

Data Submitted (UTC 11): 9/23/2019 1:08:00 PM

First name: Nick

Last name: Nichols

Organization:

Title:

Comments: September 20, 2019

RE: Union County Target Range

Project #54559

Dear Ms. Jewett:

We are in receipt of Ranger Baker's FONSI and Draft Decision on the Union County Gun Range. We have a **STRONG OBJECTION** to the draft decision to approve the proposed Union Gun Club Shooting Range at this location.

As stated in the initial response, my home is approximately one mile from the proposed range and there has not been satisfactory documented scientific evidence that I and my adjacent neighbors will not be substantially adversely impacted by gunfire noise from the proposed range. One neighbor has already relocated in anticipation of the adverse impacts of this proposed range. I and my other neighbors would prefer to remain, but nobody wants to be subjected to gunfire from sunrise to sunset. This is unreasonable to expect of anyone outside of an active war zone. Recent comments by other more qualified persons, have better addressed the scientific and technical issues and failures of the assumptions and methods used in the NEPA "analysis".

Senior officials of the Chattahoochee National Forest have personally stated that homeowners WILL hear gunfire....BUT, it will be below the "Annoyance Level" of 55dB. The "annoyance level" that had been tossed around in the various NEPA documents is defined by the U.S. EPA as: "levels of 55 decibels outdoors and 45 decibels indoors are identified as preventing activity interference and annoyance". This is a high threshold of life quality interference. I can say that we have been subjected to nightly nuisance and annoyance gunfire for 6-8 weeks, at measured decibel levels lower than the USFS and its consultants consider to be the "annoyance level" of 55 dB. Any of us would invite you to sit on our decks and listen to the nightly gunfire and say that it is not highly annoying, enough to drive you inside behind closed doors and windows.

Unlike the hikers on the A.T., users of the Wilderness Areas, motorists and bicyclists on the Scenic Byway, whom the E.A. consultants and USFS suggest "would avoid the area", hike or camp elsewhere or drive on other roads will not work for those of us who live here. It is unreasonable to expect legal users of the forest the Appalachian Trail, Scenic Loop and local homesteaded residents to "go elsewhere or get used to it" to accommodate a poorly planned and located project. The proposal and draft and final documents contain no meaningful and measurable descriptions and/or criteria of how the noise and safety issues will be mitigated. If performance criteria and measurable standards, with compliance and enforcement mechanisms were in place, perhaps we would not be in opposition with the proposal. To date that information is still not available in the preliminary range design, Standard Operating Procedures, Range Safety Plan, Environmental Stewardship Plan or any other document that could provide some degree of reasonable assurance. We have asked for this information for nearly a year and nothing has been produced.

This decision is a major disappointment with our Forest Service officials. We **OBJECT** to the proposed gun range at this location for the following reasons:

Project Description

The proposed range has been and continues to be presented and promoted as a public range, it is NOT. The proposed range is for a PRIVATE membership-only club, which will charge a fee (\$100.00 initiation fee and \$70.00 per year for new members) for admission to a private range, operated on public lands, constructed with public funds, and through a NEPA study funded from the USFS budget. A review of the Union County Gun Club Standard Operating Procedures (SOP) date July 25, 2019 has no mention of the hours that the range may be open to the general public.

The information provided for the specifics of the range were insufficient to make a full evaluation of the potential

impacts upon landowners and other stakeholders. Multiple and repeated requests for that information were never and have not been provided.

Application/Review

The request is for a 100-year lease. USFS rules/regs. don't permit a lease of 100 years, only up to 20 years without USFS Director's approval. There are not sufficient details to scientifically and technically evaluate the proposed facility. No responses to requests for additional information/clarification were made from the USFS to the applicant to provide those details. This continues to be an issue all the way into the review and approval process

Need/Alternatives

There is NO NEED for a range in this location where an existing under-utilized range exists 3 miles away. Photographs were posted by one of the previous commenters showing that range vacant or partially used during most times. There was never a serious scientific consideration of the proposed Gun Club location alternatives presented in the application. The alternatives listed were merely "strawmen" to make even the proposed site look "good" compared to the others.

Alternative locations were never considered or scientifically evaluated. The applicant or the E.A. never listed the primary or secondary screening criteria that lead them to this site. A simple review of the Chattahoochee National Forest Service map would have identified a number of "red flags" surrounding this area. The USFS posted verbatim, the text provided to them by the gun club in the application. No independent evaluation was ever conducted. A choice of a "Modified Alternative" was mentioned in Section 1.7 of the Final E.A., why was this not explored: a range in a more suitable location, such as a Wildlife Management Area?

Analysis

The "decision" was not based on science as required by NEPA and U.S. Forest Service guidelines as referenced in FSH 1909.15, National Forest Service Handbook, Chapter 10-Environmental Analysis, in particular. The "analysis" was superficial, flawed, incorrect and riddled with general suppositions, innuendo and unsubstantiated statements. The "analysis" states that there WILL be noise that some will find objectionable. There was never a scientific test using industry-accepted practices, analysis or conclusion of what those noise levels would be, specifically in direct line with the Appalachian Trail. Noise IS the major issue with a gun range. The USFS NEVER quantified these levels at the significant locations.

Specific references/comments:

*The Human Environment Report, page 4, dated 8/19 states that noise out to 2 miles from the range can have an impact.

*The A.T. and nearest residences are little over 1 mile from the proposed range.

*Page 5 of that same report states that noise levels of 55dBA are considered an annoyance level. This noise-level determination is based upon the analysis and impact of traffic noise, not gunfire.

*Dispersed shooting at a distance of about one mile from our residences raises the background decibel level of 32-34 dB by 12-14dB to 44 to 48dB. While below the stated threshold of 55 dB, it is clearly "annoying background ambiance" at dinner time. One cannot imagine this noise from sunrise to sunset nearly every day. This is clearly unacceptable.

*Noise on the Byway will be in the 76-77 dBA range (page 7 of same report).

*Page 8: Live fire "suggest noise to residents is not an issue". It does not state noise will not be an issue, it merely "suggests" in may not.

*Page 12 states: "...avoid or acclimate to noise".

*Page 13-14 states: "No noise impact analysis on residents".

Appendix A of the Human Environment Report

*Page 4. No County range plans have been submitted.

*Page 5. "Shooting Ranges": "no grading, 4000 cy+/- of material to be removed". This does not comply with the NRA, DOE, EPA, or National Shooting Sports requirements that the applicant has committed to follow.

*Page 5. Side backstops of 8' high. This is a fraction of a percent of elevation over the length of the range.

*Page 6. Noise reduction to the "extent practicable". How will that be determined, measured and enforced?

*Page 6. "Existing slope will be maintained". No compliance with 1-2% grades or nearly level as required in the range standards that they have referenced?

*Page 7 of the Union County Gun Club states: "All targets must be located so that a bullet will strike between the base of and halfway up the backstop/berm so that no bullet strikes the ground in front of the backstop/berm"

*If a target is placed at the 100 yard line (which the club has stated would be allowed), 4 feet above ground, the bullet will strike the ground in well less than 100' (assuming a consistent grade over the length of the range), well short (200') of the base of the berm.

*It appears that the grade of the range is increasing with distance from the firing line. If this is the case projectiles fired at a 100-yard target may be impacting the ground in 50' to 75' and deflecting in directions other than to 200'+ distant berm.

Sound levels of 75+/-dB were recorded on the A.T. by Georgia Forest Watch members and a graph of same was presented to the USFS in their comments on the Draft E.A. A copy of this graph was also personally hand delivered to the District Ranger. What remedies will be available if the noise levels are found to be above the "annoyance level" once the range is in operation?

Comments/Responses

The "Decision" appears to have been pre-determined based upon the tone and tense of text included in the Draft and Final E.A. and scanty and meager documentable responses to stakeholder comments. Nearly 250 comments were submitted on the Scoping letter, the overwhelming number opposing the project for a variety of substantiated reasons. Approximately 70 comments were submitted to the Forest Service on the Draft E.A., all but a ½ dozen in opposition to the proposed project at this location. The USFS response has been to post a ½ dozen generic statements as may be generally appropriate from what appears to have been taken from a menu. Some comments were over 30 pages long, with specific references and legal citations as requested by the USFS. The "responses" were limited to 4-5 generic "dropdown menu" type statements. The responses did not meet the same standard of "specific, substantiated comments" that were requested of the public.

Follow-up responses from the USFS regarding these concerns were: "to the extent practicable", etc. What does that mean and by who's definition? There were no responses to how the USFS was going to control "dispersed shooting" sites in the forest, one of the reasons to "justify" the site. What active measures is the USFS going to do to eliminate "dispersed shooting sites"?

We consider all of our previous unanswered comments of 11/12/18 and 6/14/19 valid until and unless the USFS addresses them fully as they stated that they would in the generic responses in the Final E.A. Our previous Scoping and Draft E.A. comments can be found on the USFS Project website. These "tiered" (a USFS term) documents are included here by reference.

Corrections/Revisions

The quality and completeness of the E.A. prepared by the consultant and edited by USFS staff, is marginal and likely would not pass the test of a peer review or internal QA/QC audit. As an example: a biological site survey was never conducted, only a brief site visit to "confirm habitat type" November 8, 2019 during a live-fire exercise. These and other "errors" were commented on specifically by numerous stakeholders with specific references to false and misleading statements with requests to correct them.

There are numerous conflicts between and within the NEPA documents, including compliance with gun-range design guidelines of the NRA, DOE, EPA, National Shooting Sports and other organizations. It is stated that the "existing grade" of 6.5% will be maintained, while all of the range design standards require no more than 1-2% or

nearly level grades. It is stated on page 5 of Appendix A, dated 7/19, that only 4000 cy yards of material will be required to be moved, not the 50,000-60,000 cy required for a level range. There are a number of questions and criteria that need to be resolved before an adequate assessment can be made on the potential and actual impacts of the proposed project. Generic and conflicting statements regarding, grading, elevation, buffering, baffles, berms, calibers of allowable firearms, quesstimated noise levels, presence of full-time range officer, etc. NEED to be specified before any impact assessment can be completed to any degree of certainty. These questions need to be answered.

Range Design Questions:

- 1.Which of the NEPA documents regarding design requirements prevail?
- 2.What are the ESP/SUP Conditions?
- 3.Will NRA, EPA, DOE and other range design/safety standards be strictly followed?
- 4.Will the 1-2% grade design requirement be a design requirement or a design exception?
- 5.What will be the end/side berm height?
- 6.Will rock be removed from the entire length of the range and berm?
- 7.What type, location and effectiveness of noise baffles will be required?
- 8.Appendix A states a full-time range officer will be on site during ALL hours of operation?
- 9.How will hours of operation be controlled and enforced?
- 10.What is the limit on gun size/caliber/dB?
- 11.How will potential gun club rule changes be allowed/reviewed?
- 12.What happens if noise is greater than predicted?
- 13.What will happen if increased mitigation measures are required?
- 14.What compliance review will be conducted?
- 15.What enforcement actions may be taken and against whom?
- 16.How and who will shut down and control "dispersed shooting sites?"

Nothing has been substantially done to correct the errors and omissions in the Draft or Final E.A./FONSI. They remain flawed and highly challengeable documents. The revised Human Environment, Appendix A and other documents were posted on the website after the other supporting documents and would appear to have been submitted post "Draft Decision"

Politics

Political pressure is not an evaluation criteria cited in the Forest Service Handbook. Political interference contaminates and circumvents the entire NEPA process, which has served as the basis for most environmental laws in the U.S. for 50 years.

Decisions

Any "Decision" is based on inadequate and undocumented information. The approval decision falls back to a single Forest Service Policy 31.1, "allowing multiple uses...". There appears to be no evidence of comments, coordination or consensus with the National Park Service, the overseer of the Appalachian Trail. Please provide evidence of notification and coordination with the National Park Service regarding the location of the proposed facility in relationship to the Appalachian Trail.

There was NO discussion/analysis of the Wilderness Areas in Chapter 3.6 of the Draft E.A. This fact was brought to the attention of and acknowledged by the USFS NEPA officer for the Chattahoochee National Forest. The entire Section 3.6 of the Draft E.A. addressing compliance and consistency with pertinent Federal Regulations is absent in the Final E.A. This is a major error and omission

The "Decision" was not based upon science and fact. It is not possible for a reasonable and educated person to scientifically "connect the amorphous and/or missing dots" to arrive at the same "approval decision" with the paucity of hard, scientific data in the E.A. and supporting documents. There is no "need", only a "want" when

there is an under-utilized range 3 miles away from the proposed site. Were that range located across the county line there would likely be no request for another range.

The "Decision" was based upon "conformance" with one single Forest Service policy (Goal 31, Policy 31.1, "to provide a spectrum of.... recreation", while ignoring all of the other policies in which this decision is out of compliance. Clearly the USFS has succumbed to the implied political threats in arriving at the approval "decision". The Forest Service has failed in its basic charge to protect the resource and to serve the public.

Issuance of a Special Use Permit requires that:

"Normally, NFS land is not made available if the overall needs of the individual or business can be met on nonfederal lands".

"1. Request must be consistent with laws, regulations, orders, policies of NFS lands, other federal laws, and applicable State and local health and sanitation laws".

"2. Request must be consistent or made consistent with the standards and guidelines in the applicable Forest Land and Resource Management Plan".

"3. Request must not pose serious or substantial risk to public health or safety".

"4. Request must not require exclusive or perpetual right of use or occupancy.

"5. Request does not unreasonably conflict or interfere with administrative uses, other scheduled or authorized existing uses, or use of adjacent non-NFS lands".

There are other requirements as well. Some of these are:

- * Establishment of a documented "Need" for the project.
- * A scientific alternatives analysis (including alternative sites and "no-action").
- * Coordination with the U.S. Forest Service
- * Public comment and coordination

Objection

For the reasons above, and those stated in previous comments that have yet to be responded to, we **STRONGLY OBJECT** to the project as proposed. The USFS needs to work with the applicant to develop a "Modified Alternative" (as mentioned in the E.A.) to find a suitable location away from the A.T., two Wilderness Areas, a Scenic Byway and local residences. Had the applicant coordinated with the USFS, the first thing that they would have seen on the center of the USFS receptionist's desk is the Chattahoochee National Forest Map showing the location of these special resources. That is the applicant's error and oversight, not that of the Forest Service, stakeholders or general public. Forest stakeholders, local residents and Forest Service staff should not be held liable for the applicant's errors, omissions and efforts to circumvent the legitimate NEPA process.

An open, coordinated and cooperative effort between the USFS, Union County Government/Gun Club and stakeholders should be initiated to locate a more suitable gun range located away from National hiking trails, Scenic, Wilderness and residential areas. Using accepted primary and secondary screening criteria should get to a short list of potential sites quickly without focusing time, money and energy on non-viable sites.

Thank you for your consideration.

Sincerely,