

Frequently Asked Questions

Proposed Rule to Update Firearms Policy
Fish and Wildlife Service &
National Park Service

April 29, 2008

1. Why is the Department of the Interior proposing this rule?

We have two main reasons for proposing this rule. First and foremost, we recognize that our current federal regulations governing firearms in national parks and national wildlife refuges properly limit poaching, target practice, and other illegal uses. We strongly endorse these important objectives and will continue to enforce these provisions so that our visitors and natural resources are fully protected for generations to come.

Second, we believe that States have the prerogative to develop their own policies and standards in many areas, including the possession of firearms. Since the existing regulations were adopted, a significant number of State Legislatures passed laws which allow law-abiding citizens to carry concealed weapons. Our existing regulations haven't kept pace with the law, and now unnecessarily limit the ability of law-abiding citizens to possess, carry, and transport a concealed firearm. We believe that Federal regulations should be amended to defer to this development, particularly where, as in this case, the deference can be achieved without harm to the visitors or resources the regulations are designed to protect.

2. Aren't the existing "Reagan-era" rules working well? If so, why amend those provisions?

We believe that existing federal regulations governing firearms in national parks and national wildlife refuges properly limit poaching and target practice. We endorse this important objective and will continue to enforce these provisions. But since these regulations were adopted, a significant number of State Legislatures passed laws which allow law-abiding citizens to carry concealed weapons. Our existing regulations don't account for this development in the law, and thus unintentionally disable the rights of our citizens. The Department believes that Federal regulations should be amended to defer to this development in State law.

3. Won't visitors and wildlife be endangered by allowing concealed firearms in parks and refuges?

No. The proposed rule will maintain existing regulatory provisions that prohibit poaching, target shooting, and other illegal use of firearms. Additionally, our express

intent is that individuals authorized to carry firearms in a park or refuge will continue to be subject to all other applicable state and federal laws. We have no reason to believe that law-abiding citizens who carry concealed weapons will disregard these prohibitions and use their firearms for illegal purposes.

4. Aren't parks and refuges already safe places? If so, why allow people to carry concealed weapons?

America's national parks and refuges are often safe places to visit, and our law enforcement officials are doing a great job to maintain visitor safety. We also recognize that States have adopted laws which allow law-abiding citizens to carry a concealed firearm for personal defense. We strongly endorse the principle that States have the prerogative to develop appropriate policies and standards in this area, and believe that our management of parks and refuges should give the greatest respect to the democratic judgments of State Legislatures.

5. Why does the proposed rule adopt state standards for firearms? Isn't the management of national parks and refuges a federal responsibility?

The proposed rule would amend existing regulations in order to allow individuals to carry concealed weapons in park units and refuges to the extent that they could lawfully do so on analogous state-administered lands. By adopting state law in this manner, the Department continues a tradition of managing federal lands in cooperation with states. This often includes the adoption of non-conflicting state authorities. For example, the FWS and NPS have adopted state laws and regulations in the areas of hunting, fishing, and boating.

Moreover, the proposal is not designed to authorize firearms possession in federal facilities, or when otherwise forbidden by state or federal law. Rather, the Department's proposed rule is intended to respect state authority in a similar manner to that adopted in existing regulations by the Bureau of Land Management and the U.S. Forest Service. Each of these agencies authorizes the possession of loaded and concealed weapons consistent with the applicable authorities of the state in which the lands are located.

6. Doesn't this rule create a complex patchwork of standards for parks and refuges?

No. Under the proposed rule, which narrowly amends existing provisions, citizens will be permitted to carry concealed weapons in park units and refuges to the extent that they could lawfully do so on analogous state-administered lands. By adopting state law in this manner, the Department of the Interior continues a long-standing tradition of managing federal lands in cooperation with states in the areas of hunting, fishing, and boating. Moreover, since the proposal maintains existing prohibitions on poaching and target shooting, we are confident that the proposed rule will not cause a detrimental impact on visitor safety and resources.