

# Friends of Acadia **Advocacy Alert**

No. 18, June 2, 2008

## **Friends of Acadia Needs Your Help**

Please provide comment opposing the Department of the Interior's proposed changes to the current gun laws in national parks. The proposed changes would allow the carrying of loaded and concealed firearms in national parks based on the laws of the state where the national park is located. Public comment will be accepted until June 30.

### **In a nutshell...**

Firearms are presently allowed in national parks, but must be unloaded and stored. Specifically, 36 CFR 2.4 (3) states, "Traps, nets, and **unloaded weapons may be possessed** within a lodging or mechanical mode of conveyance when such implements are rendered temporarily inoperable or are packed, cased, or stored in a manner that will prevent their ready use" [emphasis added].

The Department of the Interior (DOI) has reopened the National Park Service's longstanding regulation and proposed new regulations that will allow for state concealed carry gun laws to apply to federal parklands. If a state allows loaded and concealed firearms on state lands that are determined to be analogous to a federal national park or preserve, then the state firearms laws will apply in that national park or preserve.

Public comment on the proposed regulation changes will be accepted until June 30, 2008. Friends of Acadia believes it is in the best interest of national parks and their visitors to leave the current regulations unchanged. The current regulations are limited, reasonable, and necessary to ensure the protection of park wildlife, visitors, and iconic American treasures. Changing the regulations will lead to unnecessary confusion in Maine.

## **Summary of Present Firearms Laws in National Parks, Acadia, and Maine State Parks and Preserves**

Generally, 36 CFR 2.4 (2) provides that "weapons, traps, or nets may be carried, possessed or used" in designated times and locations in national parks, such as permanent dwellings, places where target practice is allowed, and areas where hunting is allowed. Section 3 continues that "traps, nets, and unloaded weapons may be possessed" within temporary lodgings and transportation as long as they are unloaded and "packed, cased or stored in a manner that will prevent their ready use."



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At Acadia, hunting is prohibited, but visitors may transport their unloaded and stored guns through the national park to reach offshore islands or other locations where it is permitted. These regulations have effectively protected wildlife from poaching and prevented potential visitor conflicts at campgrounds and other high visitation areas.

Maine is one of the 48 states that allow the possession and carrying of a concealed weapon for personal safety. Maine residents can obtain a permit to carry a concealed firearm provided that they meet the state requirements.

The regulations for Maine's State Parks and Historic Areas are less clear, prohibiting the use and possession of firearms during a certain period, but not addressing concealed weapons specifically. Additionally, Maine's Baxter State Park has another set of regulations that more closely resembles the current regulations for national parks and refuges, prohibiting the use or possession of firearms, but permitting their transportation through the park if kept in a car trunk, enclosed in a case, or otherwise inaccessible.

### **Summary of Proposed Changes for Firearm Laws in National Parks and at Acadia**

The DOI proposes to amend regulations presently codified in 36 CFR part 2 and 50 CFR part 27, which provide guidance and controls for the possession and transportation of firearms in national park areas and national wildlife refuges. The proposed amendments would change the regulations to reflect current state laws authorizing the possession of concealed firearms.

According to the Federal Register, two conditions must be met in order for someone to carry a loaded and concealed firearm in a national park. "First, the state in which the park or refuge unit is located must have laws that allow the individual to possess concealed and loaded firearms. And second, the authorization to carry a concealed and loaded firearm must be applicable on the analogous state lands in the State in which the park or refuge is located." If the proposed changes to the national park firearms regulations are enacted, it is unclear in Maine which set of state laws would be applied to Acadia National Park – state park and historic site rules or Baxter State Park's regulations. Furthermore, who makes the determination regarding this issue – the state or the Department of the Interior?

### **How Will These Rules Affect Acadia National Park?**

Because state laws vary from Baxter State Park to the state parks and historic sites, it is not known exactly how Acadia would be affected. Friends of Acadia is generally concerned, however, that if Acadia's visitors are allowed to carry loaded firearms, whether concealed or not, it presents additional risk to Acadia's wildlife and visiting public. It also hampers the ability for Acadia's rangers to quickly assess law enforcement threats (e.g. poaching) by the presence of easily accessible firearms.

### **Action to Take:**

Read the proposed amendments to the firearms regulations in national parks and wildlife refuges at:

[www.regulations.gov/fdmspublic/ContentViewer?objectId=090000648053d422&disposition=attachment&contentType=html](http://www.regulations.gov/fdmspublic/ContentViewer?objectId=090000648053d422&disposition=attachment&contentType=html)

Provide written comment to the Department of the Interior identified by the number 1024-AD70 by any of the following methods:

**Online at the federal rulemaking portal:** <http://www.regulations.gov>

**Mail:** Public Comments Processing, Attn: 1024-AD70; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

**Hand-deliver:** 4401 North Fairfax Drive, Suite 222, Arlington, VA 22203

Please share your comments with Friends of Acadia. Send them to Friends of Acadia, 43 Cottage St., P.O. Box 45, Bar Harbor, ME 04609 or e-mail them to [stephanie@friendsofacadia.org](mailto:stephanie@friendsofacadia.org).

**Talking Points:**

1. The present firearms regulations do not prohibit guns in national parks. Guns are allowed in national parks, but must be unloaded and stored.
2. The present firearm regulations are adequate for protecting Acadia's more than 2 million visitors, most of whom enjoy the park between May and October. Such concentrated visitation in a relatively small national park could lead to greater conflicts among visitors if loaded weapons are allowed. Acadia's rangers are afforded an extra assurance by present firearm regulations when making law enforcement stops.
3. Units of the National Park Service are unique in the mix of federal lands and public properties. They are special places to be enjoyed by all people. Is it appropriate that states dictate the management of these special places preserved by the federal government?
4. Units of the National Park Service are some of the safest places in the world. According to the NPS, the probability of becoming a victim of a violent crime in a national park is 1 in 708,333, which is less likely than being struck by lightning during one's lifetime. The existing firearms safety regulation helps ensure that parks remain safe destinations for families.
5. The present firearms regulations help prevent poaching at Acadia. Hunting is not allowed inside park boundaries, but residents and visitors may transport their guns, if they are unloaded and stored, through the park to places where hunting is allowed.
6. Basing national park gun regulations on state concealed carry laws will cause confusion that could have a profound impact on the parks and rangers' law enforcement abilities. Many parks cover area in more than one state; does that mean gun regulations in different parts of those parks will change? It gets even more confusing when you consider that the gun laws in some states are more stringent than other states.
7. National parks are tranquil and iconic places deserving unique consideration under

firearms laws. The mission of the NPS is quite different from other federal agencies, such as the Bureau of Land Management and the U.S. Forest Service, which allow hunting generally. The NPS includes important historical sites and monuments. Allowing loaded firearms at these sites does not make sense and could endanger visitors.

8. It is not an undue burden for someone owning a gun to have to unload it and store it. Loaded firearms are prohibited in many places, such as courthouses, schools, airports, etc.
9. Request that the Department of Interior conduct an environmental assessment to analyze the potential for significant environmental effects associated with the proposed regulations change. In absence of an environmental assessment, request an extension of the public comment period to maximize public discourse on this important topic.

**For more information, please contact Conservation Director Stephanie Clement at [stephanie@friendsofacadia.org](mailto:stephanie@friendsofacadia.org) or 207-288-3340.** The National Parks Conservation Association (NPCA) has also developed an excellent website, [http://www.npca.org/keep\\_parks\\_safe/](http://www.npca.org/keep_parks_safe/) that includes letters from key leaders, newspaper articles, and a simplified comment form which can be used as an alternative to submitting comments directly to the regulations.gov website.

*This advocacy alert was sent to all Friends of Acadia members. If you would like to become a member of the Acadia Advocacy Network and receive regular alerts about actions you can take to help Acadia, please contact Stephanie Clement using the contact information above.*