

Return-Path: <kbarnett@blm.gov>
X-Original-To: paul@paul.net
Delivered-To: x10593226@homemail-mx4.g.dreamhost.com
Received: from diehard.dreamhost.com (caiajhdbdcbhh.dreamhost.com [208.97.132.177])
by homemail-mx4.g.dreamhost.com (Postfix) with ESMTP id AEB287080B7
for <paul@paul.net>; Wed, 23 Nov 2011 06:46:49 -0800 (PST)
Received: from localhost (localhost [127.0.0.1])
by diehard.dreamhost.com (Postfix) with ESMTP id A8DC017BC075
for <paul@paul.net>; Wed, 23 Nov 2011 06:46:49 -0800 (PST)
X-DH-Virus-Scanned: Debian amavisd-new at diehard.dreamhost.com
Received: from deathwish.dreamhost.com ([208.97.132.207])
by localhost (diehard.dreamhost.com [208.97.132.157]) (amavisd-new, port 10024)
with ESMTP id EjC-GfKp1KbX for <paul@paul.net>;
Wed, 23 Nov 2011 06:46:49 -0800 (PST)
Received: from blm.gov (mail4.blm.gov [204.124.92.27])
by deathwish.dreamhost.com (Postfix) with ESMTP id 67A7594057
for <paul@paul.net>; Wed, 23 Nov 2011 06:46:20 -0800 (PST)
Received: from ([10.115.65.158])
by ilmnirm0spam4.blm.gov with ESMTP id 2HNZYK1.66214851;
Wed, 23 Nov 2011 07:46:46 -0700
Received: from ILMOCOP-MS200.blm.doi.net ([169.254.1.187]) by
ilmocop3msh2.blm.doi.net ([10.115.65.162]) with mapi; Wed, 23 Nov 2011
07:46:46 -0700
From: "Barnette, Karen L" <kbarnett@blm.gov>
To: "paul@paul.net" <paul@paul.net>
CC: "Pistel, Laurel L" <lpistel@blm.gov>, "Smith, Richard L" <rlsmith@blm.gov>
Date: Wed, 23 Nov 2011 07:46:43 -0700
Subject: Firearms Possession and Use on Public Lands
Thread-Topic: Firearms Possession and Use on Public Lands
Thread-Index: Acyp7rcdT1NOceAVTC+tMtLuekfphg==
Message-ID: <7631874E78A6994C876EEB57942ED8A104652925AB@ILMOCOP-MS200.blm.doi.net>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
acceptlanguage: en-US
Content-Type: text/plain; charset="us-ascii"
Content-Transfer-Encoding: quoted-printable

Mr. Higgins:

In response to your more specific question, "Is the possession and use of handguns permitted on BLM lands per federal law and BLM policy?", the simple answer is yes, but with the same restrictions and limitations as proscribed by existing State and Federal laws. For example, restrictions and limitations include those relating to commission of felonies, minors, unlawful entry into the United States, and dishonorable discharge from the Armed Forces. However these are only a few of the longer list of restrictions and limitations.

Again, we appreciate your questions and will be investigating the implications of the new state law with our Solicitor's Office.

Karen Barnette

Karen Barnette
Acting Assoc. State Director
USDI Bureau of Land Management
2800 Cottage Way, W-1623
Sacramento, CA 95825-1886
Office: 916-978-4600
Cell: 916-716-9876

Message-ID: <4EAECA69.3050003@paul.net>
Date: Mon, 31 Oct 2011 09:18:49 -0700
From: Paul Higgins <paul@paul.net>
Reply-To: paul@paul.net
User-Agent: Mozilla/5.0 (Windows NT 5.1; rv:7.0.1) Gecko/20110929 Thunderbird/7.0.1
MIME-Version: 1.0
To: "Barnette, Karen L" <kbarnett@blm.gov>
CC: "james_kenna@blm.gov" <james_kenna@blm.gov>
Subject: Re: Firearms Use Question
References: <7631874E78A6994C876EEB57942ED8A1012D90F786@ILMOCOP-MS200.blm.doi.net>
<7631874E78A6994C876EEB57942ED8A1012DC439FD@ILMOCOP-MS200.blm.doi.net>
In-Reply-To: <7631874E78A6994C876EEB57942ED8A1012DC439FD@ILMOCOP-MS200.blm.doi.net>
Content-Type: text/plain; charset=ISO-8859-1; format=flowed
Content-Transfer-Encoding: 7bit

Thank you for the reply.

I understand that you cannot give an answer specific to the new California law.

Let me ask a more direct question: Is the possession and use of handguns permitted on BLM lands per federal law and BLM policy?

Thanks,
Paul

Return-Path: <kbarnett@blm.gov>
X-Original-To: paul@paul.net
Delivered-To: x10593226@homiemail-mx19.g.dreamhost.com
Received: from diehard.dreamhost.com (caiajhbdcahe.dreamhost.com [208.97.132.74])
by homiemail-mx19.g.dreamhost.com (Postfix) with ESMTP id 9225925DC57
for <paul@paul.net>; Fri, 28 Oct 2011 09:05:37 -0700 (PDT)
Received: from localhost (localhost [127.0.0.1])
by diehard.dreamhost.com (Postfix) with ESMTP id 85F9617BC064
for <paul@paul.net>; Fri, 28 Oct 2011 09:05:37 -0700 (PDT)
X-DH-Virus-Scanned: Debian amavisd-new at diehard.dreamhost.com
Received: from terminator.dreamhost.com ([208.97.132.81])
by localhost (diehard.dreamhost.com [208.97.132.157]) (amavisd-new, port 10024)
with ESMTP id 1ghqhCn0Dldz for <paul@paul.net>;
Fri, 28 Oct 2011 09:05:37 -0700 (PDT)
Received: from blm.gov (mail4.blm.gov [204.124.92.27])
by terminator.dreamhost.com (Postfix) with ESMTP id E73A72884072
for <paul@paul.net>; Fri, 28 Oct 2011 09:05:20 -0700 (PDT)
Received: from ([10.115.65.157])
by ilmnirm0spam4.blm.gov with ESMTP id 2HNZYK1.64529282;
Fri, 28 Oct 2011 10:05:33 -0600
Received: from ILMOCOP-MS200.blm.doi.net ([169.254.1.20]) by
ilmocop3msh1.blm.doi.net ([10.115.65.161]) with mapi; Fri, 28 Oct 2011
10:05:33 -0600
From: "Barnette, Karen L" <kbarnett@blm.gov>
To: "paul@paul.net" <paul@paul.net>
CC: "james_kenna@blm.gov" <james_kenna@blm.gov>, "Ditton, Peter J"
<pditton@blm.gov>, "Pistel, Laurel L" <lpistel@blm.gov>
Date: Fri, 28 Oct 2011 10:02:38 -0600
Subject: Firearms Use Question
Thread-Topic: Firearms Use Question
Thread-Index: AcyTLI8YyUmSHuSfS1+eXQGbGeAqYAAArMzmAJZ8a1U=
Message-ID: <7631874E78A6994C876EEB57942ED8A1012DC439FD@ILMOCOP-MS200.blm.doi.net>
References: <7631874E78A6994C876EEB57942ED8A1012D90F786@ILMOCOP-MS200.blm.doi.net>

In-Reply-To: <7631874E78A6994C876EEB57942ED8A1012D90F786@ILMOCOP-MS200.blm.doi.net>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
acceptlanguage: en-US
Content-Type: text/plain; charset="us-ascii"

Mr. Higgins:

Peter Ditton's detail as California Assoc. State Director ended in September. Jim Kenna has requested that I provide an interim response to your question as he is currently very busy with transition in his new role as State Director. At this time we have not completed any analysis of the impacts of the new state law you refer to on BLM administered public lands. I will be asking our Solicitors to take a look at the law and supporting record to see if we can determine the intent and applicability. Unfortunately, and as you know, these types of questions are not typically just a simple yes or no answer.

Police actions such as this are generally within the jurisdiction of States and may be independent of land ownership or tied to land ownership. Therefore, the BLM cannot simply tell you the applicability based on the State's intent without additional analysis. I can't at this time tell you when we might have a definitive answer to your question. Accordingly, you may want to send this question to the State Attorney General for their interpretation of where and when this law would be applicable, especially if there are a number of exceptions built into the law.

I hope this helps. Please feel free to contact me directly if you have other questions while we are working through this research and response.

Respectfully,
Karen Barnette
Acting Assoc. State Director
California State Office, Bureau of Land Management
916-978-4600

Message-ID: <4EA6DBA5.8080806@paul.net>
Date: Tue, 25 Oct 2011 08:54:13 -0700
From: Paul Higgins <paul@paul.net>
Reply-To: paul@paul.net
User-Agent: Mozilla/5.0 (Windows NT 5.1; rv:7.0.1) Gecko/20110929 Thunderbird/7.0.1
MIME-Version: 1.0
To: pditton@blm.gov, jim_kenna@blm.gov
Subject: Re: Firearms Use Question
References: <4EA05344.6020707@paul.net>
In-Reply-To: <4EA05344.6020707@paul.net>
Content-Type: text/plain; charset=ISO-8859-1; format=flowed
Content-Transfer-Encoding: 7bit

Could one of you let me know who the correct person is that I should be contacting about this question?

Thank you,
Paul

Message-ID: <4EA05344.6020707@paul.net>

Date: Thu, 20 Oct 2011 09:58:44 -0700
From: Paul Higgins <paul@paul.net>
Reply-To: paul@paul.net
User-Agent: Mozilla/5.0 (Windows NT 5.1; rv:7.0.1) Gecko/20110929 Thunderbird/7.0.1
MIME-Version: 1.0
To: pditton@blm.gov, jim_kenna@blm.gov
Subject: Firearms Use Question
Content-Type: text/plain; charset=ISO-8859-1; format=flowed
Content-Transfer-Encoding: 7bit

I help maintain a firearms legal FAQ for the CalGuns.net online community. I have a question with regard to the use of firearms in BLM lands in California. If there is someone else that I should instead be contacting about this, please let me know who that is.

Recently, Governor Brown signed AB144 into law. This will create a new penal code section in California, PC 26350, effective January 2012. The new law will make it a crime when a person "carries upon his or her person an exposed and unloaded handgun". There are many exceptions to the law, and one in particular appears to be for rural lands like the BLM:

"26388. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun on publicly owned land, if the possession and use of a handgun is specifically permitted by the managing agency of the land and the person carrying that handgun is in lawful possession of that handgun."

Now it would seem clear, to me at least, that since the BLM permits firearms, that this would include handguns, and that one could openly carry an unloaded handgun in BLM lands without fear of accidentally violating California law. However, it has been opined by some that since the law states "specifically permitted", that we (the law-abiding public) should not openly carry unloaded handguns without a letter or public statement from a BLM administrator stating that handguns are in fact permitted in BLM lands.

So, are handguns permitted in BLM lands? A simple reply to this email would be of great help. Even better would be an update to this web page (<http://www.blm.gov/ca/st/en/prog/recreation/hunting.print.html>) to include "handguns" (much like "assault weapons" are included there). Please let me know what you think.

Thank you,
Sincerely,
Paul Higgins,
BLM land user and shooting sports enthusiast