

B-29. Storage and Use of Explosives and Magazine Security. This clause is mandatory in all special use authorizations where the storage and use of explosives will be authorized on National Forest System lands. The storage and use of explosives may be authorized in connection with another type of use and occupancy, such as a ski area or heli-ski outfitting and guiding. Alternatively, the storage and use of explosives may be authorized alone, such as for avalanche mitigation conducted by a state department of transportation. Forest Service artillery program managers and permit administrators who administer special use authorizations that authorize the storage and use of explosives are required to take AgLearn Course FS2700-301, Authorizing Explosives for Special Uses, or a successor course.

STORAGE AND USE OF EXPLOSIVES AND MAGAZINE SECURITY.

1. Applicable Legal Framework.

<USER NOTES FOR PARAGRAPH 1>

<Select the applicable paragraphs below, depending on the party storing and using explosives and the type of explosives stored and used under the authorization. Delete the paragraphs that do not apply, and re-letter the paragraphs, as appropriate. If only one paragraph applies, the text of the paragraph should immediately follow the heading “Applicable Legal Framework” on the same line, without a letter designation.>

<Include paragraph 1(a) when a private party is storing and using explosives under a special use authorization. This is the most common scenario for storage and use of explosives and typically involves a ski area.>

(a) The purchase, storage, and handling of explosives by the holder under this permit are regulated by United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), under 27 CFR Part 555. Inspections of magazines authorized by this permit are subject to all ATF inspection requirements at 27 CFR Part 555 and shall be conducted by ATF. Property records and inventories of these magazines shall be reconciled by ATF in accordance with ATF requirements at 27 CFR Part 555 during ATF’s routine periodic inspections.

<Include paragraph 1(b) with paragraph 1(a) when the Forest Service is also storing and using military ammunition at a ski area.>

(b) The purchase, storage, and handling of military weapons and ammunition used for avalanche mitigation by the Forest Service under this permit are subject to the current Master Interagency Agreement between the Forest Service and the Assistant Secretary of the Army (Acquisition, Logistics and Technology), hereinafter “Master Interagency Agreement.” Under the Master Interagency Agreement, military weapons are loaned by the Department of the Army (DOA) to the Forest Service, ammunition is purchased by the

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Forest Service from DOA, and the Forest Service controls the storage and use of the weapons and ammunition (FSM 2343.12). The Forest Service is not subject to state or ATF oversight, jurisdiction, licensure, and permitting requirements (27 CFR 555.141(a)(5) and (a)(6)). Inspections of magazines authorized by this permit that contain Forest Service-owned ammunition purchased from DOA under the Master Interagency Agreement are subject to all DOA inspection requirements under that agreement and shall be conducted by DOA and the Forest Service artillery program manager. Property records and inventories of these magazines shall be reconciled by the Forest Service artillery program manager in accordance with the Master Interagency Agreement.

<Include paragraph 1(c) when a state is storing and using explosives other than ammunition purchased from the Department of the Army.>

(c) The purchase, storage, and handling of explosives by the holder under this permit are subject to applicable state and Forest Service requirements, as well as storage requirements in United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), regulations at 27 CFR Part 555. The holder is not otherwise subject to ATF oversight, jurisdiction, licensure, and permitting requirements. Inspections of magazines authorized by this permit are subject to all state inspection requirements and shall be conducted by the state. Property records and inventories of these magazines shall be reconciled by the holder in accordance with state requirements.

<Include paragraph 1(d) with paragraph 1(c) when a state is also storing and using ammunition purchased from the Department of the Army. Include only paragraph 1(d) when a state is only storing and using ammunition purchased from the Department of the Army.>

(d) The purchase, storage, and handling of military weapons and ammunition used for avalanche mitigation by the holder under this permit are subject to an agreement between the Department of the Army (DOA) and the holder. The holder is not subject to United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), oversight, jurisdiction, licensure, and permitting requirements. However, the holder is subject to applicable Forest Service requirements. Inspections of magazines authorized by this permit that contain ammunition purchased by the holder from DOA under an agreement between the holder and DOA are subject to all DOA inspection requirements under that agreement and shall be conducted by DOA and the holder. Property records and inventories of these magazines shall be reconciled by the holder in accordance with the holder's agreement with DOA.

<END OF USER NOTES FOR PARAGRAPH 1>

2. Documentation of Inspections. All required inspections, including inspections required every seven days, shall be documented in a log. The log shall indicate the inspection type, date of inspection, and the date all deficiencies identified in any inspection report were corrected. A current copy of the log; corresponding inspection reports, if any; and a copy

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of the holder's current ATF-issued federal explosives license or federal explosives permit, if applicable, shall be included annually in the operating plan for review by the authorized officer.

3. Loss or Theft of Explosive Material. Any loss or theft of explosive material shall be reported to ATF or the Department of the Army (DOA), as appropriate, local law enforcement authorities, and the Forest Service within 24 hours of discovery.

4. Minimum Standards for Locks and Keys.

(a) ATF Requirements. Locks and keys for authorized magazines and key security shall meet ATF requirements at 27 CFR Part 555.

(b) Replacement and Documentation. Locks and keys shall be replaced periodically at least every ten years. In the case of deterioration or a potential breach in security, such as lost keys, any affected keys and locks shall be replaced immediately. Periodic lock and key replacement shall be documented in a log. The log shall include the date of the most recent replacement. A current copy of the log shall be included annually in the operating plan for review by the authorized officer.

<USER NOTES FOR PARAGRAPHS 4(c) and 4(d)>

<Include paragraph 4(c) when a private party is storing and using explosives under a special use authorization or when a state is storing and using explosives other than ammunition purchased from the Department of the Army.>

(c) Key Control for Magazines Containing Explosives Not Purchased From DOA. Key control for magazines authorized by this permit containing explosives not purchased from DOA shall at a minimum provide for appointment of a custodian, maintenance of a list of personnel authorized to use and issue keys, a locked container for key storage, and documentation of locks and keys on a key control register and inventory.

<Include paragraph 4(d) with paragraph 4(c) when the Forest Service or a state is also storing and using ammunition purchased from the Department of the Army. Include paragraph 4(d) by itself, re-lettered as 4(c), when a state is only storing and using ammunition purchased from the Department of the Army. Delete paragraph 4(d) if it does not apply.>

(d) Key Control for Magazines Containing Ammunition Purchased From DOA. Key control for magazines authorized by this permit containing ammunition purchased from DOA shall be in accordance with the Master Interagency Agreement and shall be documented on DOA form DA-5513-R, Key Control Register and Inventory.