



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

MAY 14 2018

CECW-CO

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS AND
DISTRICT COMMANDS, CHIEFS, OPERATIONS DIVISIONS

SUBJECT: Command Guidance in Considering Firearm Possession Requests Under
36 C.F.R. § 327.13(a), Explosives, Firearms, other Weapons and Fireworks

1. This memorandum provides guidance to District Commanders for considering written requests from individuals to carry firearms at U.S. Army Corps of Engineers (USACE) water resources development projects. District Commanders have the authority to grant, and have granted, individuals the permission to possess loaded firearms under 36 C.F.R. § 327.13(a)(4). A sample copy of a letter granting permission is attached (Enclosure 1). District Commanders should treat individuals in similar circumstances in a like manner. This authority can be delegated to the District Chief of Operations, acting as the authorized representative of the District Commander as per 36 C.F.R § 327.1(b).

2. The authority that provides for such requests is 36 C.F.R. § 327.13, Explosives, Firearms, other Weapons and Fireworks, which states in part:

The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:

- a. In the possession of a Federal, state, or local law enforcement officer;
- b. Being used for hunting or fishing as permitted under Sec. 327.8, with devices being unloaded when transported to, from or between hunting and fishing sites;
- c. Being used at authorized shooting ranges; or
- d. Written permission has been received from the District Commander.

3. The granting of a request under 36 C.F.R. § 327.13(a)(4) is within the District Commander's discretion. In exercising this discretion, District Commanders should consider whether the possession will interfere, impede, or disrupt the use of a project, or otherwise impair safety.

4. If granting permission, District Commanders will include the following conditions:

- a. Possession must be in full compliance with Federal, state and local laws and will be revoked upon any violation of law that renders possession of a firearm illegal.

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b. The individual must have a state-issued weapons permit, valid (including by reciprocal agreement) in the state where the project is located.

c. The authorization to carry a firearm may only be for carrying it concealed.

d. The authorization must require the individual to carry a copy of the Corps permission letter and the state-issued firearm carry permit at all times while on Corps property and the individual must be required to present a copy of the documents when requested by a law enforcement or Corps official.

e. The authorization must clearly specify at which Corps projects the authorization applies. The authorization must also specify where on the project the firearm can be carried.

f. The authorization must specify a definite period of time for which it is valid.

5. Notwithstanding the granting of a request under 36 C.F.R. § 327.13(a)(4), districts have the authority under 18 U.S.C. § 930(a) to prohibit firearms in Federal facilities. Under this statute, a facility is defined as 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. Notice of the restriction must be properly posted at the entrance to the facility as per 18 U.S.C § 930.

6. This memorandum does not confer an expectation that USACE personnel take any additional measures to investigate violations of 36 C.F.R. § 327.13(a). The enforcement of this memorandum must abide by the policy and training requirements specified in ER/EP 1130-2-550, Visitor Assistance Program, whereby the protection of facilities or the enforcement of rules will always be secondary to the safety of Corps personnel, contract employees, and visitors.

7. The POC for this action is Stephen Austin, Natural Resources Manager, 202-761-4489, Stephen.b.austin@usace.army.mil.



THOMAS P. SMITH, P.E.

Chief, Operations and Regulatory Division
Directorate of Civil Works

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS [DISTRICT NAME]
[DISTRICT STREET ADDRESS]
[CITY, STATE, ZIP]

Executive Office

[District Permit # xxxxx]

Mr. John Doe
[c/o Possible Attorney Name]
[Street Address]
[City, State, Zip]

Dear Mr. _____:

This letter provides permission to possess a loaded firearm under 36 C.F.R. § 327.13(a)(4). This permission is subject to the following conditions:

1. You must maintain a valid permit to carry a weapon issued by the appropriate state authority covering the portion of the project where the firearm is being carried. You must carry this permit on your person at all times while carrying a loaded firearm on a U.S. Army Corps of Engineers (Corps) project.

2. You may only carry the loaded firearm in a concealed manner.

3. You may only carry a loaded firearm on water resources development projects under the administrative jurisdiction of the Corps located within the following [district name] District Corps projects:

- a. [Project Name]
- b. [Project Name]
- c. [Project Name]

4. You are authorized to carry loaded firearms on project lands and water bodies.

5. You are not authorized to carry loaded firearms when you are in project facilities. A project facility is a building or closed off area (such as by a fence or other physical barrier) constructed or acquired by the Corps that is situated on Corps-managed lands and is used or occupied by the Corps. The term facility includes, but is not limited to, any of the following that are under the jurisdiction of or administered by the Corps: dams, power plants, ranger stations, buildings, switchyards, recreation facilities, fish and wildlife facilities, pumping plants, and warehouses. For the purposes of this letter, the term facility does not include stand-alone restroom facilities, campsites, picnic shelters, boat ramps or roads traversing dams.

6. This permission may be revoked if you are convicted of any of the following
 - a. Knowingly being in a closed area of the project in violation of 36 C.F.R. § 327.12(a);
 - b. Violating any hunting regulations covered by 36 C.F.R. § 327.8;
 - c. Violating 36 C.F.R. § 327.14(a); or
 - d. Violating state or local laws as specified in 36 C.F.R. § 327.26(a)(3), (4) & (6).

7. You must carry a copy of both this letter and your state firearm carry permit on your person at all times when possessing and carrying a loaded firearm under this authorization. You must present a copy of both when requested by a Corps official or a Law Enforcement Official.

8. You must possess and carry the firearm in compliance with state and federal law. This authorization is immediately revoked upon any violation of state or federal law that renders your possession of a firearm illegal.

This permission is good for 5 years from this letter's date or until 36 C.F.R. § 327.13(a) is revised, whichever comes first. If section 327.13(a) is revised, you will be subject to that regulation and this authorization shall no longer have effect.

Sincerely,

[*Commander's Name*]
Colonel, U.S. Army
Commanding