

SARAH PALIN  
GOVERNOR

GOVERNOR@GOV.STATE.AK.US



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

P.O. Box 110001  
JUNEAU, ALASKA 99811-0001  
(907) 465-3500  
FAX (907) 465-3532  
WWW.GOV.STATE.AK.US

June 30, 2008

Mr. Mark Lawyer  
Division of Policy and Directives Management  
U.S. Fish and Wildlife Service  
4401 North Fairfax Drive, Suite 222  
Arlington, VA 22203

RE: ID #1024-AD70  
Submitted electronically to <http://www.regulations.gov>

Dear Mr. Lawyer:

On behalf of Alaskans, please accept these comments on the proposed rulemaking addressing firearms in "General Regulations for Areas Administered by the National Park Service and the Fish and Wildlife Service," located at 36 CFR Part 2 and 50 CFR Part 27, respectively. The state of Alaska firmly supports the intent of these regulations to defer to state law regarding the possession and transport of firearms in national parks and wildlife refuges. As discussed in the Supplementary Information, the states should have the ability to develop their own policies and standards regarding the possession of firearms, consistent with the "state prerogative and authority" component of the "Federalism" Executive Order 13132, dated August 10, 1999. The general intent of the proposed rule is also consistent with the direction taken in the recent June 26, 2008, Supreme Court decision *District of Columbia et al. v. Heller*.

Within Alaska, most of the national park and refuge areas are open to various forms of hunting, so possession and use of firearms is already widely allowed under both state and federal law. Currently, firearms may be possessed throughout our national wildlife refuges and in all national parks except the former Mt. McKinley National Park (old Denali), the former Glacier Bay National Monument, the former Katmai National Monument, Klondike Gold Rush National Historical Park, and Sitka National Historical Park. Therefore, this rulemaking only applies to the above listed park areas in existence prior to the Alaska National Interest Lands Conservation Act of 1980 (ANILCA).

The possession and use of firearms is especially critical to Alaskans. Our state contains vast, undeveloped areas where the ability to carry firearms can define a life or

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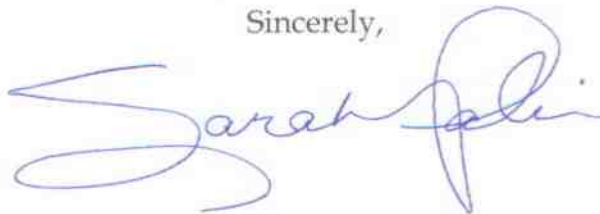
death situation, especially for protection against surprise encounters with wildlife, especially bears. Few areas in Alaska have no bears, so the risk of potentially dangerous encounters is seldom forgotten, even in inhabited areas. In addition, many remote communities rely on firearms for subsistence hunting to secure their primary food sources. Even Alaskans in more urban areas rely on hunting for food. Many Alaskans and visitors also consider hunting a major recreational activity. Finally, law-abiding Alaskans share the same concerns about self defense as other states; therefore the desire to carry firearms is not limited to the vast backcountry.

Since most national park and national wildlife refuge lands in Alaska are already open to the possession and use of firearms, this rule will place all park and refuge areas on the same footing and avoid confusion for people traveling in multiple units or jurisdictions - a common practice in Alaska with few visible boundaries in the field. I also concur with the statements that existing state and federal laws are available to protect public safety and natural and cultural resources against poaching, vandalism, etc.

While I support the intent of the rulemaking, attached are some technical questions and comments. Please consider the attachment as part of my formal comments for the record. The attachment also suggests some contingency alternatives if the comprehensive deferral to state law is not adopted following public comment.

Thank you for the opportunity to support the Department of the Interior's efforts to, in the words of the preamble, "promote uniformity of application, better visitor understanding of the requirements, visitor safety, resource protection, and increased cooperation between state and federal law enforcement officials."

Sincerely,

A handwritten signature in blue ink that reads "Sarah Palin". The signature is fluid and cursive, with a large loop at the end of the name.

Sarah Palin  
Governor

Attachment: State of Alaska Comments on Firearms Regulations 36 CFR and 50 CRF  
Part 27

## Attachment

State of Alaska Comments on Firearms Regulations in  
"General Regulations for Areas Administered by the National Park Service and the Fish  
and Wildlife Service"  
36 CFR Part 2 and 50 CFR Part 27

### Technical Comments

The proposed National Park Service rule at 36 CFR Part 2.4 may unnecessarily (or unintentionally) limit the possession of firearms to those that are concealed:

Section 2.4 Weapons, traps and nets.

(h) A person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in the same manner, and to the same extent, that a person may lawfully possess, carry, and transport concealed, loaded and operable firearms in any state park, or any similar unit of state land, in the state in which the federal park, or that portion thereof, is located, provided that such possession, carrying and transporting otherwise complies with applicable federal and state law  
(Emphasis added)

As written, it appears that firearms may only be carried if they are concealed, loaded AND operable. At least for Alaska, it makes little sense to allow concealed weapons, but not allow unloaded firearms or any firearms carried openly.

In Alaska, state law provides for the carrying of both concealed and unconcealed firearms, while the proposed rule and Supplementary Information appears to place an emphasis on concealed firearms. Is the intent to only allow concealed weapons? If so, no discussion or justification is provided, and we would not support such intent. If this apparent limitation is unintentional, we request clarification that weapons need not be concealed to be carried within a park. These concerns similarly apply to the corresponding refuge regulation at 50 CFR Part 27.

### Proposed Solutions

Changing "and" to "or" in the proposed regulation would mitigate the confusion above and would also address the unlikely intent that firearms must be loaded and operable.



However, a more straightforward approach would be to model the national rule after the more-simply stated rule at 36 CFR 13.30(d), which currently only applies to the ANILCA-established national parks in Alaska:

Firearms may be carried, possessed, and used within park areas in accordance with applicable State and Federal laws, except where such carrying, possession, or use is prohibited or otherwise restricted under §13.50.

This regulation is easily comprehensible and avoids having to address if the weapons are concealed, loaded, or operable. A similar provision at 50 CFR 36.34 currently applies to national wildlife refuges in Alaska.

#### Other Contingency Alternatives

If the proposed intent to defer to state law across the board fails to receive sufficient support, one alternative is to provide each park or refuge unit manager with discretion to adopt state law on a case-by-case basis for all or a portion of their units. This alternative is not as comprehensive as the proposed rule, but is better than the existing regulation, which provides no opportunity to work with the states on localized solutions.

Finally, if none of the above alternatives are adopted on a nationwide basis, the state of Alaska requests consideration of a regulation specific to Denali National Park that would allow people traveling in their vehicles on the George Parks Highway (Alaska Route 3) to carry their firearms as they traverse the former Mt. McKinley National Park. It makes little sense for people traveling between Anchorage and Fairbanks, for example, to have to stop on the side of the highway at the Park boundary to unload and otherwise disable their firearms for the few miles this major intra-state highway crosses a corner of the Park. The Denali Park staff is aware the present rule is neither practical nor enforceable on this highway and would welcome such a technical change.

For more information regarding these technical comments, please contact Sally Gibert, ANILCA Program Coordinator, Alaska Department of Natural Resources, at [sally.gibert@alaska.gov](mailto:sally.gibert@alaska.gov) or 907-269-7477.