels on Crater Lake carrying passengers for hire.
 - a. Complete 24 hour classroom training session on boat operations and pass written examination, reviewed by the US Coast Guard.
 - b. Complete 40 hour intensive practical training program on Crater Lake on the operation of the tour boats and demonstrate, by passing practical examinations, the skills and knowledge needed

to operate tour vessels safely on Crater Lake. The content of the practical examination shall be reviewed by the US Coast Guard.

- c. The individual responsible for the training, examination, and certification of boat pilots must hold the MASTER or LIMITED MASTER license issued by the US Coast Guard.

3. Crew Member Qualifications and Experience

- a. Must have attained the age of 18 years and possess a valid state driver's license.
- b. Must possess, as a minimum, current Standard First Aid and CPR certification from the Red Cross or other provider approved by the US Coast Guard.
- c. Must pass an approved drug test (Department of Transportation 5 panel test).
- d. Must show proof of US citizenship.

4. Crew Member Training Requirements: All crew members must have completed the following training in order to be certified to serve as crew members on tour vessels on Crater Lake carrying passengers for hire.

- a. Complete 8 hour combined classroom and practical training session on Crater Lake covering the duties of crew members. Training session will include instruction on the operation of the boat, passenger overboard drill, communication methods and emergency procedures.
- b. The individual responsible for the training and certification of the crew members must hold the MASTER or LIMITED MASTER license issued by the US Coast Guard.

LIMITED OPERATOR'S PERMIT
STANDARDS OF COMPETENCY - PRACTICAL EXAMINATION
Engineering and Seamanship

1. Make and describe use of at least five seaman's knots, hitches, or bends including proper cleat-down.
2. Demonstrate care, cleaning, stowing, and wearing of required life preservers. Identify location and need for child size life preservers.
3. Explain in detail procedures for getting underway including use of checklist in routine check of:
 - a. Cooling system
 - b. Engine oil
 - c. Fuel
 - d. Gear oil
 - e. Shaft bearings
4. Know and use proper ventilation procedures.
5. Proper starting and warm-up procedure and electrical switch settings.
6. Engine in operation checks: fuel supply, temperatures, pressures, normal gauge readings.
7. Trouble shooting for failure to start or bad gauge readings.
8. Proper engine shut-down and securing of vessel and systems.
9. Demonstrate and explain use of all fire fighting and emergency apparatus.
10. Explain the three classes of fire and how to combat them.
11. Demonstrate knowledge of boat capacity and safe boarding and disembarking procedures.
12. Demonstrate knowledge of safety inspection requirements and safe dock policies.

13. Demonstrate ability to operate fixed and/or portable denaturing pumps.

Underway Operation

1. Approach and depart from dock:
 - a. Wind on the dock
 - b. Wind off the dock
 - c. Wind along the dock
2. Demonstrate proper use of spring lines to assist in approaching and departing from dock.
3. Demonstrate approaches to assist other craft:
 - a. Wind and object on port side
 - b. Wind and object on starboard side
 - c. Wind on port side, object on starboard
 - d. Wind on starboard, object on port side
4. Demonstrate safe towing procedures and explain hazards involved in towing:
 - a. Astern
 - b. Alongside
 - c. Awash
5. Explain securing for heavy weather operations.
6. Discuss basic Rules of the Road, as applicable on Crater Lake.
7. Identify landmarks, safe routes, and hazards along and adjacent to tour route.
8. Discuss aids to navigation as appropriate, including emergency sound/visual signals in the event of a possible radio communications failure.
9. Demonstrate techniques for operations in restricted visibility:
 - a. Night
 - b. Fog
 - c. Snow or dust

10. Demonstrate proper procedures for rescuing overboard victim from water:
 - a. Proper procedure for throwing line or other flotation device
 - b. Maneuvering boat to retrieve accident victim
 - c. Retrieving overboard victim into the boat using vessel inflatable retrieval system.

1000

Appendix C

STANDARDS OF COMPETENCY - WRITTEN EXAMINATION

The applicant for a Limited Operator's permit shall satisfactorily demonstrate a knowledge level, which at a minimum, includes:

1. Experience/Ability
 - a. US Coast Guard regulations for safety equipment, carriage requirements, rules of the road as they pertain to type of boat employed, area of operation, and other boats normally encountered.
 - b. Boat operating equipment, capabilities and limitations and unique handling characteristics.
2. Safety Knowledge/Emergency Procedures
 - a. General rules of safety provided to the passenger prior to embarking on a trip.
 - b. Operator emergency procedures for person overboard, grounding, fire, or any other waterborne situations.
 - c. Location of local communication points, and procedures for lake communication system.
 - d. Safety procedures and precautions for refueling boats.
 - e. Operator emergency procedures for fire at fueling station or fuel spills.
3. The written examination will be reviewed by the US Coast Guard and consist of a minimum of 40 questions. The minimum pass will be 70%.

CRATER LAKE NATIONAL PARK
Limited Operator's Permit
for Boats Operating Fixed Routes
on Non Navigable Waters of Crater Lake National Park

CERTIFICATION

I, the undersigned, herewith certify that _____
(name of applicant)
accompanied me for the purpose of familiarization as below indicated.

Date written examination taken and passed _____ Score _____

Date practical examination taken and passed _____ Score _____

<u>Body of Water</u>	<u>Type of Boat</u>	<u>Date</u>	<u>Certified by</u>
----------------------	---------------------	-------------	---------------------

The applicant is competent and can be entrusted with the duties and responsibilities required of a person permitted to carry passengers for hire on the waters of Crater Lake National Park.

Certified by: _____ Title _____

Address: _____

Certification expires: _____

Note: The Limited Operator's Permit is normally valid for two years. Boat pilots returning for a second season must complete refresher training prior to operating a tour vessel carrying passengers for hire on Crater Lake.

BOAT OPERATORS PRE-TOUR INSPECTION**At Mooring Buoy:**

1. Check bilge for oil or gasoline contamination before starting exhaust fans.
2. Start exhaust fans, operate 5 minutes before starting engine or turning on any other electrical device.
3. Check oil and water levels in the engine.
4. Inspect belts and water hose.
5. Test/operate bilge pumps-must have diapers in place to clean bilge.
6. Place transmission in neutral.
7. Start engine (allow engine to idle for 5 minutes).
8. Check/log gauge readings.
9. Walk to rear of boat and visually check for coolant water at the exhaust ports.
10. Test radio system.
11. Cast off mooring rope and move to dock.

At Cleetwood Dock:

1. Check engine compartment for coolant and other leaks.
2. Stop engine (reinspect for leaks).
3. Check fire extinguishers. (read gauges)
4. Count PFD's. (log count)
5. Check PA system and microphones.
6. Check operation of lights.
7. Check for emergency equipment (including first aid kit).
8. Clean and inspect boat interior.
9. Inspect absorbents in bilge.
10. Log hour meter reading.
11. Check log for fueling status.
12. Complete inspection list on daily log.
13. Report any uncorrected deficiencies.

Check Log:

The pilot is responsible for all required mechanical and safety equipment on his/her tour boat. Before allowing any passengers to board, the pilot must determine that all safety and mechanical checks are complete by examining the daily log. A visual inspection is to be made in the event that there is a doubt about any item listed. If the log is unavailable or the check list is incomplete, the passengers are not to be allowed to board until the inspection is complete.

TOUR BOAT DAILY LOG

Boat Name _____ Date _____ Time _____
Inspector _____ Hour Meter _____

=====Pre Tour Inspection=====

Engine Oil	OK	Added	Changed	Note
Transmission Oil	OK	Added	Changed	Note
Check Hoses	OK	Tightened	Replaced	Note
Check Belts	OK	Tightened	Replaced	Note
Oil pressure	Cold	Warm	Needs service	Note
Battery Level	#1	Battery #2	Needs service	Note
Check bilge pump	OK	Repaired	Needs service	Note
Fuel Line check	OK	Repaired	Leaks	Note
Fuel Level	OK	Serviced		Note
Bilge "clean"	OK	New absorb	Needs cleaned	Note
Test radio	OK	Repaired	Needs repair	Note
Test PA system	OK	Repaired	Needs repair	Note
Clean interior	OK	Cleaned	Needs cleaned	Note
Seat cushions	OK	Cleaned	Missing/dirty	Note
Fire extinguisher	OK	Bad	Bracket Bad	Note
Life jackets	Adults	Children	Other	Note
Check Lights	Front	Rear	Needs repair	Note
Air Horn	OK	Missing	Not working	Note
Spot Light	OK	Missing	Not working	Note
Other/Note				

I certify that above information is accurate and complete. _____

Signature

=====Tour Log=====

	TIME	OPERATOR	RANGER	ADULT CHILD	INFANTS	NOTE
Tour #1						
Island Count						
Tour #2						
Island Count						
Tour #3						
Island Count						

Tour #4 _____
Island Count _____

===== End of Day =====

Boat Fueled Filled _____ One tank _____ Trips since fill _____ Note _____
Systems Off Fuel valves _____ Electrical _____ radio _____ Note _____
Check bilge "clean" _____

Closing Pilot _____ Time _____ Note _____

TOUR PROCEDURES - TO BOAT PILOTS FROM BOAT MANAGER

Before leaving dock with a tour, the boat pilot will introduce himself/herself and the park ranger, and explain to passengers the safety factor of staying seated while boat is in operation.

Before boat is underway, the boat pilot will explain use of life jackets which must be provided for each adult and child aboard (this is mandatory). The ranger will assist the boat pilot in demonstrating how to put on the life jacket. The boat engine must be idling in order for passengers to hear the safety presentation.

Only the boat pilot is allowed to operate the boat, which must be done in a professional manner. No sitting on bulwarks. Be alert to passengers' comfort and safety! Be pleasant and courteous to passengers at all times.

After trip pick up trash, stow any gear not in use and check for any items that may be left by passengers. Tag all "lost and found" items with name of boat, date and time, and turn into boat supervisor to be taken to the Concessioner office.

Each boat is to be swabbed down after each day of running. No soap is to be used, since this enters bilge. Dump all waste water, trash, cigarette butts and etc. in designated containers. Fuel boat at end of day.

All boat pilots will wear the specified uniform while on duty. No bathing suits will be permitted.

SAFETY MESSAGE TO BE DELIVERED AT START OF BOAT TOUR BY BOAT PILOT DURING TIMES OF INCLEMENT WEATHER

Weather conditions today are cooler than normal, and passengers on the lake are liable to get a little wet from the waves. The tour boat will be out on the lake for one hour and 45 minutes. Be sure to wear your warm clothing and let the crew know if you feel too cold and wet.

TO BOAT PILOTS - GENERAL SAFETY REGULATIONS

When operating a Crater Lake Lodge tour boat on tour trips you will stay off shore 150 feet. It is your responsibility to steer clear of rocks and other obstructions.

When maneuvering around Phantom Ship, except for passing between Phantom Ship and shore, you will maintain a 50 foot clearance.

You are never to shut off the boat engine while operating a boat tour, except in an emergency.

While passing through Skell Channel an engine speed of 2,000 RPM is to be maintained for good maneuverability.

Operating a boat under the above conditions will give each Crater Lake Lodge boat pilot a safety margin. Please remember that each boat pilot is responsible for the safety and comfort of their passengers, and must operate their tour boat in a professional and courteous manner.

Each boat is required to maintain a first aid kit as part of standard safety equipment. The contents and supplies in this kit shall be inspected regularly and replaced as needed. Included will be at least one rescue blanket for use in cold water emergencies.

When SCUBA divers are in the water, boats should stay at least 100 yards from the dive unless cleared by the dive monitor. (See 36 CFR 3.6) The National Park Service will notify the Boat Manager when a dive permit has been issued. Dives will not be permitted on the route of the boat tour when tour boats are operating.

BOAT PILOTS - MAN OVERBOARD PROCEDURES

1. Immediately swing the stern away from victim.
2. Throw motor into neutral.
3. Keep the victim in sight at all times.
4. Throw out the life ring to the victim.
4. Return as quickly as possible and approach from down wind with the pilot's side alongside the victim.
6. Pull the victim to the middle of the boat "amidship".
7. Stay at the controls - the ranger or deck hand aboard will assist the victim in getting aboard using the approved retrieval equipment.
8. For the ranger or deck hand: make sure to anchor yourself firmly before helping victim aboard. Keep victim warm and stable and treat for hypothermia.
9. The boat pilot may not leave the boat.

BOAT PILOTS - FIRE ON BOARD PROCEDURE

If you suspect a fire:

1. Immediately shut down the engine and all electrical switches. Shut off fuel.
2. Immediately have passengers and crew put on life vests.
3. Have ranger advise NPS by radio about the problem and request help.
4. Take small extinguisher to the location where the fire is suspected. If the fire is small and on deck, then extinguish immediately with the small extinguisher.
5. If the fire is suspected below deck or around the engine, immediately shut off all fuel valves.
6. If a fire does exist in the engine compartment, go forward and pull the ring in the front of the boat to activate the large CO2 extinguisher. **DO NOT OPEN THE ENGINE COMPARTMENT OR THE FORWARD COMPARTMENT.**
7. Do not restart engine. Have the vessel towed to dock.

BOAT RESCUE PROCEDURESResponsibilities:

The Chief Ranger has overall responsibility for search and rescue (SAR).

General Guidelines:

Each situation is unique and requires judgement in the application of general guidelines and principles. The following are provided as a guide.

1. Trained and experienced National Park Service personnel, boats and equipment are the primary resource and first choice for search and rescue operations in the caldera and on Crater Lake.
2. Concession boat pilots' primary responsibility is the safety of their passengers. Attempting to land on Crater Lake's shore line is hazardous, requiring specialized training and equipment. Attempting to land on shore would jeopardize passenger safety. Thus boat pilots are not to take a boat ashore and attempt a rescue.

It is appropriate for a tour boat to delay a tour while idling off shore to attempt to ascertain the nature of a problem, provide communication, etc. This must be done in a clearly safe manner considering water and wind conditions, shore line configurations, and boat pilot expertise.

3. Second choice would be to utilize a concession boat (with no passengers aboard) and pilot for transportation with park personnel conducting the rescue effort.
4. Third choice is to have the rescue conducted by a concession boat and personnel (with no passengers aboard).

Additional Comments:

- The concession Boat Operations Manager, or his designee, will be in command of their operation and the Chief Ranger, or his designee, will be in command for NPS operation during a rescue operation.
- A joint command system at the rim may be established so that communications exist between park and concession employees.
- A backup boat may be needed to function as the communication center.
- Do not, under any circumstances, have people enter the water and attempt to swim to a rescue boat.