Revision to Firearms Regulations in National Parks
January 9, 2009

The Department of the Interior has amended the NPS and FWS regulations related to carry and possession of firearms on their respective lands. The new regulations become effective today, January 9, 2009. Injunctions may or may not happen after the new regulation becomes effective.

The new regulation allows individuals to carry a loaded concealed firearm in parks, including Shenandoah, as long as the carry and possession are in compliance with the laws of the state in which the federal land is located, in this case Virginia. The only change to the firearms regulation is the allowance for concealed firearms pursuant to state law, all other previous firearms prohibitions apply.

Other than the new concealed firearm allowance, firearms are only allowed within Shenandoah National Park within vehicles when unloaded and rendered inoperable or cased; or when a permit has been issued by the Superintendent.

This information is not meant to be all inclusive at this time. Additional information will be forthcoming.

What the regulation does not allow.

- The regulation does not allow anyone authorized to carry a concealed firearm to use, discharge, brandish or carry a firearm in an open/visible manner. "Use" should exempt an instance where an act of self-defense could be justified.

- The intent of the rule is carry for self-defense; it does not confer the ability to assist law enforcement officials. Anyone taking action in a law enforcement situation is acting as a private citizen, and will be judged by that legal standard.

- It does not allow the carry of firearms in federal buildings; it is unlawful to knowingly bring a firearm or dangerous weapon into a federal facility. However, the prohibition must be "posted conspicuously at each public entrance" to be enforceable.
  - The term “Federal facility” means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.
    - Which buildings would actually fall under this category and how they will be signed is still under review.
  - On duty employees, except those specifically designated to perform law enforcement or other official duties requiring the use of firearms, are prohibited from carrying or having in their possession firearms on property under the control of the Secretary of the Interior.

What you need to know.

Since the regulation is based on state law, it is important to know how state law affects the ability to carry concealed weapons in the parks. The Virginia State Police website (www.vsp.state.va.us) is the best location for information on the concealed weapons requirements and the ability for individuals to obtain a permit.

- Laws in each state vary widely – there is no uniformity, so it is important to know the specifics of each state law. The law of the state in which the firearm is carried applies, not the law of the state in which it was issued. As an example, when a concealed carry permit
holder from Colorado travels to Virginia, he/she must know and obey the restrictions imposed by Virginia state law on those who possess a concealed carry permit.

- Virginia law requires a concealed weapons permit to be in possession while concealed weapons are being carried. There are exceptions to the permit requirement but for park purposes only law enforcement officers would be exempt from needing a concealed weapons permit in the park.
- Virginia law prohibits carrying a concealed weapon while under the influence of alcohol or illegal drugs.

Carry of concealed firearms in non-Federal facilities including but not limited to gift shops, bars, concessions and other commercial facilities and business offices, natural history association facilities may be governed by state law.

- Virginia law prohibits concealed weapons on the premises of restaurants and clubs that hold a license to serve alcohol, i.e. Shenandoah concession facilities.
  - Which areas would actually fall under this category is still under review.

Reciprocity between states is not consistent and can be confusing. The Virginia State Police website (www.vsp.state.va.us) is the best location for park visitors to determine whether their state is recognized by Virginia.

- At this time Virginia recognizes concealed weapons permits for AK, AR, AZ, FL, KY, LA, MI, MN, MO, MS, MT, NC, NM, OH, OK, PA, SC, TN, TX, UT, WA, WV, WY (according to the Virginia State Police website). Visitors should confirm with Virginia State Police.
- Many states issue non-resident permits as well as resident permits. Virginia issues non-resident permits that would be valid in VA. Virginia will recognize a non-resident permit from all states that it accepts resident permits. Visitors should confirm with Virginia State Police.
- The Law Enforcement Officers Safety Act of 2004 (18 USC 926B & C) allows concealed carry by active (in this case, when not in performance of official duties) and retired law enforcement officers without a permit, but they still must obey state and federal laws that prohibit possession in certain situations, e.g. 18 USC 930.

Current Status.

On December 17, 2008, NPCA, Coalition of NPS Retirees, and ANPR notified DOI and NPS by letter of their "Intent to Sue if Endangered Species Act Violations Are Not Cured Within Sixty Days", alleging that DOI did not carry out the consultation process with respect to the ESA before publishing the final rule on concealed firearms.

On December 30, 2008, the Brady Campaign to Prevent Gun Violence filed a complaint for Declaratory and Injunctive Relief, to request a permanent injunction against implementation of the firearms rule, and ask that the US District Court, Washington, DC, vacate the rule.

On 1/8/09, NPCA has a scheduled hearing in US District Court, Washington, DC, pursuant to their request for a restraining order on implementation of the firearms regulation.

There are still some legal and policy nuances related to Shenandoah National Park that are not yet resolved. This document should answer most of the relevant concerns though.
Any employee or visitor with questions not specifically addressed in this document should be directed to Pete Webster, Deputy Chief Ranger, (540) 999-3500x3402. Any requests from media outlets should be referred to Karen Beck-Herzog, Management Assistant, (540) 999-3500x3300.

Employees are reminded that personal views related to this issue are not appropriate to be shared with the public.