Amendment 3967 – Protects the right of law abiding citizens to carry guns in National Parks

For 25 years, regulations enacted by unelected bureaucrats at the National Park Service (NPS) and the U.S. Fish and Wildlife Service (FWS) have prohibited law abiding citizens from possessing firearms on some federal lands. The enactment of these rules pre-empted state laws, bypassed the authority of Congress, and trampled on the Constitutional rights of law abiding Americans guaranteed by the 2nd Amendment of the U.S. Constitution.

This amendment would ensure that state gun laws and citizens' Constitutional rights are honored on federal lands by prohibiting the Department of Interior from creating or enforcing any regulations prohibiting an individual, not otherwise prohibited by law from possessing a firearm, from possessing a firearm in National Parks and Wildlife Refuges in compliance with state laws.

Gun Bans On Federal Property Were Enacted By Unelected Bureaucrats Without The Authority Of Congress

In 1983, the National Park Service (NPS) and the U.S. Fish and Wildlife Service (FWS) enacted regulations banning the possession of firearms in federal parks.

As a result, state laws permitting concealed carry of firearms are not recognized on federal land managed by NPS and FWS. Americans on these lands may not possess a loaded firearm in or on a motor vehicle, a boat or vessel except in specific circumstances. Firearms may only be transported in or on a motor vehicle, boat or horse if they are rendered temporarily inoperable, or packed, stored or cased in a manner that prevents their ready use.¹

The penalties for violating the gun prohibition include a fine of \$5,000 and six months in prison.

¹ 36 C.F.R. 2.4, 50 C.F.R. 27.4

In addition to criminalizing law abiding citizens for exercising their rights, these regulations expose a much greater threat-- bureaucrats overstepping their authority.

The gun ban regulations were not debated or approved by Congress. These regulations and the corresponding penalties were established without any Congressional mandate or legislative approval.

It is troubling that government bureaucrats could take away the rights of law abiding citizens guaranteed by the federal Constitution on federal property and without the consideration of the federal representatives of the people.

A handful of unelected and unaccountable bureaucrats should not possess the ability to overstep the authority of the U.S. Congress or the rights guaranteed by the U.S. Constitution.

This amendment ensures that Congress, belatedly, weighs in on this issue.

Many in Congress have already expressed their opposition to these regulations. Forty-seven Senators, including 8 Democrats, recently signed a letter to Secretary of the Interior Dick Kempthorne asking him to remove these regulations. Several additional Senators have indicated their support for allowing state laws to govern firearm possession on public lands.

No Other Federal Land Agencies Have Enacted Anti-gun Rules Similar To The National Park Service and Fish and Wildlife Service

Both the Bureau of Land and Management (BLM) and U.S. Forest Service (FS) allow for the law of the state in which the federal property is located to govern firearm possession.

FS and the BLM have not experienced any difficulties as a result of allowing firearm possession.²

² FS Congressional Liaison E-mail – 09/24/2007

According to the BLM, "Laws and reg[ulation]s pertaining to concealing and carrying firearms are within states['s] jurisdiction and we only enforce them on public land if we have state authority by way of a local agreement. The BLM has some regulations on the use of firearms that pertain to specific areas, such as recreation sites and other areas that may be closed to shooting (but that does not make it illegal to possess a firearm in those areas)."³

This Amendment Will Protect Law-abiding Citizens Without Threatening Natural Resources Or Wildlife

The anti-gun regulations were intended to "ensure public safety and maximum protection of natural resources," according to Scot McElveen, the president of the Association of National Park Rangers.⁴

NPS and FWS claim that allowing citizens to carry legally-owned and registered firearms was necessary to prevent the poaching of animals living on NPS and FWS lands.⁵ This amendment will not enable or permit illegal hunting of animals on these lands.

Other NPS and FWS regulations specifically governing illegal hunting will remain in place, ensuring that poaching will still be illegal.⁶

The fact that both BLM and FS have not "required" these additional regulations further proves the anti-gun regulations by the other agencies are unnecessary.

The contradictory patchwork of federal regulations within different agencies has created the scenario where a law-abiding gun-owner traveling from public land managed by BLM to an adjacent NPS or FWS unit is subject to a \$5,000 fine and a six month prison sentence for violating federal regulations.

³ BLM Congressional Liaison E-mail – 09/20/2007

⁴ <u>http://www.nationalparkstraveler.com/2008/01/association-national-park-rangers-opposes-change-gun-laws-parks</u>

⁵ FWS Congressional Liaison E-mail – 01/18/2008

⁶ FWS Congressional Liaison E-mail – 01/23/2008

In many states, people have to pass through designated federal lands everyday. They should be able to do so without having to worry about which laws apply on what type of public land, if they are authorized to carry firearms under state law.

The bureaucrats seemingly well intended goal of "protecting" the public and natural resources holds the same flaws of other anti-gun efforts: It ensures that only criminals possess firearms and makes law abiding citizens subject to criminal penalties for exercising their Constitutional rights.

A recent editorial in the *Colorado Spring Gazette* pointed out that "Armed law-abiding citizens aren't the source of violence, criminals are."⁷

Individuals who are already willing to break the law to illegally hunt on public lands, after all, are no more likely to obey federal regulations that disallow the use firearms on public lands.

As Crime Rates On Federal Lands Increase, Citizens Should Maintain The Right To Protect Themselves And Their Families

National Parks, while still generally safe for visitors, have seen an increase in crime recently.

Overriding state laws that give its residents the ability to defend themselves may increasingly place NPS and FWS visitors in unnecessary danger.

NPS and FWS anti-gun regulations disarm individuals and leave them and their families vulnerable to crime on public lands.

According to Captain John Klaasen of the U.S. Forest Service, "If you see [a crime] happening in the city, it happens in the forest." Whether it is meth labs hidden amid lush forests or car prowls at trailheads,

⁷ The Gazette, "Pursuing safety - Half of Senate backs firearms in parks," January 13, 2008, <u>http://www.gazette.com/opinion/firearms 31930</u> article.html/parks rules.html

park rangers and forest officers are seeing an increasing amount of criminal behavior.⁸

For many criminals, parks and forests offer a safe haven. Consequently, visitors enjoying some our nation's natural treasures are increasingly vulnerable to harm and personal injury.

With one law enforcement officer for about every 110,000 visitors and 118,000 acres of land, park police may not always be close by and individuals may be left to defend themselves.⁹ While park rangers now use bullet-proof vests and automatic weapons to enforce the law, regular Americans in states where conceal and carry laws exist, are denied the opportunity for self-defense because of these NPS and FWS regulations.

In a recent news story, drug and human smuggling across the U.S. Mexico border has made it impossible and dangerous for scientists to continue their research and for visitors to frequent "well-marked but unofficial trails" in a national park.¹⁰

"Organ Pipe Cactus National Monument stopped granting most new research permits in January because of increasing smuggling activity. Scientists must sign a statement acknowledging that the National Park Service cannot guarantee their safety from "potentially dangerous persons entering the park from Mexico.""¹¹

A report by the National Parks Conservation Association in 2007 detailed how over the past two years at Organ Pipe Cactus National Monument, "park rangers have arrested and indicted 385 felony smugglers, seized 40,000 lbs. of marijuana, and intercepted 3,800 illegal aliens. The Border Patrol estimated that 500 people per day (180,000 per year) and 700,000 pounds of drugs entered the U.S. illegally through the monument in the year 2000." It is no wonder the law enforcement staff of 11 park rangers is encountering difficulties in

⁸ Jennifer Sullivan, "Crime Slowly Creeps Into Parks, Forests," Seattle Times, October 16,2006, <u>http://seattletimes.nwsource.com/html/localnews/2003305418_safetrails15m.html</u>

⁹ GAO, "Actions Needed to Better Protect National Icons and Federal Office Buildings from Terrorism," June 24th, 2005, <u>http://www.gao.gov/new.items/d05790.pdf</u>

¹⁰ http://www.nps.gov/orpi/planyourvisit/yoursafety.htm

¹¹ Associated Press, "Violent Border Smugglers Scare U.S. Scientists," Foxnews.com, December 30th, 2007, <u>http://www.foxnews.com/story/0,2933,319028,00.html</u>

managing a 330,000 acre park with numerous activities initiated by Mexican drug cartels.¹²

This park was ranked by the Fraternal Order of Police as the most dangerous national park in 2003. While two other parks on the Mexico-U.S. border were listed as one of the ten most dangerous national parks in 2003, other parks included on this list were in states such as New Jersey, Florida, Virginia and Wyoming – Yellowstone National Park.¹³

The Government Accountability Office (GAO), in a report entitled, "Actions Needed to Better Protect National Icons and Federal Office Buildings from Terrorism," additionally expressed concern with the ability of the Interior Department to maintain adequate security in the post-9/11 world of heightened alerts due to potential terrorist attacks.

While better prioritization of federal funds may be needed to increase law enforcement efforts in our public parks and forests, allowing visitors to national parks to possess guns provides responsible gun owners the ability to defend themselves in the event that law enforcement is not nearby.

Park Rangers Are Also Threatened By Anti-gun Restrictions Imposed By Washington Bureaucrats

According to the National Park Service, in 2006 there were 11 homicides, 35 rape cases, 61 robberies, 16 kidnappings, 261 aggravated assaults and 320 other assaults out of a total of 116,588 offenses in national parks.¹⁴

Another result of this surge is that, "National Park Service officers are 12 times more likely to be killed or injured as a result of an assault than FBI agents."

 ¹² National Parks Conservation Association, "Perilous Parkland: Homeland Security and the National Parks," March 4th, 2007, <u>http://www.npca.org/media_center/fact_sheets/security.html</u>
¹³ Environment News Service, "U.S. Rangers, Park Police Sustain Record Levels of Violence," September

^{1&}lt;sup>st</sup>, 2004, <u>http://www.ens-newswire.com/ens/sep2004/2004-09-01-02.asp</u>

¹⁴ Tillie Fong, "Violent Crime Rare on Public Land," Rocky Mountain News, June 29th, 2007

According to the group Public Employees for Environmental Responsibility, "National Park Service commissioned lawenforcement officers were victims of assaults 111 times in 2004, nearly a third of which resulted in injury. This figure tops the 2003 total of 106 assaults and the 2002 total of 98."¹⁵

Because of this threat, rangers in higher crime areas often carry automatic weapons and wear bullet-proof vests.

Former Executive Director of the U.S. Park Rangers Lodge of the Fraternal Order of Police and 30-year park ranger, Randall Kendrick has noted that "The National Park Service has an astoundingly poor safety record for its officers... If anything, these assaults against park rangers are undercounted. If there is not a death or injury, pressures within a national park can cause the incident to be reported as being much more minor than it is in reality, and it is not unheard of for an assault to go unreported altogether."¹⁶

According to the Inspector General of the Department of the Interior, NPS law enforcement agents and rangers are ineffectively managed by "non-law enforcement managers."

In a statement before the Senate Committee on Finance, Inspector General Earl E. Devaney remarked that various Superintendents of a number of dangerous parks opposed increasing law enforcement staff to combat rising crime levels for a variety of reasons.

Some Superintendents ordered rangers not to carry firearms because they thought it would "offend park visitors."

Other Superintendents assigned law enforcement staff non-law enforcement work to prevent them from becoming "too much like cops" or because "the public does not want park rangers with the same edge as FBI agents but instead what the public wants is the park ranger to be cut from the same cloth as a boy scout."

¹⁵ Brad Knickerbocker, "Crime Rates Up In National Parks – More Rangers Find Themselves Battling Lawlessness," CBS News – Christian Science Monitor, August 8th, 2005, http://www.cbsnews.com/stories/2005/08/08/national/main765404.shtml

¹⁶ Brad Knickerbocker, "Crime Rates Up In National Parks – More Rangers Find Themselves Battling Lawlessness," CBS News – Christian Science Monitor, August 8th, 2005, http://www.cbsnews.com/stories/2005/08/08/national/main765404.shtml

The International Association of Chiefs of Police also described law enforcement staffing at the Park Service as "patently illogical and erratic."¹⁷

¹⁷ Earl E. Devaney, "U.S. Borders: Safe or Sieve," Senate Committee on Finance, January 30th, 2003

CLAIMS AND FACTS

CLAIM: Gun restrictions enacted by the National Park Service (NPS) and the U.S. Fish and Wildlife Service (FWS) are different than those of Bureau of Land and Management (BLM) and U.S. Forest Service lands (FS) because the roles of the agencies are different.

FACT: All four agencies have generally similar responsibilities to manage and protect federal properties and national resources.

The NPS mandate is to "preserve national parks for future generations while providing for visitor enjoyment."

The FWS mandate is to "administer a national network of lands and waters for the conservation, management and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

BLM's mandate is to "to manage the public lands for multiple use, while protecting the long-term health of the land." According to the FS Website, "the mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations."¹⁸

Besides the fact, that the missions of all four agencies are similar, because additional regulations prohibit the inappropriate use of firearms in non-designated areas, allowing for state conceal and carry laws will not compromise these agency missions. Instead, by allowing for state conceal and carry laws to be recognized, visitors will feel safer and more protected in areas where there is limited or no law enforcement.

CLAIM: Animals will be poached and not adequately protected if visitors are permitted to carry guns in federal parks.

¹⁸ <u>http://www.fs.fed.us/aboutus/mission.shtml</u>

FACT: Separate regulations already outlaw such behavior. This amendment will not void those regulations.

CLAIM: It would be impractical to enforce state-by-state conceal and carry laws on NPS lands.

FACT: Both the BLM and the Forest Service have not expressed any difficulties or frustration in recognizing state laws.

As it currently stands, the NPS does not enforce NPS regulations that void state concealed carry laws, except if violations are found inadvertently according to NPS congressional liaison. Even then, rangers will normally only give a warning to visitors that NPS regulations do not recognize state conceal and carry permits.

CLAIM: Recognizing concealed carry state permits would compromise the effectiveness of NPS law enforcement.

FACT: Concealed carry permits exist for the protection of individuals – not law enforcement by regular citizens.

Current police forces are spread far too thin as it is and are not sufficient. According to GAO, for every one law enforcement officer there are about 10,000 visitors and 118,000 acres of land

Both FS and BLM do not believe their effectiveness has been compromised because states laws governing firearms are followed on their lands.

http://www.nps.gov/biso/planyourvisit/huntingregulations.htm

Firearms:

You may not possess a loaded firearm in or on a motor vehicle. A firearm is considered loaded if there are rounds in the chamber or magazine, a muzzleloader is unloaded if there is no cap on the nipple or powder in the priming pan. (36 C.F.R. 2.4 (b)) You may not possess a loaded firearm in a boat or vessel except when that boat or vessel is being used as a shooting platform in accordance with State and Federal law. You may only load your firearm after the motor has been shut off and all forward motion due to that motor has stopped. (36 C.F.R. 2.4(b)) Firearms may be transported in or on a motor vehicle, boat or horse but they must be rendered temporarily inoperable, or packed, stored or cased in a manner that prevents their ready use. (36 C.F.R. 2.4 (a)(3)) This law can be satisfied several ways, a cased unloaded gun satisfies the requirements of this law. An unloaded gun with a trigger lock installed satisfies this law. An unloaded gun with the ammunition stored in a separate part of the vehicle satisfies this law. A unloaded gun laying in the passengers seat with the ammunition right beside it does not satisfy the requirements of this law.

http://a257.g.akamaitech.net/7/257/2422/12feb20041500/edocket.access.gpo.gov/cfr_2004/julqtr/pdf/36cfr 2.4.pdf

§ 2.4 Weapons, traps and nets.

(a)(1) Except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited:

(i) Possessing a weapon, trap or net

(ii) Carrying a weapon, trap or net

(iii) Using a weapon, trap or net

(2) Weapons, traps or nets may be carried, possessed or used:

(i) At designated times and locations in park areas where:

(A) The taking of wildlife is authorized by law in accordance with § 2.2 of this chapter;

(B) The taking of fish is authorized by law in accordance with § 2.3 of this part.

(ii) When used for target practice at designated times and at facilities or locations designed and constructed specifically for this purpose and designated pursuant to special regulations.

(iii) Within a residential dwelling. For purposes of this subparagraph only, the term "residential dwelling" means a fixed housing structure which is either the principal residence of its occupants, or is occupied on a regular and recurring basis by its occupants as an alternate residence or vacation home.

(3) Traps, nets and unloaded weapons may be possessed within a temporary 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.

(b) Carrying or possessing a loaded weapon in a motor vehicle, vessel or other mode of transportation is prohibited, except that carrying or possessing a loaded weapon in a vessel is allowed when such vessel is not being propelled by machinery and is used as a shooting platform in accordance with Federal and State law.

(c) The use of a weapon, trap or net in a manner that endangers persons or property is prohibited.(d) The superintendent may issue a permit to carry or possess a weapon, trap or net under the following circumstances:

(1) When necessary to support research activities conducted in accordance with § 2.5.

(2) To carry firearms for persons in charge of pack trains or saddle horses for emergency use.

(3) For employees, agents or cooperating officials in the performance of their official duties.

(4) To provide access to otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible. Violation of the terms and conditions of a permit issued pursuant to this paragraph is prohibited and may result in the suspension or revocation of the permit.(e) Authorized Federal, State and local law enforcement officers may carry firearms in the performance of their official duties.

(f) The carrying or possessing of a weapon, trap or net in violation of applicable Federal and State laws is prohibited.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

http://www.cbsnews.com/stories/2005/08/08/national/main765404.shtml

Crime Rates Up In National Parks More Rangers Find Themselves Battling Lawlessness CBS News – Christian Science Monitor Brad Knickerbocker.

ASHLAND, Ore., August 8, 2005 – The smell of bacon mixed with wood smoke. The sight of a spectacular waterfall or field of wildflowers. The sound of a bugling elk ... or nothing at all in the backcountry wilderness.

National parks are meant to be laid-back places where the stress and strain of work and home are left behind for a more mellow experience.

But increasingly, those rangers in their Smokey Bear hats who give talks on nature and lead campfire singalongs -- especially the ones trained in law enforcement -- are facing crime and violence.

A watchdog group last week warned that law enforcement work in national parks is the most dangerous in federal service.

"National Park Service officers are 12 times more likely to be killed or injured as a result of an assault than FBI agents," the group Public Employees for Environmental Responsibility reported. "National Park Service commissioned law-enforcement officers were victims of assaults 111 times in 2004, nearly a third of which resulted in injury. This figure tops the 2003 total of 106 assaults and the 2002 total of 98."

"The National Park Service has an astoundingly poor safety record for its officers," says Randall Kendrick, who represents park rangers as part of the Fraternal Order of Police. "If anything, these assaults against park rangers are undercounted. If there is not a death or injury, pressures within a national park can cause the incident to be reported as being much more minor than it is in reality, and it is not unheard of for an assault to go unreported altogether."

So why all this violence and crime in places that are supposed to be tranquil and relaxing? Alcohol or drugs are part of most violent incidents. Hideaway methamphetamine labs and marijuana fields in rural park areas (some of them run by drug cartels) and illegal aliens crossing through parks near the US- Mexico border are part of a growing crime scene.

But like increasing incidents of road rage, the stress of modern urban life, especially in the post-9/11 world of terrorism, may have something to do with it as well.

"We're suffering from the same societal problems that most urban areas are," says park service spokesman David Barna, who notes that park rangers interact with 1 million visitors a day and a lot more than that during the summer months.

FBI agents "are not face to face with the public the way we are," says Mr. Barna. "We're more like cops - metropolitan police organizations."

Here in Oregon recently, two rangers at Crater Lake National Park attempted to calm a man at the Mazama campground who had been involved in a domestic disturbance, loudly threatening people, disrupting an evening program, and leaving campers cowering in their tents. Undeterred by pepper spray, he came at the rangers with a club. They finally fatally shot the man.

The National Park Service (NPS) is a huge organization whose 20,000 professionals and 125,000 volunteers oversee 388 parks, monuments, battlefields, historic sites, lakeshores, recreation areas, scenic rivers and trails, and the White House. Their security and law-enforcement responsibilities include more than 18,000 permanent structures, 8,000 miles of roads, 1,800 bridges and tunnels, 4,400 housing units, 700 water and wastewater systems, 400 dams, and 200 solid-waste operations.

While Yellowstone National Park had the biggest number of violent incidents directed at park service officers last year (16), nearly half the total took place in urban areas where US Park Police patrol: the National Mall, the Statue of Liberty, Golden Gate Bridge, the Camp David perimeter, and dozens of parks and parkways in the Washington, D.C. area.

For some critics, this raises questions about why there are fewer US Park Police today than there were before 9/11, even though the park service's law enforcement budget has increased \$42 million in the last three years and officers now get more training.

Last year, US Park Police Chief Teresa Chambers was fired for speaking out against the dangers of understaffing at places like the Lincoln Memorial and the Washington Monument. With help from whistleblower organizations, she is fighting her termination.

In a report last summer, the National Parks Conservation Association, a private organization, noted that the number of commissioned permanent and seasonal rangers had been declining in recent years while the number of park visitors was rising.

Noting incidents of vandalism, arson, burglary, and theft, including stealing old-growth redwood trees and poaching of black bears for use in Chinese medicines, NPCA warned that "a shortage of law enforcement rangers has a direct impact on park resources."

"The Park Service's on-the-ground law enforcement capacity has been further eroded by the demands of homeland security," the group stated in its report, titled "Endangered Rangers."

"The agency has estimated that it spends \$63,500 each day that the nation is at orange alert," according to NPCA. "This diverts funds from the parks' operating budgets, and when rangers from parks such as Rocky Mountain and Shenandoah are sent to guard dams and icon parks, their positions remain unfilled."

More recently, the Government Accountability Office (GAO) expressed concern about the ability of the Interior Department - of which the National Park Service is part - to maintain adequate security in the post-9/11 world of heightened alerts due to potential terrorist attacks.

Based on interviews with Interior and Park Service officials, GAO reported that "the department's law enforcement staff is already spread thin ... averaging one law enforcement officer for about every 110,000 visitors and 118,000 acres of land."

http://seattletimes.nwsource.com/html/localnews/2003305418_safetrails15m.html

Crime slowly creeps into parks, forests By Jennifer Sullivan Seattle Times 10/16/2006

OLYMPIC NATIONAL FOREST — Though Jessie Jordan's "office" is a stunning stretch of the craggy Pacific coast, the beauty comes at a price.

Hopping into her white and green sport-utility vehicle, the 31-year-old ranger in the Olympic National Forest adjusts her straw hat and tugs at the bulky bulletproof vest beneath her khaki shirt. Behind her, mounted on a gun rack, are two shotguns.

When she graduated from the University of Colorado in 1996, Jordan dreamed of roaming the wilderness offering guidance to campers and hikers. Now that she's a park ranger for the National Park Service, she still sees herself as the protector of the natural resources in the national parkland stretching from Kalaloch to Lake Quinault, but Jordan says a big part of her job is that of small-town cop.

"Park rangers are the most assaulted federal officers," Jordan said. "Urban police officers had a lot more crime to deal with, but we have less staff."

It used to be that being a ranger in Washington state's national parks and forests meant guiding people through the great outdoors and serving as caretaker to plants and wildlife. But as cities and suburbs rapidly encroach upon wilderness areas, drugs and violence have crept into the outdoors.

Whether it's meth labs hidden amid lush forests or car prowls at trailheads, park rangers and forest officers are seeing an increasing amount of criminal behavior.

While neither the U.S. Forest Service nor the National Park Service keeps precise statistics about crime on federally protected lands, officers and rangers in Washington say that crime appears to be on the rise in the backcountry.

That fact was underscored by the July 11 slayings of a Seattle mother and daughter on a trail in the Mount Baker-Snoqualmie National Forest, killings that remain unsolved. The shootings of Mary Cooper, 56, and Susanna Stodden, 27, prompted hikers and campers to briefly stay away from the popular recreation areas near Mount Pilchuck at the height of camping season.

Such violent crimes are still quite rare in national parks and forests.

But the killings were a reminder of why rangers such as Jordan have become as familiar with firearms and evidence collection as they are with the best hiking routes and bear-safety tips.

"If you see it happening in the city, it happens in the forest," said Capt. John Klaasen of the U.S. Forest Service.

Crimes increase

The officers Klaasen oversees in the Mount Baker-Snoqualmie National Forest and Olympic National Forest regularly encounter abandoned meth labs, evidence of marijuana growing and fugitives living deep in the backcountry who survive by stealing from campers.

In general, Cmdr. Barb Severson of the Forest Service said, crime appears to be increasing in the more than 1 million acres of national forest land that her 25 officers patrol in Washington state.

Between October 2005 and September, officers in the Mount Baker-Snoqualmie National Forest handed out 709 citations and wrote an additional 2,197 incident reports, Severson said. Citations were handed out

for everything from vandalism to illegal dumping to nonpayment of recreation fees and illegal off-road vehicle use, Severson said.

During the same time period, officers in the Olympic National Forest gave 262 citations and wrote 875 incident reports.

Severson didn't know how many arrests were made.

In 2005, rangers at Olympic National Park made 14 arrests and handed out 523 citations according to park spokeswoman Barb Maynes.

Of the more than 10 arrests by Olympic National Park rangers this year, most were for drunken driving, she said. This year rangers have handed out more than 215 citations.

Violent crime, though, is still unusual enough that Officer Mike Gardiner of the Mount-Baker Snoqualmie Forest called the slayings of Cooper and Stodden a "freak occurrence."

Public Employees for Environmental Responsibility (PEER) says the rise of crime in national forests is reflected in the increase in threats and violence toward employees of the Forest Service, National Parks Service, U.S. Fish and Wildlife Service and the Bureau of Land Management. According to PEER, attacks against employees of those agencies have increased from 88 reported in 2004 to 477 in 2005.

Jeff Ruch, executive director of the Washington, D.C.-based environmental advocacy group, said federal forest employees in the Pacific Northwest also have significant problems catching off-road vehicle enthusiasts who are riding in prohibited areas.

"Safety is kind of on us"

In the summertime, Mark O'Neill, who patrols Olympic National Park, parks his patrol car along Highway 101, the main drag between Port Angeles and Forks, to catch speeders. During these traffic stops he often finds fugitives wanted on arrest warrants.

"We take weapons off people all the time," O'Neill said.

A rash of car break-ins at the Lake Quinault trailhead last summer resulted in the theft of nearly \$20,000 worth of items from 21 people, Jordan said. By bashing car windows with a rock, thieves stole laptops, wallets and other items. Only six people recovered some of their possessions, she said.

During 12 years as a Forest Service officer, Shane Wyrsh said he's seen alleged gang members practicing shooting; he's helped investigate violent assaults and even stumbled upon "the mother of all meth labs." This was a property where people were exchanging cars, bicycles, generators and other stolen items for drugs.

Over the years he's also had several people threaten to kill him.

Wyrsh said he joined the Forest Service because he wanted to be a cop. He now believes working in the woods can at times be more dangerous than patrolling a city.

"It's probably one of the most unique styles of law enforcement there is," he said. "Safety is kind of on us. Backup is 30 minutes to an hour away."

Many park rangers and forest officers say park visitors often chide them about carrying guns and don't see them as serious law-enforcement officers. Jordan, who will regularly respond to such comments with a history lesson about the role of the park service, is convinced that the confusion stems from the fact that their khaki uniforms look a lot like the ones worn by civilian park guides.

"They [visitors] view me as some sort of benevolent park employee or a Smokey the Bear," Jordan said.

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http://www.npca.org/media_center/fact_sheets/security.html

Perilous Parkland: Homeland Security and the National Parks The National Parks Conservation Association March 4, 2007

Protecting national parks such as the Grand Canyon, Gettysburg, and the Statue of Liberty for future generations has been the #1 priority of the National Park Service since its inception. This stewardship has gone hand-in-hand with interpretation, as the agency seeks to accommodate, inspire, and educate nearly 300 million visitors annually.

But 2001 forced the agency to consider the protection and interpretation of many of its sites differently. When the Department of Homeland Security tightened control over some areas of the border, less-protected landscapes such as the national parks suddenly became popular ports of entry for drug smugglers (Department of the Interior agencies manage 39 percent of the southern border; in particular, the Park Service manages seven border parks).

Arizona's Organ Pipe Cactus National Monument, in particular, has become a well-known hot spot for illegal border entries, and Sequoia National Park in California has been targeted by Mexican drug cartels, which have relocated significant pot-growing operations to the park's wooded backcountry. Over the past year, rangers have seized illegal drugs at several parks, including Coronado National Monument in Arizona, and Padre Island National Seashore and Amistad National Recreation Area in Texas.

The Department of Homeland Security (DHS) identified other sites within the park system as potential terrorist targets for their symbolic value, forcing the Park Service to reallocate existing resources to beef up security at places like Mount Rushmore, the Washington Monument, and the St. Louis Arch. When rangers from parks such as Rocky Mountain and Shenandoah are sent to guard the Statue of Liberty during times of heightened security, dams, and porous international park borders, their positions remain unfilled.

These unfunded homeland security demands, which the Director has testified exceed \$43 million annually, have strained the Park Service's budget, put national park resources and staff at risk, and affected the experiences of visitors in many parks.

Risking National Park Resources & Staff

Increasing illegal activities in national parklands along the U.S. border put park resources, and park staff, at risk.

Organ Pipe Cactus National Monument in Arizona is on the front line. Over the last 2 years, park rangers have arrested and indicted 385 felony smugglers, seized 40,000 lbs. of marijuana, and intercepted 3,800 illegal aliens. The Border Patrol estimated that 500 people per day (180,000 per year) and 700,000 pounds of drugs entered the U.S. illegally through the monument in the year 2000.

This workload takes a significant toll on the park and its staff. Ranger turnover is 25 percent, and the 330,000-acre park is functioning with only 11 rangers; their law enforcement needs assessment indicted the park should have 21 full-time rangers. Organ Pipe Cactus's law enforcement rangers are under constant surveillance by the drug cartels, which even know when each ranger is home or not—putting the rangers and their families at risk.

While Border Control capacity has been increasing nearby, this DHS agency is still not always available to patrol the park. On such occasions, the park must decide whether to provide escorts to park researchers and other scientists, or pursue smugglers crossing the border. Consequently, park science and research is held up when there are not enough law enforcement rangers available to escort researchers.

NPCA's analysis of the current law enforcement staffing levels in national park sites located on or near the southern U.S. border reveals a deficit of 31 law enforcement FTEs when compared to the law enforcement assessments that the agency itself completed. Parks affected include Amistad National Recreation Area, Big Bend National Park, Coronado National Memorial, Organ Pipe Cactus National Monument, Padre Island National Seashore, and Palo Alto Battlefield National Historic Site.

In addition to juggling other needs, park staff also works to mitigate the damage caused by aggressive Border Control agents driving over the fragile desert parklands. At Organ Pipe Cactus, this is especially difficult, as most of the park is a designated wilderness area with limits on motorized access.

Degrading the Experiences of Visitors

As homeland security needs have increased, many park managers have had to reallocate existing resources to law enforcement to the detriment of other park programs such as interpretation and maintenance.

In 2000, Organ Pipe Cactus, for example, had 31 full-time equivalent employees (FTEs); it now has 39. But over the same six years, the Maintenance Division has lost 3 FTEs; Interpretation (public education) lost 3 seasonal interpreters; and the Natural Resources team lost one position. This has had a significant impact on the park's ability to protect park resources and serve and inspire more than 280,000 visitors annually. For example, in the past restrooms were cleaned daily. Now, restrooms are cleaned once a week during the busy season, and only once a month in the slower season.

NPCA's March 2006 assessment of Catoctin Mountain Park in Maryland indicates that an increase in unfunded homeland security and law enforcement duties has strained the park's ability to protect its cultural treasures and ensure that visitors have an opportunity to enjoy ranger-led educational programs.

Catoctin park staff often work double-duty, conducting interpretive or resource protection activities while also performing law enforcement duties. For example, the park's museum curator also has law enforcement duties, which limits the amount of time that can be spent cataloging the park's important museum collection. Historic letters exchanged during the New Deal period, photographs of presidential visits, and artifacts used for charcoaling during the period of rural industry and agriculture are not yet cataloged for park visitors to enjoy.

Homeland security requirements have also changed the way visitors experience some national parks. Visitors to the Statue of Liberty for instance, go through a screening process more elaborate than most airports. At the St. Louis Arch, the first ranger a visitor might encounter isn't there to tell them the inspiring story of Louis and Clark, but is instead standing guard, solemnly carrying a large weapon. At Organ Pipe Cactus, visitors can't even access some parts of the park and certain roads and trails because they are unsafe. Security concerns have also affected the way visitors experience the monuments on the National Mall in Washington, D.C. Access is limited, parking is restricted, and scenic vistas are interrupted by security barriers and construction fences.

An Unfunded Mandate

National Park Service Director Fran Mainella testified before Congress in May 2005 that the parks' unfunded homeland security costs total \$43 million annually, but NPCA estimates that the overall cost is likely much higher. For instance, security upgrades at Independence Hall National Historical Park in Philadelphia alone are estimated to cost the park \$5 million. A 30-mile-long

vehicle barrier at Organ Pipe Cactus cost approximately \$14 million to build, but the Park Service doesn't have enough money to maintain it, which park staff fear may lead to breaches.

At Coronado National Monument, located on Arizona's border with Mexico, increased costs have largely resulted from doubling the size of their ranger force from 2 to 5, and funding overtime pay for rangers, who must now work in teams of two for safety purposes. This has thrown off the budget balance in the park, as funding is pulled in part from other park programs.

The Public's Position

According to a March 2006 poll of 1,007 likely voters by Zogby International, 75 percent of respondents say they support the Park Service being reimbursed for homeland and border security activities the agency has to conduct.

NPCA's Position

The Park Service's already-limited capacity is further eroded by the demands of homeland security. Funding for law enforcement personnel and equipment in most parks is included as part of the operating budget, which research has shown to be short by more than \$600 million annually. Congress and the administration should increase funding to the parks' operating budget, and make the parks eligible for reimbursement funding from the Department of Homeland Security.

For More Information

For more information about homeland security in the national parks, please contact NPCA Vice President for Government Affairs Craig Obey at 202-223-6722, ext. 234.

Violent crime rare on public land Rocky Mountain News June 29, 2007 Friday SECTION: NEWS; Pg. 4NEWS By Tillie Fong, Rocky Mountain News

National parks and forests in Colorado are generally safe, with few violent crimes occurring there, according to local sheriff offices.

"We have a lot of trespass, illegal campfires, transients, illegal camping, minor vandalism," said Lt. Phil West of the Boulder County Sheriff's Office, referring to crimes committed on public lands. "The most significant events we are involved in are rescues of lost skiers, fallen climbers, and so forth. It (violent crime) is not a major issue."

The slaying of a Colorado Geological Survey intern in a remote part of San Isabel National Forest on Tuesday was considered unusual.

"These crimes on our public lands and forest lands are very rare," said Janelle Smith, spokeswoman for the regional office of the U.S. Forest Service in Denver. "That is what makes this crime so shocking - you think you are safe. That's why it's a terrible tragedy."

However, that doesn't mean that violent crime doesn't occur. Eagle County had two cases of homicide on public lands in the past five years, including one still unsolved.

But getting hard data on how much violent crime occurs on national parks and forests is not easy.

For one thing, the U.S. Forest Service doesn't track that kind of information.

"We are not the lead agency when it comes to those types of crime," Smith said. "We track crimes against resources, such as damaging forest service property. Serious crime against people would be referred to local law enforcement."

The National Park Service does track violent crime but does not break down numbers by state or park. Instead, it compiles statistics on criminal offenses for all the national parks in the country.

Last year, there were 11 homicides, 35 rape cases, 61 robberies, 16 kidnappings, 261 aggravated assaults and 320 other assaults out of a total of 116,588 offenses in national parks.

LOAD-DATE: June 29, 2007

http://www.fs.fed.us/r5/stanislaus/law/firearms.shtml

Law Enforcement



Please obey firearms laws, practice common sense gun safety and respect other forest visitors' rights to enjoy the Stanislaus National Forest. Violation of regulations can result in fines up to \$5,000 and 6 months imprisonment. Check with the local Sheriff or <u>Ranger Station</u> for current laws that affect firearms possession and use on the National Forest. Report any unsafe firearms use to the County Sheriff or Ranger Station.

Practice safe firearms use while on the Stanislaus National Forest:

- Stay more than 150 yards from any campground, building or other occupied area before shooting.
- Aim away from other people, campsites, campgrounds, houses or other buildings.
- Ensure that animals, plants and other forest resources will not be injured or damaged.
- Trees, signs, glass bottles, and clay pigeons are never appropriate targets.
- Have a solid dirt backstop; see the entire path of your bullet; ensure that no objects that could cause a ricochet are within your line of fire.
- Be off roads and trails when you shoot, and aim away from lakes, ponds and streams.
- Retrieve all shell casings and targets before leaving.
- While the Stanislaus National Forest does not have any area set aside for target shooting, some Forest visitors have found that certain areas are more desirable for firearms use than others. Contact the nearest <u>Ranger Station</u> for information on such places.

http://www.foxnews.com/story/0,2933,319028,00.html

VIOLENT BORDER SMUGGLERS SCARE U.S. SCIENTISTS Sunday, December 30, 2007 Associate Press

PHOENIX — Biologist Karen Krebbs used to study bats in Organ Pipe Cactus National Monument on the Arizona-Mexico border. Then, she got tired of dodging drug smugglers all night.

"I use night-vision goggles, and you could see them very clearly" — caravans of men with guns and huge backpacks full of drugs, trudging through the desert, Krebbs said. After her 10th or 11th time hiding in bushes and behind rocks, she abandoned her research.

"I'm just not willing to risk my neck anymore," she said.

Across the southwestern U.S. border and in northern Mexico, scientists such as Krebbs say their work is increasingly threatened by smugglers as tighter border security pushes trafficking into the most remote areas where botanists, zoologists and geologists do their research.

"In the last year, it's gotten much worse," said Jack Childs, who uses infrared cameras to study endangered jaguars in eastern Arizona. He loses one or two of the cameras every month to smugglers.

Scientists, especially those working on the Mexican side of the border, have long shared the wilderness with marijuana growers and immigrants trying to enter the United States illegally. But tension is rising because of crackdowns on smugglers by the Mexican military, increased vigilance in the Caribbean Sea, new border fences, air patrols, a buildup of U.S. Border Patrol agents and a turf war between cartels.

Smugglers are increasingly jealous of their smuggling routes and less tolerant of scientists poking around, researchers say.

Organ Pipe Cactus National Monument stopped granting most new research permits in January because of increasing smuggling activity. Scientists must sign a statement acknowledging that the National Park Service cannot guarantee their safety from "potentially dangerous persons entering the park from Mexico."

"It's a kind of arms race, and biologists are stuck in the middle," said Jim Malusa, who specializes in mapping desert vegetation. "There's been a chilling effect on researchers."

Scientists say things have gotten more uncomfortable since 2001, when the United States began fortifying its border after the Sept. 11 terrorist attacks. In 2006, the Border Patrol embarked on a hiring spree, with plans to raise its personnel from 12,000 to 18,000 by the end of 2008.

Smugglers have responded with violence. Assaults on Border Patrol agents are occurring at a record pace, with 250 attacks reported from Oct. 1 to Dec. 16, an increase of 38 percent over 2006.

As crossing the border gets more difficult, the fees that smugglers charge to guide illegal immigrants through the desert has doubled in recent years, to as much as \$3,000 per person, migrants say. At the same time, Mexico has been stepping up highway checkpoints and port inspections, forcing drug smugglers into the wilderness and onto remote beaches.

To avoid the checkpoints, Mexican drug cartels are moving their marijuana farms northward, from traditional growing areas in Michoacan, Nayarit and Guerrero states to more remote areas in Sonora and Sinaloa states, according to the U.S. government's 2008 National Drug Threat Assessment.

Marijuana smugglers, whose cargo is smellier and bulkier than cocaine, are increasingly abandoning the urban border ports of Texas and California in favor of the Arizona-Sonora corridor, the U.S. Drug Enforcement Administration says. U.S. authorities seized 616,534 pounds of marijuana in the Tucson Sector alone in 2006, up from 233,807 pounds in 2001.

Smugglers also are increasingly relying on boats moving through the Pacific Ocean, the U.S. Coast Guard said this month. The Coast Guard seized a record 356,000 pounds of cocaine this year, most of it in the Pacific.

Scientists, who once had the ocean and desert all to themselves, say they are increasingly rubbing elbows with bad guys.

"They used to take the easier routes through washes and old river beds, but now, they're moving into the rougher country," said Randy Gimblett, a University of Arizona professor who studies human impacts on ecology. "There's a lot at stake because there's a lot of money tied up in drugs. We're not confronting those folks, but we're seeing more of that activity."

There are no statistics on attacks or threats against scientists, said Mark Frankel, director of the scientificfreedom program at the American Association for the Advancement of Science. But among researchers, drug stories abound.

Michael Wilson, a botanist and director of research at the Drylands Institute in Tucson, said he avoids some parts of Mexico's Sonora state since seeing opium poppies, which are not native to Mexico, and mules carrying loads of marijuana down from the mountains. Opium resin is used to make heroin.

Wilson said he has noticed an increase of marijuana cultivation in recent years and more people watching over the fields. Some of his colleagues now carry guns, he said.

"There are a lot of researchers who have ducked out of doing research in Mexico," Wilson said. David Yetman, a social scientist and host of the PBS series "The Desert Speaks," said he had to stand in a marijuana field in eastern Sonora to get pictures during the filming of a 2004 segment on rural liquormaking. He hired off-duty policemen with automatic weapons to protect his film crew during a piece in southern Sonora, an area known for drug trafficking.

Richard Felger, another botanist, said he stays away from remote mountains in Sonora since being robbed and threatened on research trips.

"I got kind of allergic to pistols being held to my forehead," Felger said.

Gimblett, who relies on buried pressure sensors for his research on park users, said smugglers routinely cut his cables. Childs has tried leaving notes and pictures of saints — even Jesus Malverde, the unofficial saint of drug traffickers — to try to persuade smugglers to spare his jaguar cameras, but to no avail.

Huge swaths of northeastern Mexico are now off-limits to science, said Andres Burquez, a professor at the National Autonomous University of Mexico.

"(Residents) will say 'You can go to A, B and C place, but not D," Burquez said. "And it turns out that's the place that interests you most."

http://www.gazette.com/opinion/firearms_31930___article.html/parks_rules.html

Our View - Monday Comments 5| Recommend 0

THE GAZETTE January 13, 2008 - 10:14PM

Pursuing safety Half of Senate backs firearms in parks

Talk in political circles often centers on bipartisanship. If politicians want to portray a bill or program as something few would quibble with, they reach across the aisle and find at least a handful of supporters in the other party. Then they can say their proposal is bipartisan and the rest of us are supposed to go along. If bipartisanship effectively gets everyone on board, a proposal to change some rules in national parks shouldn't have any trouble.

Last week, 47 senators from both parties sent a letter to Interior Secretary Dick Kempthorne asking him to change rules that restrict firearms in national parks and lands managed by the U.S. Fish and Wildlife Service. The letter asks that Kempthorne rescind regulations put in place by Ronald Reagan's Interior Secretary James Watt that require park visitors to make firearms inaccessible during their visit. Some parks have even more restrictive rules and require firearms be inoperable and cased. (Title 36 of the Code of Federal Regulations has all the rules for parks. You can find the rules pertaining to firearms at www.access.gpo. gov/nara/cfr/waisidx_01/36cfrv1_01.html. Part 2 contains the pertinent rules on firearms in national parks.)

The senators' letter asks the rules be relaxed to allow visitors who are legally allowed to own firearms to be able to take them into parks and wildlife refuges and keep them accessible during their visits. The senators believe it's a matter of consistency in federal firearms regulations. Most other federal lands, such as national forests, allow visitors to carry firearms. "These inconsistencies in firearms regulations are confusing, burdensome and unnecessary," according to the letter.

The request, signed by Colorado Sen. Wayne Allard and 38 other GOP senators along with eight Democrats, is spot on. Government regulations should be consistent from agency to agency and should be no more intrusive or limiting than absolutely necessary.

Jerry Case, head of regulations and special park uses for the National Park Service, says the rules were adopted to address problems with park visitors shooting wildlife, either for sport or because they felt threatened. Banning accessible firearms to address that problem is typical of government's clumsy regulating. A better approach would have been to make it clear to visitors that shooting wildlife is illegal in all but the most extreme situations.

On a more basic level, current regulations ignore the reason many people carry firearms: personal protection. Requiring firearms to be inaccessible makes it impossible for a park visitor to defend his or her life and property on federal property. Is that a common problem in our national parks? Probably not. But there's a saying among gun rights activists that when you need a gun, you really need a gun. Having it in a case in the trunk of your car helps only if you're in the trunk with it.

"There's no reason to need a gun in a national park, and it would possibly lead to unfortunate accidents and other problems, so we'd rather not see them in the parks," said Laura Loomis, spokesperson for The National Parks Conservation Association, in an Associated Press story.

Loomis, and other supporters of the current regulations, likely worry that changing the rules will lead to more violence. That's the same argument anti-gunners have used for years since cities, counties and states have liberalized concealed carry laws. Those concerns have proven to be unfounded. Armed law-abiding citizens aren't the source of violence, criminals are.

She's right that firearms can lead to unfortunate accidents. So can myriad other things. Should we expect the government to restrict those things as well, or just the ones unpopular with a certain segment of society? And what "other problems"? Maybe that the mere sight of a firearm gets some people all atwitter? That's no reason to for the government's ham-fisted regulations.

In a free society, people should have the liberty to do what they wish without infringing on the legitimate rights of others. If they restrict others' rights, the state should step in to adjudicate justice. That's the way textbooks teach freedom. The senators simply want the Interior Department to hew a little closer to that ideal.

Forest killings are still rare, but crime is rising The Seattle Times July 13, 2006 Thursday Jennifer Sullivan.

The Puget Sound region is blessed with an abundance of destinations where people can get close to nature and escape the urban environment. But even these places aren't immune from crime.

Steve Costie, executive director of The Mountaineers, said car break-ins at trailheads are common, and he has feared inadvertently encountering a clandestine methamphetamine lab while hiking in the woods.

The discovery this week of two women killed along a hiking trail off the Mountain Loop Highway in Snohomish County prompted Costie on Wednesday to advise people to consider hiking in groups.

"There has never been a crime issue like this," Costie, who has been an avid hiker for nearly 30 years, said of the slayings.

U.S. Forest Service Officer Mike Gardiner, who patrols the Mount Baker-Snoqualmie National Forest where the bodies were found, says he's never heard of another slaying in the sprawling forest. "This is a freak occurrence," Gardiner said. "The forest is a safe place."

In 1997, though, 52-year-old Alice Underdahl was killed while jogging on a remote stretch of the Cedar River Trail in Ravensdale, south of Maple Valley. Her killer, a convicted sex offender, later committed suicide.

In other areas of the country, crime in national forests has been on the rise.

Over the past decade, slayings have occurred in national forests in Maine, Oklahoma and just outside Yosemite National Park in California.

In 2003, two Texan campers were shot to death at the Ouachita National Forest in Oklahoma by a mentally ill former prison guard. Edward Fields Jr. pleaded guilty just before his trial was to begin and received the death penalty.

In 1996, the bodies of two Maine hikers were found bound and gagged, with their throats slit, along the Appalachian Trail in Shenandoah National Park. Serial killer Richard Marc Evonitz was linked to the slayings by genetic evidence, but he killed himself in 2002 before he could be questioned.

In one of the most infamous cases, Cary Stayner in 1999 killed three guests at a motel just outside Yosemite National Park. Later that year he killed a park guide. Stayner confessed to all four slayings and was sentenced to death.

Attacks, threats and lesser altercations involving Forest Service workers reached an all-time high last year, according to government documents obtained by a public-employees advocacy group.

According to the agency, 477 such reports occurred in 2005, compared with 88 logged a year earlier. The total in 2003 was 104; in 1995, it was 34.

Costie blames the increase in crime on urban expansion into areas close to the forest. "We always say never hike alone," Costie said. "This is a case where society has come up from our urban areas. ... The pristine backcountry is getting pretty close to our city life."

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Information from Seattle Times news researcher Gene Balk and The Associated Press is included in this report.

Safety in the forest

Visitors to forest areas can help keep themselves safe by following these tips:

? Be alert and aware of your surroundings and other people in the area.

? Stand tall and walk confidently. Don't show fear.

? Trust your instincts. If you feel uncomfortable in a place or situation, leave right away and get help if necessary.

? Be observant of others and use discretion in acknowledging strangers.

? Avoid confrontations.

? Be respectful of your fellow outdoor enthusiasts. Always use good manners when interacting with others.

? Carry a cellphone if coverage is available.

? Know how to contact law enforcement or other assistance.

? Carry a noisemaker, such as a whistle or other protective device that you have been trained to use.

? Do not pick up hitchhikers.

? Never go anywhere alone. It is safer to be in pairs or a group.

Source: U.S. Department of Agriculture and the National Sheriffs' Association.