

Visitor Assistance Program

National Perspective -and- Program Update

NRM National Workshop
18 April 2017
Norman, OK

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Jonathan Carlisle

Lead instructor, VA PROSPECT Courses
NRM Chief, Kansas City District



US Army Corps
of Engineers.



National Perspective

*When did the USACE
Visitor Assistance Program begin?*



National Perspective



National Perspective

FLOOD CONTROL ACT

Sec. 4 *The Chief of Engineers... is authorized to construct, maintain, and operate public park and recreation facilities at water resources development projects....*

herein authorized, it is hereby declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and likewise their interests and rights in water utilization and control, as herein authorized to preserve and protect to the fullest possible extent established and potential uses, for all purposes, of the waters of the Nation's rivers; to facilitate the consideration of projects on a basis of comprehensive and coordinated development; and to limit the authorization and

National Perspective



Public Law 91-611
91st Congress, H. R. 19877
December 31, 1970

An Act

84 STAT. 1818

Sec. 234 *All persons designated by the Chief of Engineers...shall have the authority to issue a citation for violation of the regulation adopted by the Secretary of the Army.... Any violation of such rules and regulations shall be punished by fine not more than \$500....*

Engineers in the respective reports hereinafter designated. The provisions of section 1 of the River and Harbor Act approved March 2, 1945

National Perspective

47 years



National Perspective



Bozeman

Halcomb



National Perspective

94th Congress }
1st Session }

COMMITTEE PRINT

(94-13)

VISITOR PROTECTION SERVICES AT CORPS OF ENGINEERS LAKES

A REPORT TO THE CONGRESS

FROM THE

SECRETARY OF THE ARMY

(As Authorized and Directed by Section 75 of the Water
Resources Development Act of 1974 (Public Law 93-251))



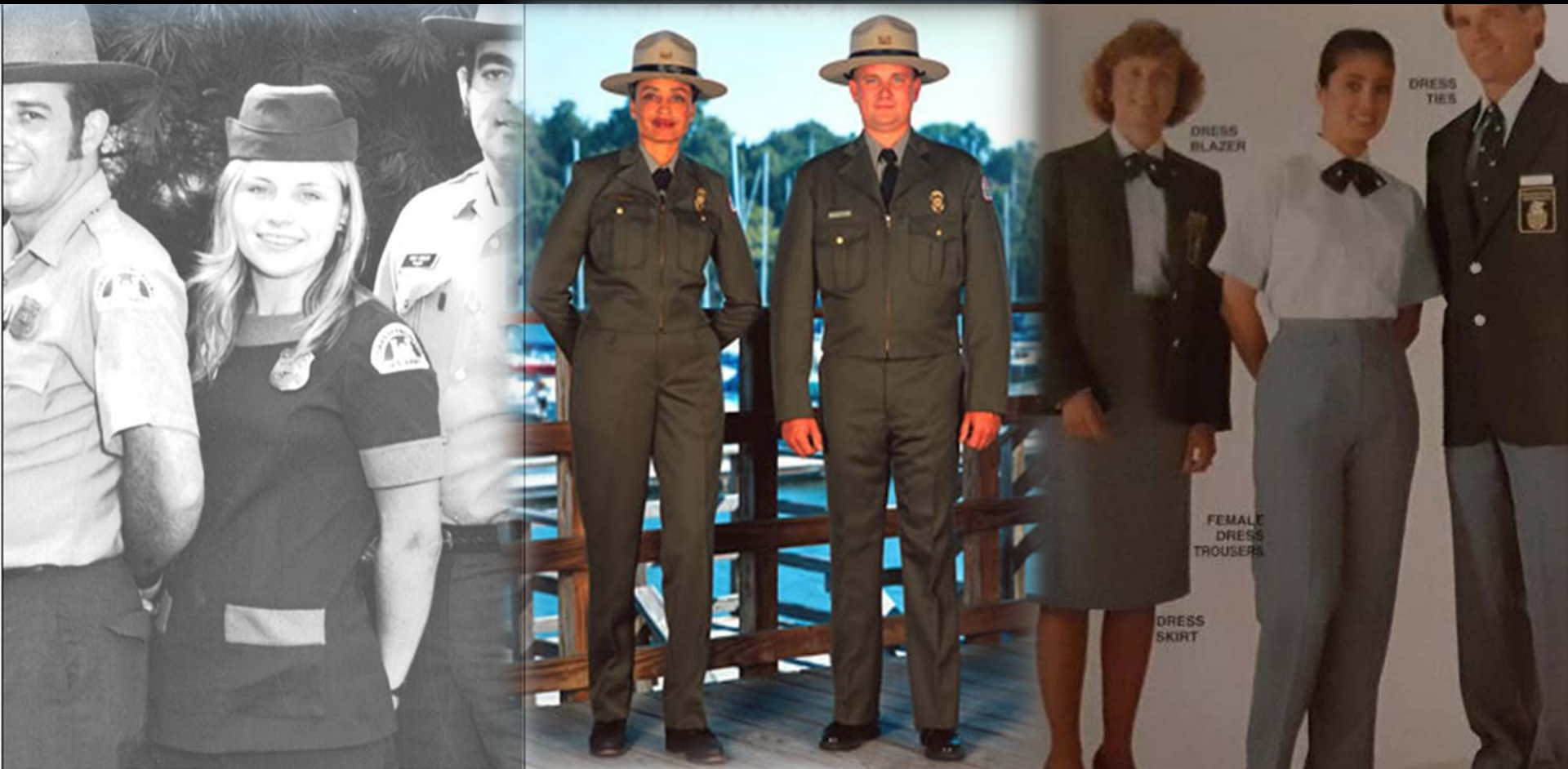
JULY 1975

National Perspective

- 1977 Law Enforcement Contracts
- 1979 First Visitor Assistance Regulation
- 1983 Title 18 Protection (*NRM Workshop Session today at 2:10*)
- 1986 Uniform Regulation (*NRM Workshop Session today at 4:30*)



National Perspective



National Perspective

- 1977 Law Enforcement Contracts
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- 1992 NRM Mission Statement



NRM Mission Statement

“The Army Corps of Engineers is the steward of the lands and waters at Corps water resources projects. Its Natural Resources Management Mission is to manage those natural resources, consistent with ecosystem management principles, while providing for the needs of present and future generations.”

(ER 1130-2-550, Chapter 2)



National Perspective

- 1977 Law Enforcement Contracts
- 1979 First Visitor Assistance Regulation
- 1983 Title 18 Protection *(NRM Workshop Session today at 2:10)*
- 1986 Uniform Regulation *(NRM Workshop Session today at 4:30)*
- 1992 NRM Mission Statement
- 1995 Visitor/Ranger Safety Review Study
- 2002 Pepper Spray Authorization
- 2007 Park Ranger Advisory Board *(Workshop Session today at 2:10)*
- 2010 Park Ranger/Manager Study
- 2017 Annual Park Ranger Survey *(Workshop Session today at 3:20)*

National Perspective

Face to the Nation

Being highly visible doing good things

Retaining the 21st Century Ranger



VA PROGRAM TODAY

An Update – Current Issues



Park Ranger Advisory Board



BUILDING STRONG®

Park Ranger Advisory Board



*Unified and on-going support platform
for the USACE Park Ranger*

Park Ranger Advisory Board

Recent Action Items

- ✓ Park Ranger Safety Survey
- ✓ SAFE SELF Videos
- ✓ Self-defense standardization
- ✓ Title 18 After Action Report
- ✓ Corps Watch Program
- ✓ Unmanned Aircraft Systems
- ✓ Park Ranger History
- ✓ Title 36 Revisions
- ✓ NRM Workshop Sessions --
(Ranger Survey, Ranger History, T18, Retaining 21st Ranger)



PUBLIC CARRY OF FIREARMS

327.13 Explosives, Firearms, Weapons & Fireworks

- (a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:*
- (1) ... Federal, state or local law enforcement officer*
 - (2) ... hunting or fishing*
 - (3) ... shooting ranges*
 - (4) ... written permission from District Commander*



PUBLIC CARRY OF FIREARMS

Congressional Actions

Numerous Bills have been introduced since 2010

Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm...

at a water resources development project covered under section 327.0 of Title 36,

Code of Federal Regulations. Provided that:

- 1) the individual is not prohibited by law from possessing a firearm*
- 2) in compliance with the law of the State*



PUBLIC CARRY OF FIREARMS

Congressional Actions

Many Bills been introduced – none have passed

Title 36 remains in effect – no change

Future projection ?



PUBLIC CARRY OF FIREARMS

new legislation just introduced

“Recreational Lands Self-Defense Act of 2017”

SEC. 2. Protecting Americans from violent crime

(a) Findings.—Congress finds the following:

- (1) The 2nd Amendment provides that the right to bear Arms, shall not be infringed.
- (2) 36 CFR 327 states *possession of loaded firearms...is prohibited*.
- (3) The regulation prevents individuals from exercising their 2nd Amendment rights.
- (4) The Federal laws should make it clear the 2nd Amendment rights of an individual at a water resources development project should not be infringed.



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PUBLIC CARRY OF FIREARMS

Congressional Actions

“Recreational Lands Self-Defense Act of 2017”

SEC. 2. Protecting Americans from violent crime

(b) The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled, functional, or loaded firearm, at a water resources development project covered under section 327.0 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and*
- (2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.*



PUBLIC CARRY OF FIREARMS

Court Actions



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PUBLIC CARRY OF FIREARMS

Court Actions

**District Court of Idaho
*Corps vs. Morris & Baker***

Filed suit against Corps in 2013

Seek relief for right to bear arms

Corps filed Declaration and Brief

Court: regulation is unconstitutional
(can't enforce T36 327.13 in Idaho)

Corps appealed to 9th Circuit Court

Corps/Plaintiffs filed briefs

Waiting on Oral Arguments in
9th Circuit Court

**District Court of Georgia
*Corps vs. GeorgiaCarry***

Filed suit against Corps in 2014

Seek relief for right to bear arms

Corps filed Declaration and Brief

Court: regulation is constitutional
(T36 remains in effect except Idaho)

Plaintiffs appealed to 11th Circuit Court

Corps/Plaintiffs filed briefs

Waiting on Oral Arguments in
11th Circuit Court



DoD Directive 5210.56

Arming and Use of Force

Directive establishes policy for arming, carrying of firearms, and the use of force by DoD personnel performing security and protection, law and order, investigative, or counterintelligence duties; and for personal protection when related to the performance of official duties.

So how does this affect us?



DoD Directive 5210.56

Arming and Use of Force

Directive does not authorize USACE to:

- arm employees
- possess firearms during performance of official duties
- possess privately-owned firearms on Corps property



DoD Directive 5210.56

Arming and Use of Force

A number of actions must occur before USACE can consider this Directive:

DoD/Army must provide implementation guidance

Directive requires the Secretary of Army to:

- prescribe supplemental guidance and training
- consider factors when authorizing personnel to be armed for official duty



DoD Directive 5210.56

Arming and Use of Force

In summary -

There has been no change in policy.

USACE employees are not authorized to carry firearms on USACE property or during the performance of official duties, unless an employee was already authorized to do so prior to the issuance of this Directive.



VA TRAINING

VA Management & Policy Course #324

VA for NRM Course #147

Personal Protection Training

Safe Self Videos

Annual Refresher Training



CAN WE BAN INDIVIDUALS FROM OUR PROJECTS?

- T36 allows us to request individuals to leave
- Lack the authority to ban for extended periods

What can we do?

- Cite the individual under T36
- Coordinate with local law enforcement
- Request US Attorney's to issue Ban/Bar Order
- Court enforces the ban
- Revise Title 36 to grant authority to our DES





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Unmanned Aircraft Systems (UAS)

327.4 – Aircraft -- Aircraft is prohibited unless authorized by the District Commander (and as delegated to Operations Project Manager)

This includes UAS (drones)



Unmanned Aircraft Systems

New EC 1110-1-106

Operation of Unmanned Aircraft Systems

New EC policy allows for UAS at District/OPM discretion

Must meet all FAA, state and local laws

Can not operate:

in a careless, reckless, negligent manner
within 500 feet of operational areas

at night

beyond line of sight



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Unmanned Aircraft Systems

EC 1110-1-106

(Operation of Unmanned Aircraft Systems)

Permit required for commercial operation
(Special Use Permit per User Fee Regulation)

Operator liable for damages to public property

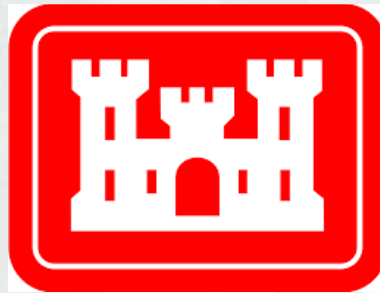
Regulation applies regardless of location of operator



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NRM UNIFORM PROGRAM

Under a series of interagency uniform contracts since mid-1980's



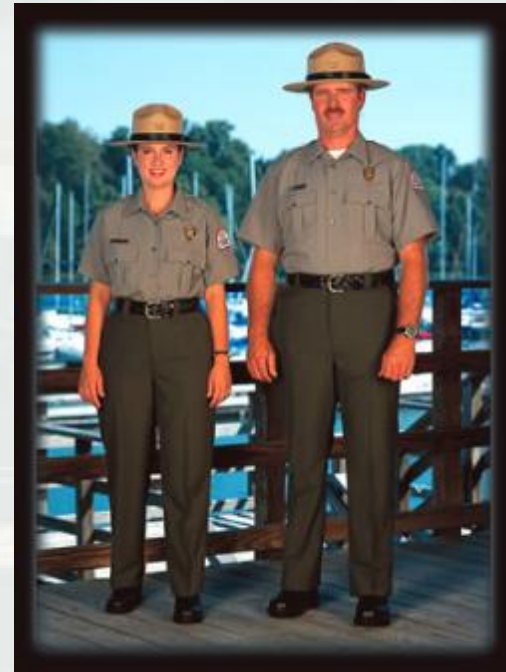
National Park Service administers the contract



NRM UNIFORM PROGRAM

Uniform Session today at 4:30

New multi-agency
uniform contract to
be awarded in FY17









Civil Works Operations & Maintenance

Mr. Michael J. Smith
Chief, Engineering & Construction Unit
Assistant Chief, Operations Unit
Civil Works Operations Center

Mr. Mark Wilson
Chief, Engineering & Construction Unit
Assistant Chief, Operations Unit
Civil Works Operations Center

Mr. Jack R. Smith
Chief, Engineering & Construction Unit
Assistant Chief, Operations Unit
Civil Works Operations Center



The slide contains two photographs of workers in safety gear. The top photo shows a worker in a white shirt and hard hat. The bottom photo shows two workers in white shirts and hard hats, one in a red safety vest, standing near a large pipe or structure.



A man in a military uniform is looking at a presentation screen. The screen displays a slide with a red box and some text, which is partially obscured by the man's head.



Civil Works
Operations

Mr. Michael Ensich
Chief Operations & Regulatory
Lakes and Rivers Division R
USACE Headquarters

Mr. Mark Willis
Environmental Protection Sp
Co-Sell Fruit Lake
Nashville District

COL Jeff Ryscavage
Commander
Wilmington District



U.S. Army Corps of Engineers
BUILDING STATION









“Being highly visible doing good things”

Darrell Lewis, former Chief of NRM





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Extra slide follows



BUILDING STRONG®

VISITOR ASSISTANCE

Park Ranger Authority

Park Ranger Badge Audit

Encroachment Audit and Impacts on VA

