

Jerry,

Sorry for the delay, been on the road. Rather than spend a great deal of time reciting the good reasons for the existence of 2.4, I think that I can say with certainty that the previous reasons are adequate and we should not be pushed to revise our regulations just because a parkway in a major metropolitan area has become a major commuter route. As you may know by now, DC prohibits concealed weapons by anyone so this is not a great argument to base a reg change on, in addition to the fact that the last place we should be making it easier to carry are those places where road rage is most likely (and does) to happen, such as the GW, BW and Suitland. In addition, bonafide law enforcement officers who work within the district can and should carry on their way to and from work and no one should have a problem with that. This sounds like a special reg case to me and the USPP should be the ones who either support a special reg or who defend the need to keep 2.4 in tact, which my guess would be that they would oppose such a proposal. The ability to carry a weapon in the national park system exists under the present regulations, albeit in a manner that may not please everyone, but certainly in a way that lets them be legal once they leave us and re-enter state jurisdiction. Lastly, I get calls several times a year from retired cops wanting to know how they can carry their guns when visiting national parks. Once I explain the regs and means to do so legally (and why the reg was established to begin with) they are fine with it. If we have rangers who are citing otherwise law abiding citizens who indicate (for safety reasons) that that have a loaded weapon in their vehicle or on their person after being stopped for a minor traffic violation, we should spend our energy working and retraining the ranger.

Thanks for the opportunity to comment.

Kevin

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I'm not in favor of it, and we certainly see people on the Parkway with firearms "in compliance with state regs."

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Jerry,

This is a continuing item for discussion in Alaska. In most of the pre-ANILCA parks, 2.4 prevails. In the ANILCA parks, 13.19 applies. Under 13.19 you essentially can have a weapon in accordance with state and federal laws. Since something is open for hunting all the time, you can basically carry, possess and use a weapon all the time.

But in the "old" - pre-ANILCA parks - 2.4 applies. This doesn't come up as a concealed carry concern, but rather "why can't we have weapons in the old Katmai Monument" type of question. See the draft below to Senator Stevens.

When Part 13 was originally proposed in the early 1980's, the NPS proposed to allow firearms in all parks across the board. However, numerous public comment came in that opposed this approach, thus the "old" parks retained the firearms restrictions.

Katmai may consider a change in our Phase II regulations, but there is currently not a consensus over the issue (mostly driven by commercial bear viewing guides, some for and against).

Hope this helps,

Jay

I would be opposed to any change in the current regulation. Individuals we encounter carrying weapons legally in the state (e.g. with a carry permit) are most cooperative in my experience. Upon learning that they are in fact in violation they comply with whatever requests our rangers make.

Usually our rangers are responding to a visitor report concerning someone carrying a weapon in the park. In other words, visitors are not reassured by the presence of people walking around packing.

This is a strong regulation which I could see being abused by overeager officers, that of course is a supervisory issue isn't it. On the other hand I feel it's a good one for our officer safety as well as the safety of the general public.

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Jerry,

With regards to the concealed carry issue:

I would object to tinkering with 2.4. In the instances similar to what you describe my experience has always been that we exercise discretion when making contacts and use our citation/arrest response to it when there are aggravating circumstances. Most of the time we simply warn people, or in some cases relieve them of the weapon and return it to them when they leave the park.

Most of the time we never know about people who are traversing our parks on a highway or road carrying a weapon assuming they are doing so while covered by that States concealed carry permit. When we do become aware, it is usually the result of some other wrong-doing on their part. At that point, the violation is part of a larger picture and thus subject to our discretion. I would also add that every concealed carry permit I have ever seen makes a point of telling the bearer that the permit does not grant carry rights in all areas. Many even advise that federal lands, building and some businesses do not recognize them.

So they have been advised that they need to exercise discretion and evaluate when and where they carry. They always have the option of locking up or otherwise disabling the weapon in their vehicle to comply with our law.

I believe we have a vested interest in limiting the legal carry of weapons in our parks because of the following issues:

- workplace violence**
- homeland security**
- resource protection (poaching)**
- visitor protection**
- difficulty in verifying the legality of a concealed carry permit**
- wide differences nationally in the criteria to obtain a concealed carry permit**
- wide differences nationally in how those criteria are applied by various jurisdictions**

Anyway that's a quick response. I'm sure we could discuss it further, and perhaps a wider discussion would prompt me to think of other issues or maybe even change my mind. Let me know what else you hear, it's an interesting topic.

**Thanks
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We have this issue at JELA-BARA. The state of Louisiana states it's permissible to have a loaded firearm inside a vehicle; plain view or otherwise. However the moment they enter the park, they're now in violation. The US Attorneys office has declined to prosecute any of these types of cases.

Typically the public which carries firearms in their vehicles do so for self-defense. However, during the winter months, individuals regularly hunt from their vehicles along park roadways at night. Any cases made for this type of violation are handled case, by case. The park has to show additional facts to indicate road hunting before the US Attorneys office will take the case.

I hope that helps and is the type of feedback you're looking for.

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The stoic traditionalist in me would like to see it remain intact. I'd imagine we have a lot of miles of such thru roads which equates to a lot of potential problems. Just about anyone can get a carry permit, some states being more liberal than others.

Only exception I'd think we should consider would be to have some sort of exception for LEO's and at least try to meet the spirit of the national carry law - which I believe was somewhat justified as a national security issue if memory serves.

Thanks for asking...

Bob

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Amending 36 CFR 2.4 to Allow "Concealed Carry" Firearms

Creating an exception to 36 CFR 2.4 to allow concealed carry weapons inside the national parks is a shortsighted error for both ideological and practical reasons. It involves weighing the interests of a small percentage of gun owners against the historic, ethical, and legally mandated mission of the National Park Service, and would create a legal exception to a long standing regulation that protects both the park resources and visitors.

Ideologically, our enabling legislation created our park lands as preserves, and protecting them has required a limit to a variety of threats such as off-road use, metal detecting, and firearms. The same law that provides protection to the wildlife, though, also helps create a safer and more enjoyable experience for the visitors who perceive the park as a safe and natural environment. Limiting the presence of firearms works to the advantage of both the resources and visitors (as required by 16 U.S.C.), and should not be compromised by the desires of a minority who merely wish to extend a civil privilege into the preserve of a national park.

Practically, there are great problems of enforcement and resource protection in the proposed change. An attempt to legalize firearms that are covered under a concealed carry permit opens the entire park to the presence of the weapons when other solutions are better suited. In situations where the conflict can be handled on an individual

basis, 36 CFR 2.4 allows a superintendent to authorize concealed carry by a special park-issued permit when other means are "impracticable." When the problem is more large scale, it is possible for the superintendent to issue a special regulation exempting a specific area or stretch of road from the 2.4 limitations.

In October of 2003 a Cumberland Gap NHP ranger caught an individual poaching, using a 9mm handgun, on a well traveled road inside the park boundary. It is bad logic to build policy on a single incident, but a single incident like this can help illuminate the inherent risk of allowing any weapons inside a natural preserve. The presence of weapons, even handguns, in the park creates a threat to the resources and to the visitors.

Ultimately, the argument hinges on the convenience of a small group of gun owners who received special permits to carry a firearm. If individual or area exceptions are not an adequate solution, then certainly we can consider the primacy of our federal law against the state-provided civil permission to carry a hidden firearm. The protection of the park and its visitors should not be subject to unnecessary compromise.

Jerry

I just reviewed the comments on the discussion of concealed carry by Cumberland Gap and would throw in my agreement. As one of the most visited units in the Service we deal with large numbers of contacts for a wide variety of violations and have seen similar situations as described by CUGA. The impact on safety, (public, resource and ranger,) is real but it is not the totality of the issue.

There are additional legal concerns that revolve around the upholding of a local/state privilege which is in conflict with federal regulations. The Federal Magistrate Judges that we work with are rightfully sensitive to the standards of the community but have been willing and able to separate that from condoning conflicting activities. Most state within their concealed carry laws require compliance with the wishes of the property owner and further restrict concealed carry from local/state facilities and properties, such as state parks, courthouses, hospitals and schools to name a few. So our regulation is far from being out of step with the laws of states that allow concealed or even open carry of firearms by private citizens. There is no question our regulation is constitutional and upon review it is also supportive of 'community standards'.

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