

To: US Forest Service
From: Craig E. Nelson
Date: November 21, 2024
Subject: Integrated Management of Target Shooting on the Pike National Forest #57807
- Objection pursuant to 36 CFR 218, Subparts A and B.

Objector: Craig E. Nelson

Project: Integrated Management of Target Shooting on the Pike National Forest #57807

Responsible Official: Ryan Nehl, Forest and Grassland Supervisor

National Forest/Ranger District Where Project is Located: Pikes Peak, South Park, and South Platte Ranger Districts of the Pike-San Isabel National Forests & Cimarron and Comanche National Grasslands (PSICC). The project area stretches from Pikes Peak west of Colorado Springs, north and west to the US 285 corridor south and west of the Denver metropolitan area, and west to the Continental Divide outside of Fairplay, Colorado.

Objector's Narrative:

Thank you for soliciting my input on the modified version of Alternative 2 of the Project. I previously submitted Project-specific written comments during the scoping or other designated comment period. While I recognize the shortcomings of the existing status quo, I believe the Project significantly increases the risk to human life and well-being for the reasons discussed in this Objection.

LEGAL NOTICE ON BEHALF OF ANYONE INJURED OR KILLED AT ONE OF THE SHOOTING RANGES PROPOSED BY THE USFS (“RANGES”):

ON BEHALF OF: (i) ANY PERSON WHO SUFFERS SERIOUS BODILY HARM; AND (ii) THE ESTATE OF ANYONE KILLED AT ONE OF THE RANGES: NOTICE IS HEREBY GIVEN TO THE USFS THAT: (1) THE FAILURE OF THE USFS TO STAFF A SUFFICIENT NUMBER OF QUALIFIED RANGE OFFICERS PRESENT AT EACH OF THE RANGES WHEN THE PUBLIC IS PRESENT CONSTITUTES GROSS NEGLIGENCE AND WILL CAUSE SERIOUS BODILY HARM OR DEATH TO THE PUBLIC; AND (2) THE PROPOSED DESIGN OF THE RANGES IS INHERENTLY DANGEROUS, CONSTITUTES GROSS NEGLIGENCE AND WILL CAUSE SERIOUS BODILY HARM OR DEATH TO THE PUBLIC.

The Project is not in the public interest for the reasons discussed below:

1. **No Range Officers.** The Project will create commercial-like shooting ranges without any range officers present to protect the public. Therefore, the Project should be abandoned. Although the existing range (Turkey Tracks in Douglas County on Hwy 67) is not ideal, there is a high degree of safety due to the location and orientation of each station so that shooters are not shooting from behind or across each another. The risk at Turkey Tracks is limited due to the widely disbursed “stations”. This is not the case with the proposed Ranges. If the USFS constructs its proposed Ranges, then it is the duty of the USFS to staff a sufficient number of qualified range officers present at each of Range to protect the public (shooters and nearby residents) when shooters are present.

2. **Flawed Range Design.** Although the Ranges are designed with good intentions, even with well-built berms/bunkers, the design of the proposed omnidirectional galleries are inherently flawed because bullets will undoubtedly go over the berms/bunkers and land in undesirable and dangerous areas. The

Ranges do not have sufficient safeguards in place to protect other shooters and other structures and people residing within the distances that bullets travel. For instance, there are no proposed baffles above and in front of shooting benches. Further, the proposed omnidirectional galleries are not oriented correctly and do not have sufficient protection against stray bullets.

3. **User conflict:** User conflict will significantly increase at the Ranges if the Project is implemented due to the increased use and the significant increase in the numbers of shooters who will use these Ranges. This is especially true for Turkey Tracks which is very popular including with people from the greater Colorado Springs Metropolitan Area (where the population is expected to significantly increase in the next decade) and the greater Denver Metropolitan Area (putting even more stress on Turkey Tracks and an undue burden on people who live in the area). The Project will concentrate many more shooters on the Ranges.

4. **Noise issues:** The noise experienced from people shooting in the forest is negligible and dispersed. Most of that shooting is in remote areas not of concern to the public. The increased use of the Ranges will increase the noise nuisance experienced by local residents.

5. **Destruction of Vegetation including Trees:** Destruction to vegetation including trees may be reduced in the forest by implementation of the Project. However, the increased risk of serious bodily harm and death to individuals greatly outweighs the destruction of vegetation. In addition, there is relatively not much vegetation destroyed in the forest by shooters to consider this concern as a serious factor in the determination of the USFS.

6. **Fire Danger:** The number of fires in the forest started by shooters is a small number. The Project may mitigate wildfire risk by limiting shooting to the Ranges. However, for Turkey Tracks, this Range is located in the Hayman burn area where, even if there is a fire, the risk of it spreading out-of-control is not as great as the damage that will be done from wildfires started in the proposed Ranges. However, as stated above, the risk of serious bodily harm, risk of death and increased user conflict are the larger public interest issues with which the USFS should be concerned.

7. **Garbage:** The Project may reduce the amount of garbage in the forest by limiting shooting to the Ranges. However, organizations such as “Focus on the Forest” and other organizations and individuals mitigate the issue of garbage in the forest. Again, the risk of serious bodily harm, risk of death and increased user conflict are the larger public interest issues with which the USFS should be concerned.

8. **Law, Regulation, or Policy:** I do not believe the USFS has the authority to ban recreational shooting in the forests without Congressional approval. Further, it is unquestionable that it is the overarching policy and duty of Federal agencies to act in the public interest. For the reasons discussed in this Objection, the Project is not in the public interest and creates more problems than it solves. Most importantly, as proposed, the Project is grossly negligent and will result in serious bodily harm and death.

9. **Final Comment:** Most enforcement of violations in the forest fall on local law enforcement. The Project will increase the need for local law enforcement to respond to shooters who undoubtedly will violate the proposed ban of recreational shooting in the forest. The Ranges will draw more shooters and when the Ranges are full, shooters who cannot get on a Range will go shoot in the forest. The USFS should not implement the Project without the full support of the local law enforcement and county commissioners in the counties in which the Ranges will be located.

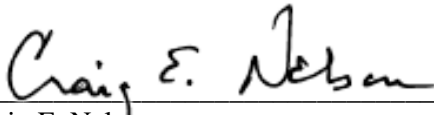
Suggested Remedies to Resolve My Objections:

First: Instead of implementing the Project, I believe the following is the better course of action for the USFS and users of the forest. Allocate the resources (human capital and financial) that otherwise would be spent on implementing the Project to do the following:

1. For any existing laws, amend as necessary, and if laws do not currently exist, then adopt laws to accomplish the objectives of the USFS including: (1) mitigating danger to people from stray bullets (public safety) [i.e., designate and clearly mark no target shooting areas in highly sensitive areas of the forest, etc.]; (2) Noise issues; (3) Destruction of vegetation including trees; (4) Fire Danger [i.e., no tracer rounds, no tannerite, no dragon's breath rounds etc.]; (5) Minimizing garbage; and (6) Mitigating user conflict.
2. Work with other governing authorities to amend and adopt relevant laws.
3. Increase the number of USFS personnel and cooperate with Colorado Parks and Wildlife personnel, local law enforcement personnel and local volunteers to patrol the forest and issue citations to those irresponsible shooters who violate the laws.
4. First time violators should be subject to meaningful fines. Repeat violators should be subject to more stringent penalties including, ultimately, forfeiture of their weapons and, possibly, other property along with possible forfeiture of hunting rights.
5. Embark on a robust public information campaign educating shooters of: (i) the dangers presented by irresponsible shooters; (ii) the law; and (iii) the enforcement of these laws; and (iv) the consequences of violating these laws.
6. Prosecution of violators will have a specific deterrent effect on those specific violators and will have a general deterrent effect on would-be violators who will be incentivized to comply with the laws otherwise, they too will be subject to prosecution.
7. Although there will always be violators, over time, the habitual violators will cease and there will be a reduction overall violations.

Second: If the USFS implements the Project, then the USFS should: (1) obtain Congressional approval; (2) obtain local law enforcement and county commissioner support in the counties in which the Ranges will be located; (3) staff a sufficient number of qualified range officers present at each of the Ranges when the public is present; and (4) design each Range differently to better protect the shooters and others residing near the Ranges. **The failure to do (3) and (4) above constitutes gross negligence and will cause serious bodily harm or death to the public.**

Thank you, again, for considering my objections and comments.



Craig E. Nelson