

Decision Notice and Finding of No Significant Impact

**Safety Closure of the High Point Road Area
for Target Shooting**

**USDA-Forest Service Pacific Southwest Region
Palomar Ranger District, Cleveland National Forest
San Diego County, California**

1 – Decision and Reasons for the Decision

1.1 Background

The Palomar Ranger District of the Cleveland National Forest (Cleveland NF) and the Bureau of Land Management (BLM) received numerous complaints from local homeowners of stray bullets originating from the vicinity of the High Point Road shooting area. These bullets hit structures and nearly hit persons on private property in the vicinity of High Point Road and the State Route 79 corridor in northern San Diego County.

On May 7, 2004, a temporary emergency closure prohibiting target shooting in the High Point Road area was implemented by the Cleveland NF to protect public health and safety. Recreational shooting in the High Point Road area posed an immediate threat to the lives and property of nearby residents, as well as other users of national forest and BLM land. The temporary closure on Cleveland NF land was imposed via 36 CFR 261.58(m); the corresponding closure on BLM land was imposed via 43 CFR 8364.1.

For reasons of public health and safety the Cleveland NF, in conjunction with the BLM, proposed to make the emergency closure permanent. Toward that end, the Cleveland NF and the BLM prepared separate environmental assessments (EA) to analyze the effects of the possible closure on resources administered by each agency. These EAs were released jointly to the public for comment. However, the EAs and the associated decision documents address only land specific to each agency.

Location. The area proposed for permanent closure is located in sections 10, 11, 12, 13, 14, 15, 24, and 25, Township 9 South, Range 1 East, San Bernardino Meridian, San Diego County (see map).

The purpose and need for this project was to provide an enforceable way to 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.

1.2 Decision

My decision is to select the proposed action, as analyzed in the EA, for implementation. Under this *selected alternative*, the High Point Road area will be closed to firearm use to provide for the safety of residents in the area. Cleveland NF land will remain open to firearm use during the lawful pursuit of game animals, as regulated by the California Department of Fish and Game. Foot or vehicle access to High Point Road will not be affected by the selected alternative.

Persons who wish to target practice with firearms on Cleveland NF land will be able to use the shooting area at Orosco Ridge, which is also on the Palomar Ranger District. Use of the Orosco Ridge shooting area will be subject to all applicable laws and regulations governing firearm use and will be subject to seasonal closures based on fire danger or adverse weather conditions.

1.3 Other Alternatives Considered

In addition to the selected alternative, two other alternatives were considered in the EA, as described below.

1.3.1 No Action Alternative

Under this alternative, the High Point area would remain open for target shooting, subject to all applicable statutes, regulations, policies, and land use plans. Residents in the vicinity and other members of the public would continue to have their health, safety, and property threatened by stray rounds of ammunition.

1.3.2 Allowing Non-Rifle Target Shooting

Based on public comment during the scoping period, an alternative was discussed that would allow non-rifle target shooting by persons using firearms that do not have the potential to reach private residences. This alternative would allow continued use of shotguns and handguns for target shooting in the High Point Road area.

This alternative was not carried forward into further analysis because, based on input from both the Cleveland NF and BLM law enforcement officers, it would be difficult and costly to enforce. Therefore this alternative would not meet the purpose and need of the project.

1.4 Public Involvement

The Cleveland NF requested public comment on the proposed High Point Road area safety closure via the schedule of proposed actions, direct mailings, legal notices published in newspapers of record, and a public open house.

Information regarding this project appears in the Cleveland National Forest's quarterly schedule of proposed actions (SOPA), which is sent to approximately 900 interested parties. The SOPA is available for viewing and downloading by following the instructions on the USDA-Forest Service Internet website (<http://www.fs.fed.us/sopa>).

A letter dated May 18, 2005 and co-signed by Cleveland NF and BLM officials was mailed to interested members of the public. The letter summarized the purpose and need for the project, explained the proposed action, and notified the public of an open house to be held the following month.

On June 11, 2005, a public open house was held at the Oak Grove Community Center to provide the public with the opportunity to ask questions and get information regarding the proposed action. Personnel from the Cleveland NF and the BLM were present to provide information. Some 26 members of the public signed the register at the open house.

Approximately 50 persons commented on the proposed action during the scoping period, either by email or by submitting handwritten comments. A few persons provided essentially the same statements in separate emails to the Cleveland NF and the BLM. These duplicative statements are counted as representing only one comment per individual.

Notification that the EA was available for public comment was sent to approximately 215 individuals and organizations via email and a letter signed on October 7, 2006. In addition, a legal notice published in the San Diego *Union-Tribune* provided notification that the EA was available for comment and provided information to readers on how to obtain copies of documents related to the analysis. Four comment letters or emails were received from the public and are addressed in Appendix A to this decision notice and finding of no significant impact.

2 – Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that the selected alternative will not have a significant effect on the quality of the human environment considering the context and intensity of the impacts (see 40 CFR 1508.27). Therefore an environmental impact statement will not be prepared. I base my finding on the following rationale:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the selected alternative.
2. There will be no significant effects on public health and safety. The health and safety of persons who live in and travel through the area will be enhanced (see Chapter 3 of the EA).

3. There will be no significant effects on the unique characteristics of the area because no historic or cultural resources, park lands, prime farmlands, wetlands, or wild and scenic rivers would be affected (see Chapter 3 of the EA).
4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the selected alternative (see Chapter 3 of the EA).
5. The Forest Service has considerable experience with closures of areas for reasons that include public health and safety. The environmental effects of the selected alternative are not uncertain and do not involve unique or unknown risks.
6. The selected alternative is not likely to establish a precedent for future actions with significant effects.
7. Cumulative impacts are not significant (see Chapter 3 of the EA).
8. The selected alternative will not have significant adverse effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places because no such locations are present. The selected alternative will not cause loss or destruction of significant scientific, cultural, or historical resources because no such resources are present.
9. The selected alternative will not adversely affect any endangered or threatened species or any critical habitat as determined under the Endangered Species Act.
10. The selected alternative will not violate any federal, state, or local laws or regulations for protection of the environment. The selected alternative is consistent with the Cleveland National Forest Land Management Plan.

3 – Findings required by other laws and regulations

This decision is fully consistent with the National Forest Management Act, the Endangered Species Act, the National Historic Preservation Act, and other relevant laws and regulations under which the Forest Service operates.

4 – Implementation Date

If no appeal is received within the legal appeal period, implementation of this decision may occur on, but not before, the fifth business day following the close of the appeal filing period. If an appeal is filed, implementation may occur on, but not before, the 15th business day following the date of appeal disposition.

5 – Administrative review or appeal opportunities

This decision may be appealed under 36 CFR 215. The 45-day appeal period begins with publication of a legal notice of decision in the San Diego *Union-Tribune*. Publication date of the legal notice in the newspaper is the sole method for determining the beginning and ending of the appeal period.

Written appeals must be mailed or hand-delivered during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday) to:

Appeal Deciding Officer
Cleveland National Forest
10845 Rancho Bernardo Road, Suite 200
San Diego, CA 92127

Appeals may be submitted via FAX to (858) 673-6192.

Appeals may be submitted electronically in an email document, plain text (.txt), rich text (.rtf), or Word (.doc) format to pgomben@fs.fed.us with the subject line reading “Appeal of Safety Closure of High Point Road Decision Notice.”

6 – Contact person

For additional information concerning this decision notice, the finding of no significant impact, or the Forest Service appeal process, contact:

Graciela A. Terrazas, District Ranger
Palomar Ranger District
1634 Black Canyon Road
Ramona, CA 92065
(760) 788-0250

/s/ *Rick Marinelli* for

March 6, 2007

GRACIELA A. TERRAZAS
Palomar District Ranger

Date

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