

JUSTIFICATION

Emergency Forest Order Prohibiting Recreational Shooting

Black Canyon Recreation Area
Verde Ranger District
Prescott National Forest

Order Number: # 03-09-05-24-02

May 14, 2024

INTRODUCTION

The Prescott National Forest (PNF or Forest), Verde Ranger District, proposes to issue an emergency Sub-Part B order, pending consideration of a proposed permanent Sub-Part B order, to prohibit recreational shooting in the Black Canyon Recreation Area (BCRA) near Cottonwood, Arizona. A portion of the BCRA has developed into a popular, user created, dispersed recreational shooting area. Due to wildland-urban interface and the existence of conflicting recreational activities in close proximity to the dispersed recreational shooting area, the proposed emergency order is necessary to protect the public health and safety and forest resources. The area that the PNF proposes to close to recreational shooting is in close proximity to three Forest Service River Day Use Sites, State Route 260, and a number of densely populated communities which include homes and businesses. Recreational shooting in the area poses an extreme risk to public health and safety, has generated conflicts between and among Forest users and private landowners, and has caused unacceptable damage to natural resources.

To address public health and safety concerns and resource damage from various recreation activities including recreational shooting in the BCRA along the Verde River and other areas within the Verde Ranger District, the PNF completed the Verde Recreation Action Plan (VRAP) and environmental assessment in 2023. Part of this plan defined recreation areas across the Verde District where concentrated recreation use is occurring and expected to occur in the future. It also defined within these recreation areas non-compatible uses such as dispersed camping, campfires and recreational shooting that pose a risk to public health and safety. As part of VRAP, two of the Day Use River Sites within the BCRA are planned for major renovations to support the increased public use. Additionally, a network of non-motorized trails and trailheads are planned within the BCRA to connect communities to public lands and improve resource conditions by developing sustainable trails and parking areas. One of the proposed future trailheads (Black Canyon) is located at the location of the present dispersed recreational shooting area which has raised concern over the last few years.

BLACK CANYON RECREATION AREA

The Black Canyon Recreation Area is roughly 1232 acres and is located north of Hwy 260, from Thousand Trails Road to Prairie Lane within the municipal boundary of Cottonwood, Arizona. It

encompasses the existing day use sites of Bignotti, Black Canyon¹, Prairie Lane, and Skidmore River Access Points (RAPs). These RAPS are popular boating, fishing and picnic sites for the general public and are also used commercially by a permitted boating outfitter during the spring, summer and fall months.

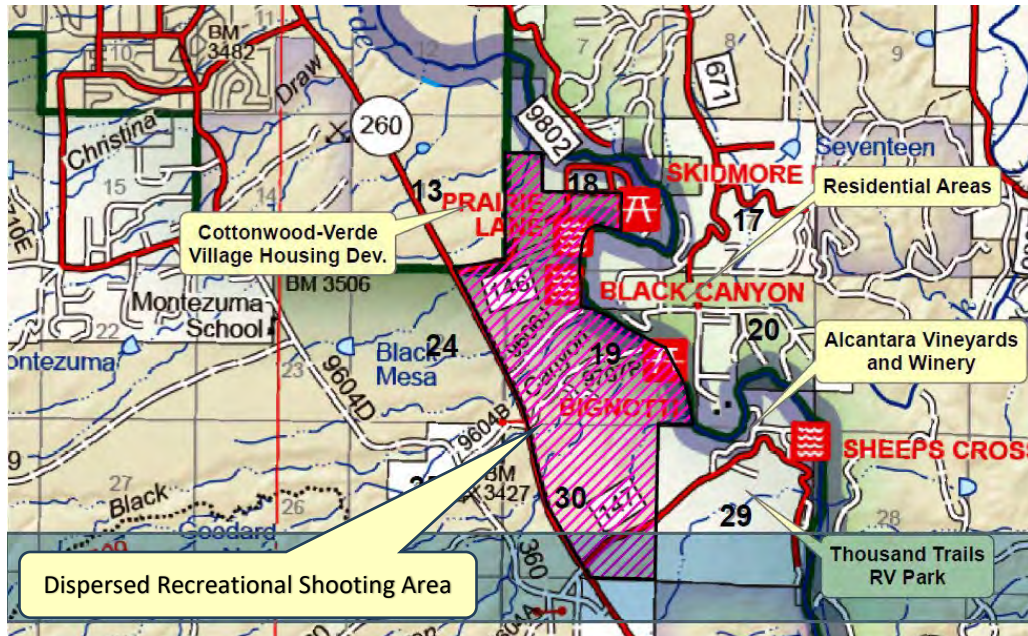


Image 1: BCRA and the dispersed recreational shooting area at issue.

The dispersed recreational shooting area has been used unofficially by the public for many years. The location of the dispersed recreational shooting area is approximately 0.38 miles SW of the Black Canyon River Access Day Use Site and is roughly 600 feet from State Route 260. It borders the Black Canyon Wash, a large ephemeral wash extending from the Black Hills overlooking the Verde Valley to the Verde River less than ½ mile to the northwest near the Black Canyon Day Use Site. Directly across the river from the Black Canyon Day Use Site is a residential area with several homes.

The dispersed recreational shooting area sits below Route 260 and was used as a staging ground and batch plant / materials site for the construction of Route 260 many years ago. After the completion of the Highway the unimproved area was left open and the public began shooting into the hills directly across from Black Canyon Wash. Since 2010 the public have been shooting tv's, refrigerators and other items leaving trash and debris. Some of this debris has been swept into the Verde River during monsoonal events when Black Canyon Wash typically activates.

a) Past Management

¹ It should be noted that there is a Black Canyon Recreation Area, which encompasses the entire Described Area, and a Black Canyon Day Use Site, which is one of several day use sites within the Black Canyon Recreation Area, and is the day use site closest to the dispersed recreational shooting area.

Prior to 2012, the dispersed recreational shooting area was managed as general forest area (GFA) with no barriers to off highway vehicle use. In 2012 the Forest implemented several watershed action plans aimed at improving soils and watershed conditions. Given the proximity to the Verde River, it was chosen for site improvements. At that time the location of the dispersed recreational shooting area served as a hot air balloon launch for a permitted outfitter. Within the Black Canyon Watershed Action Plan several activities were implemented to recover the denuded area from illegal OHV (Off-Highway Vehicle) use and recreational shooting activities. Fencing was constructed along the service road to the river to prevent off road travel and was cleaned up, seeded, and mulched and a small parking area was constructed with boulders and guardrail to allow parking for general Forest access and continuation of the hot air balloon service. The parking area barriers successfully restricted motorized travel into the GFA in compliance with travel management regulations. Since then, however, recreational shooters have used the barriers as an improvised firing line with targets set up just beyond the barriers, shooting mostly east and parallel with State Route 260. When the dispersed recreational shooting area begins to fill up, shooters have been observed firing more north / northeast in the direction of Black Canyon Day Use Site and homes on the Northeast side of the Verde River.



Image 2: Looking down at the dispersed recreational shooting area – homes in the background, far left.

To prevent shooters from firing to the north / northeast, signs were installed at the dispersed recreational shooting area alerting shooters to the Black Canyon Day Use Site and homes in that direction. These signs were shot and subsequently not replaced. With no Forest Order and limited law enforcement it has become very difficult to enforce responsible shooting.

The dispersed recreational shooting area is no longer used as a hot air balloon launch and is used mostly for recreational shooting activities which continue to increase. Local shooters have unofficially kept the dispersed recreational shooting area fairly clean of shooting debris, however

vegetation in the shooting corridor has been destroyed and trigger trash² continues to be an issue. Additionally, lead deposited into the ephemeral drainage has a direct route to the Verde River which has raised local concerns about contaminations of soils and water.

b) Future Development Plan

As noted above, the BCRA is part of a greater planning process known as VRAP. VRAP is the second phase of a comprehensive and strategic project to enhance recreation opportunities, improve resource conditions and provide for public health and safety in the Verde Valley.

A key component in VRAP was the establishment of Recreation Areas that either currently have or are predicted to have a high level of recreation use. The BCRA is one of nine recreation areas established under this plan. There are currently three developed river access Day Use Sites within the BCRA that support public boating, fishing, birding, picnicking, and hiking, as well as commercial river and hot air balloon services. The dispersed recreational shooting area is located adjacent to the access road leading to the Black Canyon Day Use River Site. Within the BCRA several improvements are proposed including the redesign and renovation of two ageing river access points (Skidmore and Bignotti), the development of three upland trailheads (Prairie Lane, Black Canyon (site of issue) and Thousand trails) to facilitate access to the 9.2 miles of upland trails connecting the RAPS.

Community and partner coordination was an integral component of VRAP. Over the last decade the Forest Service has worked closely with cities, towns, Yavapai County, NGO's and other partners to focus agency priorities for planning and implementation of on the ground projects that complement or enhance their recreation management plans and long-term goals and strategies for providing sustainable recreation opportunities, supporting tourism and the local economy grounded in stewardship and preservation of the Verde Valleys unique natural resources. Continued use of the area for recreational shooting threatens the implementation of the Forest's plans for the BCRA.

PUBLIC SAFETY ISSUES AND CONCERNS

In 2017 the Verde Ranger District received a complaint from an individual that visited the Black Canyon Day Use Site, that claimed to be peppered by shotgun pellets as she walked along the service road. This is consistent with previous observation of recreational shooters firing parallel with the Black Canyon Day Use Site service road, toward the site and homes across the river. There have also been several complaints of noise from the shooting activities. In 2018, Yavapai County Sherrif's Deputies were called to a residence on the east side of the Verde River, immediately northeast of the dispersed recreational shooting area. A bullet had entered the residence and lodged in a wall. It was suspected that this bullet came from the dispersed recreational shooting area (See Incident # 18-010612 attached). Following this incident the District Ranger received a letter from Rudy C. Stadelman, attorney representing Ms. Elena Venanzi who owns a residence on Tissaw road in an unincorporated area of Yavapai County, just northeast of the dispersed recreational shooting area.

² Firearm related waste

In the Fall of 2023, several homeowners contacted County Supervisor Donna Michaels and The Verde Independent newspaper, regarding homes being struck by bullets on the east side of the Verde River. Homeowners have also raised the issue with Arizona Department of Environmental Quality (ADEQ), citing soil contamination concerns in Black Canyon about ½ mile west of the Verde River. Following this, an article titled “Neighbors petition against shooting range after houses shot” was published in the Verde Independent on November 25, 2023. The article reported on concerns about the potential safety issue believed to be related to the dispersed recreational shooting area. (Attached)

In February 2024, a petition to close the area to recreational shooting was sent to several entities including the City of Cottonwood, Forest Service, Environmental Protection Agency, Arizona Governor’s Office of Highway safety, Yavapai County Sherrif, and the Arizona Department of Environmental quality. (Attached)

Use of the dispersed recreational shooting area has increased to the point it has become a safety hazard not only for homes on the east side of the Verde, but for recreationists in and around the area.

PROPOSED DESCRIBED AREA

Beginning at the southeast corner of Section 30, Range 4 East, Township 15 North, then following west approximately 0.47 miles to AZ State Route (SR) 260, then following northwest along the east side of SR 260 for approximately 2.2 miles to the intersection with Prairie Lane, then following Prairie Lane northeast for approximately 0.3 miles to the forest boundary at the section line between Sections 13 and 18, Range 4 East, Township 15 North, then following north along the east side of the forest boundary on section line 13/18 for approximately 0.7 miles to the forest boundary, then following east and south along the forest boundary for approximately 1.1 miles, to the Verde River, then following the west bank of the Verde River to the section line between section 20 and 29, then following the forest boundary west then south for approximately 1.2 miles to the point of beginning at the southeast corner of section 30, Range 4 East, Township 15 North.

PARTNER COORDINATION

On December 13, 2023, Todd Willard (Verde District Ranger), Tom Hughes (Patrol Captain) Rocco Minnetti (LE Admin) and Tom Palmer, (District Recreation Staff), met with Cottonwood Interim Police Chief, Chris Dowell, to discuss the shooting issues in the BCRA. The area where the location of the dispersed recreational area was annexed by the City of Cottonwood. Cottonwood Police Department has a history of helping patrol such areas due to Forest Service Law Enforcement’s limited capacity to do so. Chief Dowell and Mayor Elinski agreed that public safety concerns drive the decision to support an emergency special Order by the Forest Service. Cottonwood Police Department will help patrol the area and enforce their firearm discharge ordinance.

The BCRA is located within the County of Yavapai. On December 14, 2023, Patrol Captain Thomas Hughes, met with Yavapai County Sheriff David Rhodes, who offered no objection based to the public safety concerns expressed by Captain Hughes.

There are several residential areas surrounding the Described Area. While most of the nearby neighborhoods within the City of Cottonwood are unnamed, the largest subdivision is Verde Village Unit 1. Additionally, there are several nearby unincorporated areas within Yavapai County just to the northeast of the Described Area. There is also a prominent RV park (Thousand Trails) directly to the east of the dispersed recreational shooting area. As noted above, several homeowners from those surrounding residential areas have contacted the District Ranger, Arizona state officials, Yavapai County officials, and local media, regarding homes being struck by bullets on the east side of the Verde River, as well as soil contamination in Black Canyon Wash.

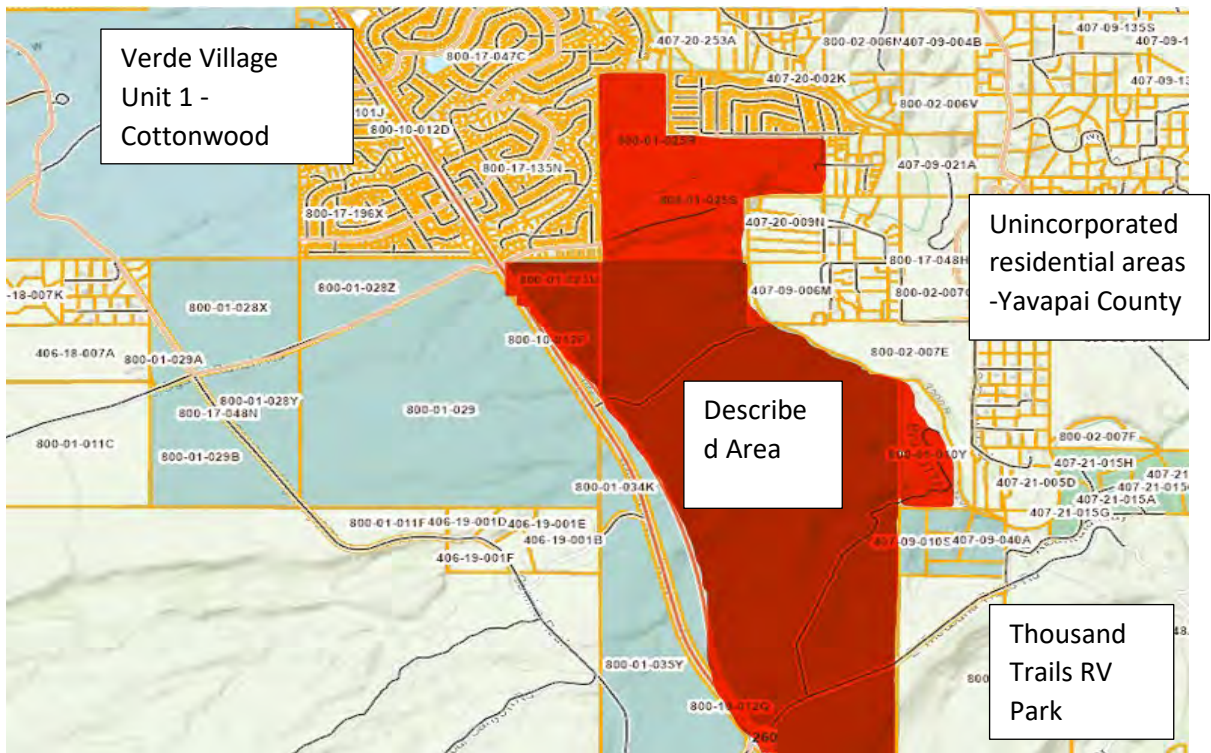


Image 3: Map of residential areas surrounding the Described Area

SUMMARY

Recreational use of the PNF and Verde Ranger District continues to grow because of the proximity of NFS lands to local communities. Residential and commercial development near and adjacent to the BCRA continues to increase resulting in increased demand for recreational use of all types (including hiking, hunting, mountain biking, birding, horseback riding, camping, recreational shooting, and solitude seeking). As a result of these increasing recreational uses, and the proximity of NFS lands to surrounding residential communities and businesses, the threat to the health and safety of the recreating public along in the BCRA from recreational shooting is showing no signs of decreasing. Based on discussions with FS law enforcement and partners we recommend proceeding with the process for issuing an emergency recreational shooting closure for the BCRA. We believe that the area described in the order is the minimum area required to achieve the goal

of preventing injury public health and safety caused by wildland-urban interface and the conflicting recreational activities. Due to the proximity to private lands, commercial properties, roads and developed recreation facilities, there are no areas within the BCRA what could be used for safe recreational shooting. Without an order closing the entire area to recreational shooting the activity would likely develop somewhere else within BCRA and pose continuing health and safety issues.

Attachments:

2018 YCSO Incident Report # 18-010612
Attorney Letter -July 31, 2018 – Stadelman
Community Petition -January 21, 2024
News Paper Article – November 2023