



# **Justification for Proposed Permanent Recreational Shooting Order Canyon Lakes, Sulphur, Clear Creek, and Boulder Ranger Districts Arapaho and Roosevelt National Forests and Pawnee National Grassland**

**March 17, 2023**

## **SUMMARY**

The Forest Supervisor of the Arapaho and Roosevelt National Forests and Pawnee National Grassland (ARNF&PNG) is proposing to issue two orders that would permanently prohibit recreational shooting on National Forest System (NFS) lands identified as unsuitable for recreational shooting in the Boulder, Canyon Lakes, Clear Creek, and Sulphur Ranger Districts of the ARNF&PNG. The proposed permanent orders would implement a requirement of the 2018 Recreational Sport Shooting Management Plan Amendment for the Arapaho and Roosevelt National Forests Environmental Assessment (EA) and the 2019 Decision Notice and Finding of No Significant Impact – Recreational Sport Shooting Management (DN). The DN provides for phasing out recreational shooting in areas of the ARNF&PNG that are designated in the DN as unsuitable for that purpose as developed target ranges are constructed opened for public use in the ARNF&PNG.

The proposed permanent orders would prohibit discharging a firearm, air rifle, or gas gun on NFS lands identified as unsuitable for recreational shooting in three geographic areas specified in the DN. The first proposed permanent order would cover the geographic area of Southern Clear Creek, Jefferson, and Park Counties and northern Larimer and Grand Counties, totaling 94,900 acres. The second proposed permanent order would cover the geographic area of northern Clear Creek and Gilpin Counties, totaling 46,195 acres. The purpose of the proposed permanent orders is to reduce use conflicts and public safety risks. These orders are subject to public notice and comment and additional procedures pursuant to the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019, Pub. L. No. 116-9, Title IV (Sportsmen’s Access and Related Matters) (Dingell Act) and Forest Service directives in Forest Service Handbook (FSH) 5309.11, chapter 30, section 34.

## **BACKGROUND**

Beginning in 2013, the ARNF&PNG collaborated with the Northern Front Range Recreational Sport Shooting Management Partnership, which includes Boulder, Clear Creek, Gilpin, and Larimer Counties, and the Colorado Parks and Wildlife to identify and analyze areas that are unsuitable for recreational shooting. The DN implements a modified version of the map analyzed as the local factors alternative in the EA. The selected alternative was developed using three primary factors to determine which NFS lands are unsuitable for recreational shooting:

residential housing density, high-use recreation areas on NFS and other government lands, and existing conflicts between recreational shooting and other uses on NFS and other government lands.

### **DN Framework for Phasing Out Recreational Shooting**

The DN adopts a framework for phasing out recreational shooting in areas in the ARNF&PNG that are unsuitable for that purpose as developed target ranges are constructed and opened for public use in the ARNF&PNG. The purpose of the phased approach is to ensure that the public has access to areas where recreational shooting can be conducted safely before recreational shooting is permanently prohibited in areas that are unsuitable for that purpose. Except for Devil's Nose Target Range in the Clear Creek Ranger District, which was addressed in a separate Forest Service decision in January 2015, siting, construction, operation, and maintenance of developed target ranges that will supplant recreational shooting in areas that have been designated as unsuitable for that purpose are the responsibility of Boulder, Gilpin, and Clear Creek Counties.

The DN describes five geographic areas and how and where the ARNF&PNG will issue orders permanently prohibiting recreational shooting in the areas that are designated by the DN as unsuitable for that purpose. The two proposed permanent orders would address the following three geographic areas identified in the phased approach:

1. **Southern Clear Creek, Jefferson, and Park Counties:** When Devil's Nose Target Range is constructed and open for public use, the Forest Supervisor of the ARNF&PNG would issue an order permanently prohibiting recreational shooting on all NFS lands identified as unsuitable for that purpose between the southern administrative boundary of the ARNF&PNG north to Interstate 70 and west to the Clear Creek Ranger District boundary.
2. **Northern Larimer and Grand Counties:** Because there are many opportunities available for recreational shooting and relatively few areas have been identified as unsuitable for that purpose in these counties, the Forest Supervisor of the ARNF&PNG may issue orders permanently prohibiting recreational shooting in those areas without constructing a developed target range. However, those orders would not be issued until at least one of the developed target ranges in the locations described above (Devil's Nose Target Range will most likely be the first) is constructed and open for public use.
3. **Northern Clear Creek and Gilpin Counties:** When a single developed target range with a capacity of at least 25 target lanes is constructed and open for public use in the vicinity, the Forest Supervisor for the ARNF&PNG would issue an order permanently prohibiting recreational shooting on all NFS lands identified as unsuitable for that purpose between Interstate 70 north to the Gilpin-Boulder County line and west to the Clear Creek Ranger District boundary. When a developed target range is constructed and open for public use in Clear Creek or Gilpin County, the Forest Supervisor for the ARNF&PNG would issue an order permanently prohibiting recreational shooting on all NFS lands identified as unsuitable for that purpose in those counties (DN, p. 4).

## **Construction and Opening of Developed Target Ranges**

Issuance of orders permanently prohibiting recreational shooting in two of the areas in the ARNF&PNG identified as unsuitable for that purpose (southern Clear Creek, Jefferson, and Park Counties and northern Larimer and Grand Counties) is conditioned upon opening the Devil's Nose Target Range in the vicinity of those areas.<sup>1</sup> In 2021, the Forest Supervisor for the ARNF&PNG awarded a contract for construction of the Devil's Nose Target Range in the Clear Creek Ranger District. Construction began in the summer of 2022 and is anticipated to be completed in mid-summer 2023. In accordance with the DN, the order permanently prohibiting recreational shooting in areas identified as unsuitable for that purpose in southern Clear Creek, Jefferson, and Park Counties and northern Larimer and Grand Counties would not be issued until the Devil's Nose Target Range is constructed and open for public use.

Issuance of the order permanently prohibiting recreational shooting in areas identified as unsuitable for that purpose in northern Clear Creek and Gilpin Counties is conditioned upon opening of a developed target range in Clear Creek or Gilpin County. On September 6, 2022, the Clear Creek County Board of County Commissioners awarded a contract to a design and engineering firm for the final design, engineering, and permitting required for construction of the Clear Creek County Sport Shooting Park, which will be located at 3300 Stanley Road, Idaho Springs, CO. Clear Creek County anticipates beginning construction in late fall 2022 or early spring 2023, with the goal of opening the target range to the public in summer 2024. In accordance with the DN, the order permanently prohibiting recreational shooting in areas identified as unsuitable for that purpose in northern Clear Creek and Gilpin Counties would not be issued until the Clear Creek County Sport Shooting Park is constructed and open for public use.

The Forest Supervisor for the ARNF&PNG is initiating the public notice and comment process for the proposed permanent orders to comply with the Dingell Act and to ensure that the process is complete by the time the Devil's Nose Target Range and Clear Creek County Sport Shooting Park are constructed and open for public use. The Forest Supervisor would not issue the proposed permanent orders until these developed target ranges are constructed and open for public use. The Forest Supervisor is conducting the public notice and comment process for the proposed permanent orders concurrently with construction of the developed target ranges to maximize efficiency in implementation of the DN framework for phasing out recreational shooting in areas identified as unsuitable for that purpose.

## **Terminology**

The DN and EA use the terminology "recreational sport shooting," while the directive in FSH 5309.11, chapter 30, section 34, issued after the DN and EA, use the term "recreational shooting." The proposed permanent orders use the directive's terminology of "recreational

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<sup>1</sup> The DN states that orders permanently prohibiting recreational shooting may be issued in the northern Larimer and Grand County geographic area when any new developed target range is constructed and open for public use. The first new developed target range constructed and open for public use will most likely be the Devil's Nose Target Range.

shooting.” These terms are sufficiently similar that additional public explanation or education is not required.

## **DINGELL ACT COMPLIANCE**

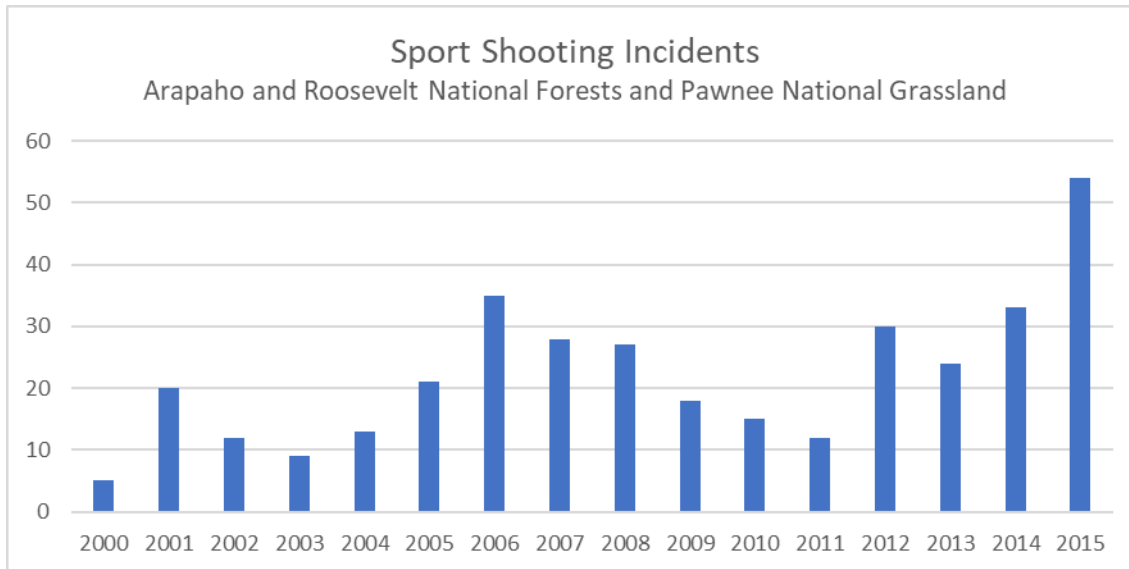
These proposed permanent orders are subject to the process in the Dingell Act and the Forest Service’s implementing directives in Forest Service Handbook 5309.11, chapter 30. This section addresses the need for and scope and duration of the proposed permanent orders.

### **Need for the Orders**

Due to their proximity to population centers along the Front Range in Colorado, the ARNF&PNG has become an important destination for numerous outdoor recreational opportunities, including recreational shooting. The Front Range has a population of approximately 4.5 million and is one of the fastest-growing regions in the United States. The ARNF&PNG encompasses a mix of private, federal, state, and local government land, which has implications for federal land management. There are approximately 19,000 residences and other privately owned structures within the boundary of the ARNF&PNG. Adjacent residential development is increasing.

The ARNF&PNG has one of the highest levels of recreational use of any national forest in the nation. According to the National Visitor Use Monitoring program, the ARNF&PNG is the third most-visited administrative unit in the NFS. As population growth continues along the Front Range, the ARNF&PNG anticipates increased demand for a wide variety of recreational experiences on NFS lands. Recreational shooting in the ARNF&PNG has grown in popularity in recent years, as evidenced by impacts from recreational shooting and Forest Service interactions with users engaged in recreational shooting.

Since 2000, shooting-related incidents (warning notices, incident reports, mandatory appearances and violation notices) have increased in the ARNF&PNG (Figure 1). The Clear Creek County Sheriff’s Department receives 150 to 160 service calls annually related to recreational shooting. Most commonly, calls to the Sheriff’s Departments originate from residences adjacent to the ARNF&PNG. Noise, nuisance, and safety issues prompt these types of service calls.



**Figure 1.** Number of incidents in ARNF&PNG (warning notices, incident reports, mandatory appearances, and violation notices), January 2000 – October 2016 (source: USFS Law Enforcement Database) (EA, p. 35)

Homes and outbuildings have been hit by stray bullets likely fired by individuals engaging in recreational shooting in the ARNF&PNG who did not realize that they were shooting in an unsafe manner. Tragically, stray bullets have struck and seriously injured people in the ARNF&PNG. Prior to issuance of the DN identifying areas in the ARNF&PNG that are unsuitable for recreational shooting, orders issued under 36 CFR Part 261, Subpart B, prohibited recreational shooting in the vicinity of specific residential areas in the Forests. The existing prohibitions, public education, and enforcement have reduced risks to public safety over the last 20 years. However, the existing prohibitions orders have not fully addressed shooting-related use conflicts and safety concerns across the ARNF&PNG.

The proposed permanent orders implementing the DN would further reduce use conflicts and address public safety concerns associated with recreational shooting in the ARNF&PNG. In response to comments received from members of the public engaged in recreational shooting during the DN and EA process, the proposed permanent orders prohibiting recreational shooting in areas of the ARNF&PNG that are unsuitable for that purpose would not be issued until a developed target range in the vicinity of those areas is constructed and open for public use. In addition, the proposed permanent orders include an exemption for persons in possession of a valid State of Colorado hunting license who are hunting in compliance with Colorado law.

### **Duration and Geographic Scope of the Proposed Permanent Orders**

The proposed orders need to be permanent because the population surrounding the ARNF&PNG and use of the ARNF&PNG is expected to increase. Given the level of use the ARNF&PNG is experiencing and is anticipated to experience, the Forest Supervisor for the ARNF&PNG has determined that it is necessary to issue permanent orders to address use conflicts and public safety concerns related to recreational shooting in the ARNF&PNG.

The DN identified areas unsuitable for recreational shooting in the ARNF&PNG ranger districts along the Front Range: Boulder, Canyon Lakes, Clear Creek, and Sulphur. The proposed permanent orders would cover the three areas identified in the DN areas as unsuitable for recreational shooting. The Forest Service and its partners collaboratively developed the areas identified as unsuitable for recreational shooting using three primary factors: residential housing density, high-use recreation areas on NFS and other public lands, and existing conflicts between recreational shooting and other uses on NFS and other public lands. NFS lands covered by existing orders were included in the areas identified as unsuitable for recreational shooting. The Forest Supervisor of the ARNF&PNG has determined that those areas identified in the DN as unsuitable for recreational shooting are the smallest area of NFS lands necessary to meet the purpose of the proposed permanent orders.

The areas in the ARNF&PNG identified as unsuitable for recreational shooting that resulted from this collaborative process are difficult to narratively describe and are more clearly identified on a map. The proposed permanent orders include legal descriptions of the areas covered by the orders (by section, township, and range) and maps, which have limited detail due to the area they cover. The Forest Service will be supplementing the descriptions and maps in the proposed permanent orders with signs, public education, and additional technological tools to inform the public of where the areas covered by the orders are located. The Forest Service is developing a signing and enforcement plan to inform the public of where recreational shooting would be prohibited in the ARNF&PNG. The Forest Supervisor for the ARNF&PNG will review the draft signing and enforcement plan with the Front Range Partnership and other partners and intends to finalize the plan before the proposed permanent orders are issued. In addition, the ARNF&PNG has developed an interactive online map of the areas where recreational shooting would be prohibited, available at Recreational Sport Shooting Management Final Decision Web Map (<https://usfs.maps.arcgis.com/apps/MapTools/index.html?appid=686de900600743db9e54b167fa7bf40f>). A georeferenced map for use in offline map mobile applications will be available for downloading on the ARNF&PNG's website ([www.fs.usda.gov/goto/arp/recshootingmgt](http://www.fs.usda.gov/goto/arp/recshootingmgt)). The proposed permanent orders include links to both the online and offline maps.

## **Timing**

The DN prohibits issuing the orders until the developed target ranges are constructed and open for public use. The location, funding, and construction plans for the developed target ranges that are a condition for issuance of orders permanently prohibiting recreational shooting in the three geographic areas identified as unsuitable for that purpose are sufficiently certain for the ARNF&PNG to begin the public notice and comment process for the proposed permanent orders. The Forest Supervisor is therefore conducting the public notice and comment process for the proposed permanent orders concurrently with the construction of the developed target ranges. The Forest Supervisor for the ARNF&PNG intends to issue the proposed orders permanently prohibiting recreational shooting in the three areas as soon as possible after the developed target ranges are constructed and open for public use.

The Forest Supervisor will address the remaining geographic areas identified in the DN as unsuitable for recreational shooting in separate proposed permanent orders, for which advance

notice and opportunity to comment will be provided when the location, funding, and construction plans for the developed target ranges necessary for issuance of those proposed permanent orders become sufficiently certain.

## **NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE**

As part of the EA, the Forest Service analyzed the potential effects of permanently prohibiting recreational shooting in areas of the ARNF&PNG identified as unsuitable for that purpose. These potential effects, which are the same as the effects of the proposed permanent orders, include reduced use conflicts among ARNF&PNG visitors and residents in most developed areas. Secondary benefits of the prohibitions on recreational shooting include reduced damage to and destruction of vegetation, including trees, reduced contamination to soil and water from spent rounds, and reduced noise. The Forest Service also addressed potential effects on those who engage in recreational shooting by providing in the EA that the prohibitions will apply only to specific geographic areas that meet certain factors and will not be issued until developed target ranges in the vicinity are constructed and open for public use. The Forest Service has therefore concluded that additional environmental analysis is not required prior to issuing the proposed permanent orders.

## **REFERENCES**

USDA Forest Service. 2018. Environmental Assessment. Recreational Sport Shooting Management. Arapaho and Roosevelt National Forests. Fort Collins, Colorado, USA: U.S. Department of Agriculture, Forest Service, Arapaho and Roosevelt National Forests and Pawnee National Grassland.

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