

Response to Comments

Safety Closure of the High Point Road Area for Target Shooting

Approximately 215 letters and emails requesting comment on the environmental assessments were sent to members of the public, political representatives, tribal groups, and others. In addition, a legal ad was placed in the San Diego *Union-Tribune* notifying the public that the comment period on the environmental assessments had begun, and informing readers who to contact to obtain a copy of the documents.

Four comment letters or emails were received during the public comment period for environmental assessment analyzing the closure of the High Point Road area for target shooting. Comments are listed below, followed by the agencies' response.

1. Jim Matthews for Don Small, President and CEO, Turner's Outdoorsman, Letter

After thoroughly reading all of the documentation provided in the environmental assessment and hand-out information, we would like to encourage both the USFS and BLM to adopt Alternative 2, the "no action" alternative, and leave the management of High Point Road as it was before the emergency closure. We suggest you take this action for the following [six] reasons:

Comment 1-1: There was no evidence provided there is a public safety threat from recreational target shooting that takes place along this road. There may be a perceived threat by new residents who hear gunfire, but not a single documented incident was provided in the public paperwork. If there is concrete evidence of public safety problems, we ask that you provide this information to the public. Complaints are not evidence. You should also then reissue the document and extend the comment period so we can evaluate any evidence you might have that was not included. If there is no such evidence, we find the whole "need" for the closure to be manufactured by new residents who simply don't like to hear the sound of gunfire in their neighborhood.

Response 1-1: The BLM law enforcement ranger made onsite visits to private property in the vicinity of High Point Road to view the results of bullets striking a house and numerous outbuildings. One local resident filed an incident report with the San Diego County Sheriff after his property was struck by bullets. The BLM was contacted by legal counsel for the property owners to establish a formal complaint regarding the issue of public safety in the vicinity of the High Point Road area. The attorney provided the BLM with photographs of spent bullets and bullet holes in the property owners' buildings.

Comment 1-2: Current state law allows for the discharge of a firearm within 150 yards of an occupied dwelling, and the closure you are proposing is massive compared to what the state views as a "safe" buffer when firearms are used by responsible citizens.

Response 1-2: The Forest Service and BLM have legal authority to close or restrict the use of areas over which they have jurisdiction. Title 36 of the Code of Federal Regulations (CFR), Section 261.58(m) allows the Forest Service to issue an order to prohibit “(d)ischarging a firearm, air rifle, or gas gun” on any location on the national forest where such a prohibition is deemed necessary. Parallel regulations found in Title 43 CFR, Section 8364.1 allow the BLM to issue a closure order to “protect persons, property, and public lands and resources.” These two regulations provide legal authority for the temporary closure order issued for the High Point Road area in May 2004. The proposal for the permanent safety closure of the High Point Road area to target shooting was analyzed in the environmental assessments prepared by each agency.

Comment 1-3: The number of places where recreational target shooting is allowed is shrinking each year, especially in Southern California. Any unwarranted closure affects our customers, and without supporting documentation of real safety concerns and proof that the origin of any “stray rounds” indeed came from those recreational shooting on High Point Road, the action is likely a violation of your own regulations.

Response 1-3: The increase in population in Southern California (see section 3.6 of the Forest Service environmental assessment) has resulted in an increase in the amount of private land developed as well as increased the demand placed on public lands for recreational and other uses. Forest Service and BLM regulations and policy require the agencies to protect public health and safety. In addition, please see Response 1-1 above.

Comment 1-4: Even if there were evidence of safety concerns, this is an enforcement issue rather than a regulatory issue. There are already regulations in place that prohibit the unsafe discharge of firearms and a number of other statutes that could be enforced if there was unsafe shooting practices on High Point Road. More regulations would not necessarily solve the problem, but it would eliminate the safe, legal shooting that is taking place now.

Response 1-4: Please see Response 1-2 above.

Comment 1-5: The enforcement staff of the USFS apparently vetoed the alternative that would allow the continued use of shotguns, but not rifles and pistols because it would be difficult to enforce. This is a bogus excuse not to consider a shotgun-only alternative because rifles and pistols will still be allowed on the forest because they are legal “hunting” tools. It is clear, by the elimination of this alternative, the proposal seeks to end all target shooting, not just the supposed public safety threat.

Response 1-5: The enforcement staff of the Forest Service did not “veto,” nor does it have the legal authority to “veto,” any alternative in this or any environmental assessment. Based on public comment during the scoping period, an alternative was discussed that would have allowed continued use of the High Point Road area for target shooting using shotguns and handguns (see section 2.2.1 of the Forest Service environmental assessment and page 3 of the BLM environmental assessment). However,

this alternative was not carried forward into further analysis because the input of law enforcement officials from both the Forest Service and the BLM indicated that it would be difficult and costly to enforce and would not meet the stated purpose and need for action.

Comment 1-6: There was no assessment of the economic impacts such a closure might have on businesses like ours in the environmental document.

Response 1-6: Section 3.7 of the Forest Service environmental assessment discusses the socioeconomic impacts of the proposed action. The BLM's environmental assessment addresses socioeconomic impacts under the Environmental Consequences section in relation to recreational use. The analysis notes that the safety closure would require target shooters to find other locations in which to recreate. When choosing which alternative to select for implementation, decision makers for the Forest Service and BLM weighed the potential economic and social impacts of the safety closure on target shooters against the reduction or elimination of risks to the health, safety, and property of residents along the State Route 79 corridor.

2. Scott Stucky, Email

Comment 2-1: Exactly how many resident complaints has the BLM received regarding stray bullets striking buildings or housing structures? Exactly how many of these claims have been verified by the BLM?

Response 2-1: Please see Response 1-1 above.

Comment 2-2: This is a quote from [the] assessment document 'Opportunities for target shooting would still exist on other BLM administered lands in the region. Recreational target shooters would have to explore the numerous parcels of BLM administered lands in the region to obtain a location that provides the physical landscape characteristics required for a safe shooting area. Access onto these alternate lands could be somewhat restricted due to lack of roads and proximity to private land.' As the quote states, this would effectively eliminate target shooting in the area without any regard for offering a replacement.

Response 2-2: The quote cited above does not effectively eliminate target shooting without regard for offering a replacement. The BLM environmental assessment states: "Since BLM administered lands are open to target shooting unless administratively closed through a closure order, alternative target shooting locations could be available in San Bernardino, Riverside, and San Diego Counties. The public land user has the responsibility of locating a safe and accessible area in which to target shoot on BLM administered lands." All locations on BLM lands that are safe and accessible are open to recreational target shooting unless administrative closures or restrictions are in effect.

Comment 2-3: Has the BLM considered that [local] residents have made the choice to live adjacent to BLM lands? On the other hand, target shooters don't have a choice in regard to where they can go. The Assessment suggests they migrate to privately owned gun clubs. It isn't the Charter nor the purpose of the BLM to make that determination.

Response 2-3: The BLM and Forest Service have no regulatory or other authority over private, county, state, or other federal lands.

The environmental assessments recognize that one cumulative effect of the safety closure is that demand for recreational shooting may shift to private gun clubs or public-private partnerships in Southern California.

Comment 2-4: The BLM states [that] it is too costly to enforce an option that would limit shooting to shotguns and handguns. How so? What is the statement based upon?

Response 2-4: The BLM stated that it would be costly and difficult to enforce because the continued use of the area for target shooting with shotguns and handguns would provide cover for persons using rifles. Therefore, the alternative that would allow shotgun and handgun use would not meet the purpose and need of the project, which is to provide an enforceable way to permanently eliminate the threat of stray rounds being fired from the vicinity of High Point Road and striking private structures and endangering the lives of residents in and around the State Route 79 corridor (BLM EA, page 2; Forest Service EA, section 1.3).

3. Rob Culver, Email

Comment 3-1: This is just another loss to our right to use firearms legally. I'm sure that any comment or concerns that "we the people" have will not make any difference in the outcome of your joint decision to close this target range. I knew from the very beginning that your minds were made up and the government was just going through the necessary process to make it legal.

Response 3-1: The proposed action would permanently close the High Point Road area for target shooting to provide for the safety and welfare of residents in the area. Cleveland National Forest and BLM land would remain open to firearm use during the lawful pursuit of game animals, as regulated by the California Department of Fish and Game.

The Orosco Ridge shooting area on the Cleveland National Forest north of Ramona will remain open, subject to seasonal restrictions due to fire danger. In addition, unless otherwise restricted, all BLM lands are open to target shooting. On these BLM lands, recreational shooters have the responsibility of locating sites that provide the physical landscape required for safe shooting.

4. Bill Kerbox, Email

Comment 4-1: Are you kidding!! Why are you doing this.

Response 4-1: The purpose and need for action for the project, as discussed in Chapter 1 of the Forest Service environmental assessment and the “Need for the Proposed Action” section of the BLM environmental assessment, is to provide an enforceable way to permanently eliminate the threat of stray rounds being fired from the vicinity of High Point Road and striking private structures and endangering the lives and property of residents in and around the State Route 79 corridor.