

# **EXHIBIT 1**



DEPARTMENT OF THE ARMY  
WALLA WALLA DISTRICT, CORPS OF ENGINEERS  
201 NORTH THIRD AVENUE  
WALLA WALLA WA 99362-1876

REPLY TO  
ATTENTION OF:

July 22, 2013

Office of Counsel

Mr. James Manley  
Staff Attorney  
Mountain States Legal Foundation  
2596 South Lewis Way  
Lakewood, Colorado 80227

Dear Mr. Manley,

We received your Freedom of Information Act (FOIA) request on June 25, 2013 in which you requested all documents containing information regarding enforcement of 36 C.F.R. § 327.13. Specifically, you requested any policy statements, manuals, handbooks, and records regarding the enforcement of 36 C.F.R. § 327.13.

Enclosed with this email is the responsive document in PDF form. However, please note that some of the requested document contains personally identifying information, which we have redacted pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b) (6).

I trust you will appreciate the consideration upon which the determination to withhold this information is based. However, pursuant to FOIA guidelines, you have the right to appeal our determination. Should you decide to file an appeal, we must receive it in our office within 60 days of the date of this letter. The envelope containing the appeal should bear the notation: "Freedom of Information Act Appeal" and should be sent to"

U.S. Army Corps of Engineers  
Walla Walla District  
ATTN" CENWW-OC (L/Kirts)  
201 North Third Avenue  
Walla Walla, Washington 99362-1876

Our cost to process your request was minimal, so there will be no charge to you. If you have any questions, please contact our FOIA officer, Phillip Paradise at (509) 527-7717 or via e-mail at [Phillip.Paradise@usace.army.mil](mailto:Phillip.Paradise@usace.army.mil).

Sincerely,

Linda Kirts  
District Counsel

Enclosure

**From:** Beall, Dwight NAB02  
**To:** Bilger, David W NAB; Chronister, Brent NAB; Garner, Brian S NAB; Green, Justin NAB; Johnson, Levi W NAB; Jones, Thomas S NAB; Lane, Frank C NAB02; Moore, Kathleen NAB02; Powell, Amanda M NAB; Krause, Jeff NAB02; Werner, Glenn NAB; McClain, Dorothy NAB; Bean, Melissa J NAB; Gwinn, Allen NAB; Harrington, Jude NAB; Hlatky, April L NAB02; Whitsel, Tara NAB; Whitmore, Dean NAB  
**Subject:** FW: New Federal Law Pertaining To Firearms on National Park/National Wildlife Service Lands Is Not Applicable at USACE Projects and Facilities  
**Date:** Monday, February 22, 2010 12:28:47 PM

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fyi

"If you chase perfection, you often catch excellence."

Dwight R. Beall  
Operations Manager, Raystown Lake

(b) (6)

-----Original Message-----

**From:** Enschede, Michael G HQ02  
**Sent:** Friday, February 19, 2010 9:23 PM  
**To:** CDL-MSC-Operations Chiefs; CDL-District Operations Chief; CDL-NRM-MSC; CDL-NRM-DISTRICTS; CDL-Operations-Project-Managers  
**Cc:** Davis, Jonathan A HQ02; Coulombe, Mary J HQ02; Austin, Stephen B HQ02; Boyd, Milt HQ02; Stockdale, Earl H HQ02; Pike, Lloyd D HQ02  
**Subject:** New Federal Law Pertaining To Firearms on National Park/National Wildlife Service Lands Is Not Applicable at USACE Projects and Facilities

All -- a new law regarding firearms on some specific federal properties takes effect next week. This is not new information for us, and we have been reviewing it for quite a while. Counsel has been fully engaged. We offer the following guidance:

1. Section 512 of the Credit Card Act of 2009 (Public Law 111-024) pertains to possession of firearms and allows an individual to possess an assembled or functional firearm in any unit of the National Park Service or National Wildlife Refuge System provided that the individual is not otherwise prohibited by law from possessing the firearm and the possession is in compliance with the law of the State in which the National Park/Refuge is located. This law becomes effective on 22 February 2010 on property under the jurisdiction of the National Park Service or the U.S. Fish and Wildlife Service.
2. Public Law 111-024 does not apply to Corps projects or facilities. The passage of this new law does not affect application of Title 36 regulations (36 C.F.R., Chapter III, Part 327, Rules and Regulations Governing Public Use of COE Water Resources Development Projects). 36 C.F.R. § 327.13(a) prohibits the possession of loaded firearms or ammunition on lands and waters administered by the Corps unless one of the exceptions in 36 C.F.R. § 327.13(a)(1)-(4) applies. The full text of 36 C.F.R. can be viewed on the NRM Gateway at: <http://corpslakes.usace.army.mil/employees/visitassist/pdfs/title36.pdf>.
3. 36 C.F.R. § 327.13 remains in full force and effect. It will continue to prohibit loaded concealed weapons on Corps properties regardless of the new law and notwithstanding any contrary provisions of State law. It remains Corps policy that we will not honor State-issued concealed weapon permits on our facilities and that District Commanders do not have discretion under 36 C.F.R. § 327.13(a)(4) to create blanket exceptions to this policy. A change of this nature to Corps regulations in 36 C.F.R. Part 327 would require formal rulemaking procedures under the Administrative Procedures Act (5 U.S.C. §§ 551-706).
4. It is incumbent upon us to communicate and reinforce our firearms regulation with our visitors and partners, which may include posting park entrances with "No Firearms" signs IAW the Corps sign manual (EP 310-1-6a and EP 310-1-6b) and taking other actions deemed necessary by Operations Project Managers as coordinated appropriately with other Corps elements. Information related to this

matter will also be posted for public awareness on the NRM Gateway.

5. HQUSACE POCs for this matter are Stephen Austin, Natural Resources Manager, Operations (for Visitor Assistance policy and program administration information), 202-761-4489, stephen.b.austin@usace.army.mil; and Milt Boyd, Assistant Counsel, Office of Chief Counsel (for regulatory questions on federal lands) at (b) (6)

Provided for your attention and appropriate action.

Mike

Michael G. Enschede, SES  
Chief, Operations & Regulatory CoP  
and Lakes & Rivers Division RIT  
HQUSACE, CECW-LRD  
441 G St, NW Rm 3E92  
Washington, DC 20314

(b) (6)