

Decision Notice and Finding of No Significant Impact Recreational Sport Shooting Management

USDA Forest Service
Arapaho and Roosevelt National Forests
Boulder, Clear Creek, Gilpin, Grand, Jefferson, Larimer, and Park Counties, Colorado

Decision and Reasons for the Decision

The population of Colorado's Front Range grew from 3.9 million to 4.4 million from 2010 to 2016 and that growth is projected to continue well into the future. The Arapaho and Roosevelt National Forests (ARNF) is the fourth most visited National Forest in the nation. In addition to visitors to the ARNF, a complicated ownership pattern with approximately 19,000 residences and other structures exist within the ARNF proclaimed boundary. These pressures are expected to increase with the continued growth of population in this part of the State.

Discharging firearms on National Forest System (NFS) land, both during lawful hunting as well as during target or recreational sport shooting (recreational sport shooting), is governed by the Code of Federal Regulations and applicable local, state, and federal law. However, given the population growth, recreation use and complicated land ownership patterns, the current regulations are not guaranteeing the safety of all of the people who live, work, and recreate within the ARNF region. I have seen with my own eyes instances where homes and outbuildings have been hit by stray bullets likely fired by individuals who did not realize that they were shooting in an unsafe manner. Tragically, people have been struck by stray bullets and seriously injured on the ARNF. Dense trees, ridges and valleys are the very thing that bring so many to our forests but they make it difficult to know for certain who or what may be downrange.

The purpose of this project is to determine where recreational sport shooting is unsuitable at a landscape scale on the ARNF. The need for this project is to address safety concerns given a growing population in and around the ARNF.

I recognize the importance of public lands, especially National Forest System lands, to the longtime and legitimate use of recreational sport shooting. I grew up hunting in the West and frequently took targets to my local National Forest to sight in my hunting rifle and practice shooting. I know how important these lands are to families who want to instill a love for the outdoors in their children and spend summer weekends camping and recreational sport shooting on the ARNF. However, I recognize that the growing Front Range population and increased recreation use of the ARNF are making many areas of the Forest unsuitable for recreational sport shooting.

Additionally, throughout this process I've heard concerns from many about the potential for closures to push recreational sport shooting into designated wilderness areas. Wilderness areas on National Forest System lands are managed for wilderness character which comprises five elements: these areas are

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natural, provide solitude or unconfined recreation, are undeveloped, are untrammled, and may contain other features. There is concern that an increase in recreational sport shooting could diminish or degrade wilderness character. Because the purpose of this project is to protect public safety, the decision identifies areas of wilderness with known safety concerns as unsuitable for recreational sport shooting (e.g. very highly-used trails). Areas were not identified as unsuitable for recreational sport shooting because of potential degradation of wilderness character. Existing direction in the Land and Resource Management Plan for the Arapaho and Roosevelt National Forests and Pawnee National Grassland (Forest Plan), as well as Forest Service Manual and Handbook direction, including wilderness character monitoring, are better tools for managing all activities in designated wilderness areas. These tools are specifically developed for each of the wilderness character qualities and allow for monitoring measures and thresholds for change to be identified and tracked in a consistent manner.

While the authority to make this decision is mine alone, the public benefits when a wide variety of perspectives and experiences are drawn upon to develop solutions. My predecessor had the foresight to recognize this and in 2013 the Northern Front Range Recreational Sport Shooting Management Partnership (Front Range Partnership) was formed. Boulder, Clear Creek, Gilpin, and Larimer Counties, as well as Colorado Parks and Wildlife, joined us to address this management issue. These partners brought the unique voices of their constituents, as well as their own expertise and solutions to the table. Development of alternatives to the proposed action was an iterative and collaborative process with the Front Range Partnership. Implementation of this decision will benefit from the participation and cooperation of these same partners and they are as invested as the Forest Service in the overall success of this project.

I have decided to implement a modification of the Local Factors alternative analyzed in the Recreational Sport Shooting Management Environmental Assessment (EA). This decision will amend the Forest Plan to address dispersed recreational sport shooting. There are three main components of this decision: adding language to the Forest Plan directing the management of recreational sport shooting, an analysis of lands unsuitable for recreational sport shooting and an ARNF-wide map indicating where those unsuitable areas are, and an adaptive management plan that will allow the ARNF to respond to future changing conditions that may increase or decrease the safety of recreational sport shooting on the Forests.

Forest Plan Amendment

The following plan components will be added to the Forest Plan (Chapter 1 Forestwide Direction, Section 2 Operational Goals, Standards, and Guidelines, Part 4 Managing for Recreational Users; Dispersed Recreation; page 35 of the 1997 Forest Plan, as amended):

Opportunities

- **Desired Condition (DC)** *There are a wide variety of recreation opportunities that are appropriate for the setting and other resource values. Conflict between users is minimized.*
- **Goal (GO)** *Provide for recreational sport shooting opportunities across the ARNF in a manner that protects public health and safety.*

Management

- **Guideline (GL)** *Areas should be identified as unsuitable for recreational sport shooting if they meet any of the following:*

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- *Close proximity of the area to residential development or high recreation use areas;*
- *Topography or terrain that does not provide for safe and effective backstops; or*
- *Other threats to public health and safety.*
- **Guideline (GL)** *Closures of unsuitable areas should be easy for the public to understand and enforceable.*

Map

This decision implements a modified version of the map analyzed as the Local Factors alternative in the EA. This alternative was developed in conjunction with the Front Range Partnership. It uses three factors to determine which lands are unsuitable for recreational sport shooting. Those factors are residential housing density, high use recreation areas on both NFS and other public lands, and existing conflicts between recreational sport shooting and other uses on NFS and other public lands. The Local Factors alternative was further refined using public input during the fall and winter of 2017. This map identifies those lands that are unsuitable for recreational sport shooting.

Areas identified as unsuitable for recreational sport shooting would be closed to shooting via a forest order once shooting opportunities at developed shooting ranges became available to the public. Areas currently closed to shooting by forest order will remain closed, regardless of when new developed shooting ranges become available. Boulder, Clear Creek, and Gilpin Counties have assumed the responsibility for identifying locations and providing developed shooting ranges to provide recreational sport shooting opportunities for the public prior to the closure of unsuitable areas on NFS lands. Because most of the NFS lands in Larimer County and Grand County remain open and available for recreational sport shooting there is not a requirement for a developed range to be built in these areas prior to closure of unsuitable areas. Providing opportunities for recreational sport shooting in conjunction with closing unsuitable areas of the ARNF is an important balance in this decision. For that reason, should any of the developed shooting ranges provided by the Boulder, Clear Creek, and Gilpin Counties, or the Forest Service range at Devil's Nose in conjunction with this decision become no longer available to the public for use, the following will occur. For a period of 6 months to 3 years following closure of the range, the forest supervisor will have the discretion to rescind the closures of unsuitable areas that were associated with that shooting range. If the shooting range is still closed after 3 years, then the forest supervisor must rescind the closures associated with that shooting range. Site-specific closures implemented prior to this decision would not be rescinded. Any new developed shooting ranges would be subject to applicable land use and environmental planning laws.

Phased closure implementation and developed shooting ranges

In order to ensure that the public has access to areas where they can safely shoot, closures of unsuitable areas in my decision are contingent upon new public ranges being open. With the exception of Devil's Nose Shooting Range on the Clear Creek Ranger District (which was authorized in a separate Forest Service decision in January 2015), siting, construction, operation, and maintenance of these ranges is the responsibility of Boulder, Gilpin, and Clear Creek Counties. The counties are exploring potential locations and designs for new shooting ranges. Ranges must provide lanes of sufficient length to allow for the common sighting of rifles in addition to shorter-length pistol lanes. The following describes how and where closures via forest orders will be implemented. For ease of understanding, areas are addressed from south to north.

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- **Southern Clear Creek County, Jefferson County, and Park County:** All NFS lands identified as unsuitable for recreational sport shooting between the southern administrative boundary of the ARNF north to I-70 and west to the Clear Creek Ranger District boundary will be closed to recreational sport shooting via a forest order when Devil’s Nose Shooting Range is open to the public for use.
- **Northern Clear Creek County and Gilpin County:** All NFS lands identified as unsuitable for recreational sport shooting between I-70 north to the Gilpin-Boulder County line and west to the Clear Creek Ranger District boundary will be closed to recreational sport shooting via a forest order when a single range with a capacity of at least 25 shooting lanes is open to the public for use within this vicinity. However, if the counties are unsuccessful in identifying a location for a single range with that capacity, each county may locate individual ranges with a capacity of at least 15 shooting lanes each. All NFS lands identified as unsuitable for recreational sport shooting within either Clear Creek or Gilpin Counties would be closed via forest order when the range within that county is open for public use.
- **Southern Boulder County:** All NFS lands identified as unsuitable for recreational sport shooting from the Gilpin-Boulder County line north to the Boulder-Canyon Lakes Ranger District boundary and west to the Boulder Ranger District boundary will be closed to recreational sport shooting via a forest order when a range with a capacity of at least 25 shooting lanes is open to the public for use within this vicinity.
- **Northern Boulder County and Southern Larimer County:** All NFS lands identified as unsuitable for recreational sport shooting from the Boulder-Canyon Lakes Ranger District boundary north to US Highway 34 (including closures on both sides of US Highway 34) and west to the Canyon Lakes Ranger District boundary will be closed to recreational sport shooting via a forest order when a range with a capacity of at least 25 shooting lanes is open to the public for use within this vicinity.
- **Northern Larimer County and Grand County:** Because there are many opportunities available for recreational sport shooting and relatively few areas were identified as unsuitable, those areas may be closed to recreational sport shooting via a forest order without the need for a public shooting range. However, those closures will not go into effect until any of the ranges in the locations described above are open to the public for use.

[Compliance with John D. Dingell, Jr. Conservation, Management, and Recreation Act](#)

Between the release of the draft decision notice for this project in September 2018 and signing this final decision notice, Congress passed the John D. Dingell, Jr. Conservation, Management, and Recreation Act and the President signed it into law (Public Law 116-9). Title IV – Sportsmen’s Access and Related Matters, Subtitle B – Sportsmen’s Access to Federal Land, Section 4103 addresses closure of Federal lands to hunting, fishing, and recreational shooting. The implementation of closures in conjunction with this decision will be done in compliance with this law and any implementing regulations.

[Adaptive Management Strategy](#)

This decision also includes an adaptive management strategy. This strategy would allow for adjustments to be made in the future based on specific safety monitoring data. This would be accomplished by following a detailed process, an example of which is available in Appendix A of the EA. This process identifies specific monitoring indicators and thresholds (for example, a new residential housing development within ARNF boundaries), and a range of management actions that may be taken in

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response. The Front Range Partnership was instrumental in reaching this decision and therefore they will be participants in any adjustments made in the future. If monitoring indicates that the intended effects of this decision are not being achieved through the initial management action, the action could then be modified using one or more of the adaptive management actions in a way that better achieves the intended results. These actions may include increasing or modifying education efforts for safe and legal shooting, working with the Front Range Partnership to increase shooting opportunities within public shooting ranges, implementing additional site-specific closures if it is determined that no other action would address a safety issue, or potentially re-opening previously closed areas if there is no longer a safety issue. Any potential additional closures would be localized and relatively small in size. Additional closures would be in response to specific safety concerns.

Public Involvement

A legal notice announcing the Recreational Sport Shooting Management project was published in *The Coloradoan* on May 2, 2015, beginning the public scoping process. About 300 comments were received. Using these public comments and other data, the Forest Service developed a proposed action that was released for public comment in July 2015. The Forest Service held open houses in Nederland, Idaho Springs, Fort Collins, and Granby during August and September 2015. The open houses were well attended and well covered in both broadcast and print news outlets. During this comment period, more than 1,600 public comments were received. These comments focused on suitability of recreational sport shooting areas near homes and wilderness, noise, wildfire risk, shooting ranges, lead, wildlife impacts, and Second Amendment rights.

In the fall of 2017, five alternative maps were made public and the Front Range Partnership held a series of open house meetings in Idaho Springs, Blackhawk, Boulder, and Fort Collins to solicit further feedback. The Front Range Partnership collected over 400 comments regarding the alternatives.

Issues Considered

Using comments from the public, local governments, permittees, and from within the Forest Service, the project interdisciplinary team developed a list of issues to address. The following list of primary issues helped develop alternatives and guide the effects analysis.

- *If left unmanaged in the face of increasing Front Range population, sport shooting poses hazards to public safety including fire hazard and risk of direct injury.*
- *Proposals for different management direction for different areas of the Forests may be confusing for the public and may be difficult to enforce.*
- *Any proposed management direction would require enforcement and there is a need to consider current and expected Forest Service and cooperator staffing levels.*
- *Any proposed management direction should be coordinated with opportunities for sport shooting along the Northern Front Range of Colorado.*

Concerns identified but not carried forward as issues:

- *Any proposed closures may result in displacement of sport shooting including to wilderness areas which may cause conditions incompatible with wilderness character.*

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The purpose and need for this action are centered on public safety and thus this analysis focused on safety concerns of recreational sport shooting activities. Existing Forest Plan direction, as well as Forest Service Manual and Handbook direction, including wilderness character monitoring, are better tools for managing all activities in designated wilderness areas. These tools are specifically developed for each of the wilderness character qualities and allow for monitoring measures and thresholds for change to be identified and tracked in a consistent manner.

- *Any proposed management direction should be compatible with other uses on and adjacent to the National Forest.*

The initial proposed action that was released in July 2015 included the potential for developed shooting ranges to be built on National Forest System lands and there was concern from the public about that. That element was dropped from the proposed action and not included in any of the alternatives analyzed. This decision does not include developed shooting ranges on National Forest System lands; however, it does not preclude for future analysis and potential decisions regarding developed shooting ranges.

- *Unmanaged sport shooting is associated with resource impacts including but not limited to lead contamination and water quality, impacts to flora and fauna habitat, heritage resources and recreation facilities.*

To analyze these impacts at a landscape scale is not feasible, so the analysis in the EA did not address that. Existing Forest Plan direction, as well as State and Federal laws, allow for the protection and management of these resources.

- *Unmanaged sport shooting has effects on wildlife including use of winter range, migration, and impacts of noise.*

This analysis was focused on safety concerns of recreational sport shooting activities. We will continue to use existing Forest Plan direction, State and Federal laws, as well as our partner wildlife management agencies to manage wildlife concerns on the ARNF and respond to any negative impacts.

- *Maps and GIS data used may not account for the presence of all homes adjacent to the National Forest.*

This analysis relied on the best available information, both GIS and otherwise, from the Front Range Partnership Counties. The adaptive management strategy will allow for adjustments to be made in the future should there be safety concerns regarding homes that were not initially accounted for or development that may occur at a later date.

- *This project infringes on Second Amendment rights.*

This was not addressed in any alternative and was dismissed from further study. The Forest's proposal and alternatives analyzed herein do not infringe on an individual's right to keep and bear arms, rather it delineates where dispersed recreational sport shooting is unsuitable on the ARNF.

Location

The Recreational Sport Shooting Management Project is located on the Arapaho and Roosevelt National Forests, comprised of four ranger districts (Boulder, Canyon Lakes, Clear Creek and Sulphur Ranger Districts) and overlaps seven counties (Boulder, Clear Creek, Gilpin, Grand, Jefferson, Larimer and Park Counties). There are a total of 1,722,206 acres within the project area which includes 1,404,152 acres of National Forest System lands and 318,053 acres of non-NFS lands (private, county, state, BLM and other ownership). Land ownership patterns on the Forest are highly intermingled within the project area. There are approximately 19,000 structures within the ARNF administrative boundary. This project only applies to the National Forest System lands within the project area.

Finding of No Significant Impact

As the deciding official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that this decision will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. I base my finding on the following:

Context

The significance of an action must be analyzed in several contexts and varies with the setting. In the case of a site-specific action, significance usually depends on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27).

The environmental effects of this project are analyzed at the Forest-wide scale as described for each resource in the EA and in the project record. I have reviewed the cumulative effects of past management combined with this project and reasonably foreseeable activities and conclude that the context of this proposal is limited to the land in and adjacent to the proposed activity location. The analysis indicates that project design and application of Forest Plan standards and guidelines and best management practices, including the proposed amended plan direction, would minimize negative impacts to all resources. Given the localized nature of impacts described in the EA, the project would have no measurable effects at the regional or national levels and therefore consideration of significance will focus on the local setting.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of the EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public and forest service specialists. The Forest Service has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1. *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*

As described in the effects section (EA, Chapter 3) and project record, there are likely to be beneficial effects, but very few adverse effects to resources from taking the actions outlined in the Local Factors

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Alternative. My decision is a slight modification of the map associated with this alternative and there are no substantive differences between the decision and the analysis. In reaching my finding of no significant impact, I did not ignore or trivialize negative effects by offsetting them with beneficial effects. The EA demonstrates that through the development of Forest Plan direction, careful consideration of the map, and an adaptive management strategy, the possible negative effects are relatively minor, and are not directly, indirectly, or cumulatively significant.

2. The degree to which the proposed action affects public health or safety.

As discussed throughout this EA and project record, there would be no significant adverse effects on public health and safety because of the project. The project will result in positive effects to public safety. The modified Local Factors Alternative will provide safe shooting opportunities in conjunction with closing unsuitable portions of the ARNF to dispersed sport shooting. Implementation of the project will provide safer experiences on the ARNF for visitors and residents alike.

3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no park lands or prime farmlands in the project area and therefore none would be affected by this project. However, there are nine designated research natural areas, one designated experimental forest, and one designated Wild and Scenic River within the project area. The modified Local Factors Alternative and existing Forest Plan standards and guidelines provide adequate protection of these unique areas. Cultural resources would not be adversely affected by this decision. As a result, the EA clearly demonstrates and discloses that no significant effects to these resources would occur.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

In the context of the National Environmental Policy Act, controversy refers to a substantial dispute in the scientific community regarding the effects of an action, not social opposition. Throughout the duration of this analysis, outreach was conducted with the Front Range Partnership; scientific communities including the U.S. Fish and Wildlife Service; as well as extensive public scoping via press releases, public meetings, websites, and public comment periods. Public outreach did not identify any scientific controversy regarding the direct, indirect, or cumulative effects of this project. The interdisciplinary team for this project considered scientific research during both the planning stages as well as in the environmental analysis stage. No controversy was found. Based on these factors, and the analysis provided in the EA and project record, I have concluded that the effects of the selected alternative on the quality of the human environment are not controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The effects analyses in this EA demonstrate that the effects of managing recreational sport shooting at a landscape scale are not uncertain or significant and do not involve unique or unknown risks. The body of knowledge gained through years of implementing site-specific closures and professional experience provides a basis for the effects analysis in this EA and supports my determination that there will be no highly uncertain effects, unique or unknown risks associated with this project.

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6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

I have determined, that while this is a high profile project, it does not establish precedence for future actions with significant risks to the environment. The effects of implementing the selected alternative were disclosed in the effects section of this EA and the project record, and are within the range of effects of similar actions. The implementation of this decision would not make a commitment to do anything on any other National Forest. For these reasons, I have determined this action does not establish a precedent for future actions with significant impacts.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

The effects sections of this EA disclose the combined effects of this project with other past, present, and reasonably foreseeable future actions. None of the actions included in the selected alternative would create significant impacts alone or when considered with other actions and therefore few cumulative effects were identified in the EA. I have determined that implementing the selected alternative will not result in significant cumulative effects.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The effects analysis of this EA considered impacts on cultural resources. A small sample, 8%, of the project area, has been surveyed for cultural resources. This decision would protect 2,259 previously recorded sites of which 336 are eligible for the NRHP.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

The biological assessment determination for this project is a "No Affect" for all species listed as Threatened under the Endangered Species Act with the potential to occur in the project area. The U.S. Fish and Wildlife Service concurred with that determination.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

As described in the EA and in the project record, the selected alternative fully complies with the requirements of the National Environmental Policy Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, and the National Forest Management Act. All applicable laws for the protection of the environment are incorporated into the standards and guidelines in the Forest Plan. The selected alternative complies with the Forest Plan, as described above in the rationale for the decision, and in the EA.

I have reviewed the EA, Biological Assessment, and the project file and have determined that no Federal, State or local laws, regulations, or requirements for protection of the environment will be violated with implementation of the decision.

Findings Required by Other Laws and Regulations

I have determined that the selected alternative is consistent with the Arapaho and Roosevelt National Forests and Pawnee National Grassland Land and Resource Management Plan and therefore this project complies with the National Forest Management Act of 1976. The project was designed to conform to all other laws, regulations, and policies.

Opportunity to Object

This project was subject to both the objection process pursuant to 36 CFR 218, subparts A and B (for the Arapaho and Roosevelt National Forests-wide map of areas identified as unsuitable for recreational sport shooting) as well as 36 CFR 219 subpart B (for the Forest Plan amendment). These objection periods ran concurrently. The objection reviewing officer was Brian Ferebee, Regional Forester. Five objections were received, three of which had standing. The Reviewing Officer found that the analysis in the project record supports the reasoning in the draft decision notice.

Implementation

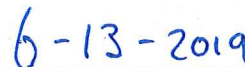
The objection reviewing officer responded in writing to all objections in December 2018. This project may be implemented as described above immediately upon signing this decision notice. Implementation of closures to recreational sport shooting will be as described in previous sections of this decision notice and in compliance with all applicable Federal law.

For Further Information

For additional information concerning this decision or the Forest Service objection process, contact Sarah Beck, Forest Planner and Forest Environmental Coordinator, 2150 Centre Ave Building E, Fort Collins, CO 80521, or email: sarah.e.beck@usda.gov.



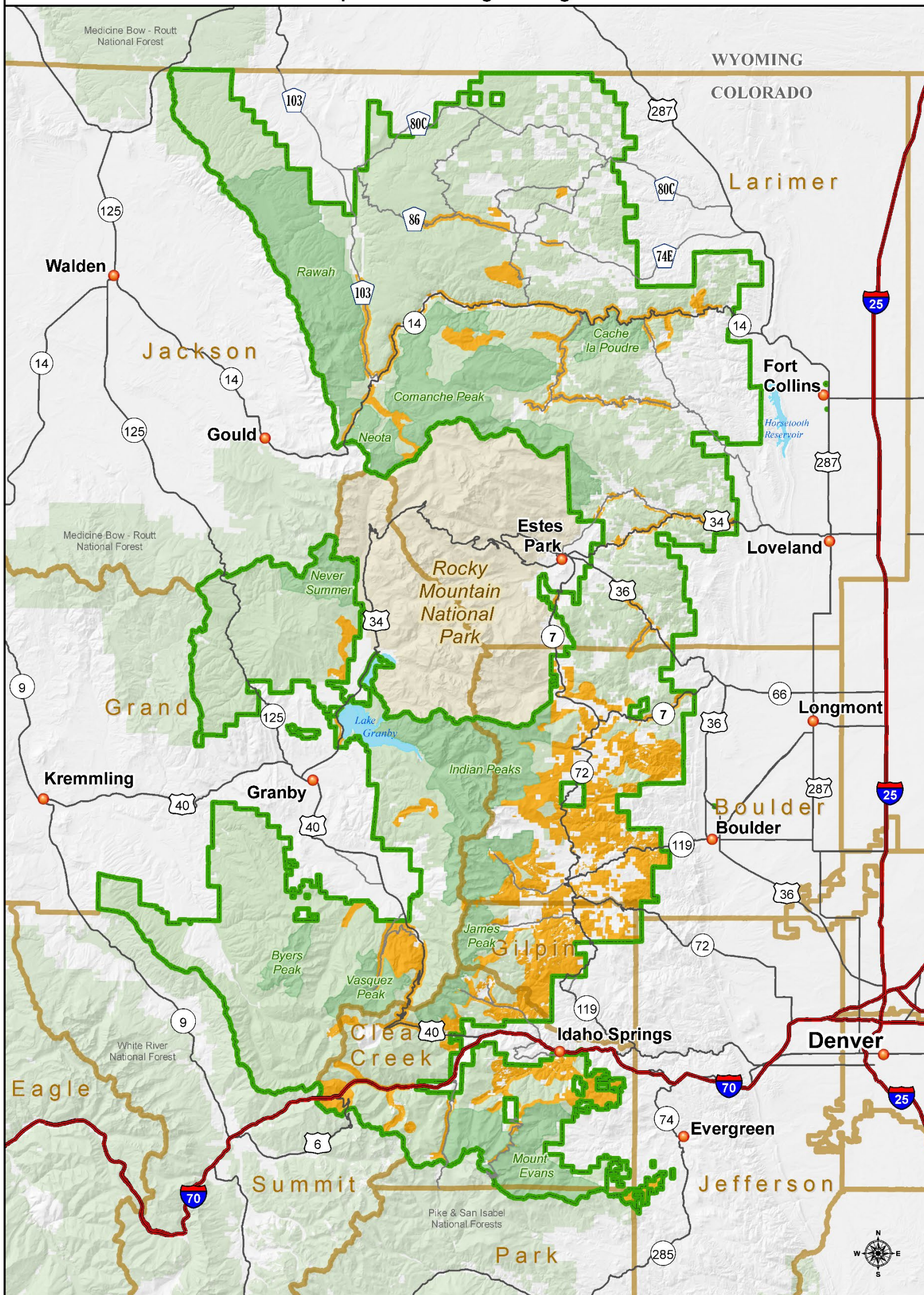
Monte Williams, Forest Supervisor
Arapaho and Roosevelt National Forests and Pawnee National Grassland



Date



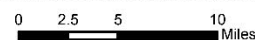
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Legend

- Administrative Forest Boundary
- County Line
- Interstate
- National Forest System Lands
- Wilderness
- Major Roads
- Non-Federal Lands
- Rocky Mountain National Park
- Unsuitable for Recreational Sport Shooting

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Date: 2/28/2019

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