Gregg Sutherland response to Pike National Forest shooting ban

December 28, 2023

I am writing to strongly oppose the proposed shooting ban in Pike National Forest.

I propose developing shooting ranges to draw target shooters to those ranges, but USFS should continue to allow today's legal target shooting, when it does not violate any existing safety laws or location restrictions. A shooting ban is unjustified and unfair to the vast majority of safe and law-abiding target shooters.

I. Lack of justification for the proposed shooting ban

To justify a closure of a legal activity like target shooting across most of the NF should require strong evidence of severe problems that have no other, less drastic, remedy. USFS has shown some photos showing disturbing litter and tree damage, specifically at seven locations over the last several years. While the photos are disturbing, they are not sufficient to justify a shooting ban. The claims for justification of this proposed ban are flimsy. They either have no available factual basis, or, in the case of "shooting offenses," only low levels of documented problems, to support these claims. Specifically:

1. **Injuries and death.** A claimed justification for the ban is "injuries and death" caused by recreational shooting. While there may have been shooting accidents over the years, **USFS has not been able to show any data about the number or severity of these claimed incidents.** In fact, in my research, I have been told by USFS that they have no data at all available to them that documents "injuries and death" from target shooting in the NF.
2. **Lead.** A claimed justification for the ban is "lead concentration in soil and waterways." **No data is presented, or available, to support this lead claim.** In fact, USFS communication confirms that nothing pertaining to lead and this shooting ban has been researched or documented.
3. **Resource Damage.** A claimed justification for the ban is damage, including trash, buildings, signs, and trees. I know there has been litter and damage, and I oppose such crimes. I did receive a map from USFS showing shooting "resource damage" sites. But that data shows no time frame, and no specifics about severity of the problems at these sites. Some photos were provided at seven sites that do show dead trees and trash, and those photos look terrible. But **no specific data is presented or available that shows the frequency and severity of such damages.** Further, **these activities are already illegal, and a bigger ban will not stop those willing to break the law already.** The map shows some significant clusters of these sites, which may indicate that more enforcement of existing law should be focused on those specific sites.
4. **"User Conflict."** A claimed justification for the ban is a survey from 2019 showing "some level of user conflict with target shooting." Since **this survey was not a random sample of all USFS users, but rather a pool of interested parties, the percentage of responses is meaningless,** and a reasonable person cannot support a ban based on a biased pool of respondents. When there is a conflict that involves truly unsafe shooting, **we already have recourse through existing firearm safety laws to stop and penalize those who are shooting unsafely.**
5. **Wildfires.** A claimed justification for the ban is the incidence of shooting-caused wildfires. There probably have been fires caused by shooting in Pike NF. The "story map" shows several wildfires caused since 2000 by "miscellaneous" reasons. While "miscellaneous" includes shooting, it also includes many other causes, and **no shooting-specific wildfire data is available**. A reasonable person cannot support this ban when we have no specific supporting data. Further, any wildfire started by shooting is likely to have happened under conditions of temporary shooting bans as part of emergency fire restrictions. **Shooters causing those fires are**

already ignoring shooting bans, and a bigger ban will not stop those willing to break the law already.

6. **Shooting-Related Offenses.** In this case, I have received detailed data from USFS showing shooting-related "offenses" in Pike/San Isabel National Forest over the 10-year period from 2011-2021. However, this data reveals a small number of offenses, especially serious ones that were categorized as actual violations, across Pike NF's entire 1.1 million acres.
    - **Looking at all types of offenses, there averaged 33 offenses per month** across 1.1 million acres of Pike/San Isabel National Forest, about one per day. I wish there were less, but I do not see one offense per day as justifying a ban across most of the NF.
    - Now let's look at **actual "Violations," the most serious category. There averaged only 4 violations per month across all types of "offenses."**
    - Let's look more closely at most frequent type of "offense," which is "Firearm Discharge." This appears to be the charge for shooting in a closed location or time. These were 60% of all offenses. **These offenses took place despite shooting bans for that location or time already in effect.** I see no reason to assume that these offenses would disappear under a shooting ban that closes even more of Pike NF. In fact, these offenses would almost certainly increase. **If we take "Firearms Discharge" out of the "offense" numbers, all offenses drop to only 13 per month, and only 2 per month of the more serious "Violations."**
    - **These rare "offenses" do not justify a shooting ban.** Further, a shooting ban across most of Pike NF will likely result in more expected "offenses" than we see today, and more need for enforcement personnel and costs.

II. NF visitors cannot be reasonably expected to know where the new shooting boundaries are

An NF visitor who wants to shoot legally under the proposed ban must find somewhere in the remaining, unbanned, NF to shoot. The maps generally available by USFS to document the proposed ban are at such a low resolution and level of detail that it is nearly impossible for a law-abiding target shooter to navigate to a clearly legal shooting area. USFS online maps are available that show the banned areas at higher resolution, but using these in the field is not practical due to lack of internet access in these remote areas. Further, it looks like most of the areas to remain open are hilltops, ridgelines, and mountains. It is very difficult to find a safe shooting backstop in those areas.

III. Need for substantially more enforcement personnel and costs

Some parts of the NF are already closed to target shooting, and at times all recreational shooting is banned when under an emergency fire ban. Visitors to the NF who shoot in these locations and times currently constitute 60% of all firearm "offenses," for an average of 119 offenses per year over the documented 10-year period. **When most of the NF is under a shooting ban, and the ban has boundaries that are difficult to navigate, these violations will surely increase.** The increase will include NF visitors who are trying to comply with the ban but fail to navigate the complex boundaries. This will require a significant increase in the number of enforcement personnel and associated costs. **I note that the USFS has not shown any estimates of the amount of increased enforcement personnel and costs, nor any explanation about how they would fund such expenses.**

IV. Recommendation: Build the shooting ranges but do not enact a new shooting ban

The obvious option that most effectively mitigates risks while not unduly restricting legal shooting in the NF is to build the shooting ranges, but do not enact a new shooting ban. Sadly, this option has not been considered by USFS.

Building the shooting ranges will probably reduce some dispersed shooting. They would like especially attract shooters from the informal shooting ranges, since those shooters are comfortable with locations with concentrated shooters already. Building these shooting ranges also fulfills the NF charter for multi-use. Further, these ranges could be operated under license, as one such Pike NF range is doing successfully already. This approach, already working at one site, could minimize USFS costs.

Enacting a new shooting ban across most of the NF is a bridge too far. There is insufficient specific evidence to support a need for such a drastic action that would ban a legal NF activity. Enacting such a ban would increase USFS enforcement personnel and costs, and confound visitors trying to navigate their way to a legal dispersed target shooting area. This would wrongfully ban a legal activity that most target-shooting visitors enjoy safely and responsibly, with only an average of 2 relevant "Violations" per month occurring today across 1.1 million acres of NF. To reduce "offenses" even further, USFS could invest in more enforcement and education among NF visitors who want to target shoot.

Do not enact this shooting ban, which has a flimsy basis for its justification, will cost money that USFS does not have, and will prevent NF visitors from enjoying legal shooting safely and responsibly.

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p.s. My thanks to several diligent USFS employees who did all they could to provide the data I requested as I researched my response to the proposed shooting ban. I appreciate their sincere help in providing me what data they could.