

*Wildlife and Hunting Heritage  
Conservation Council*

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December 23, 2011

Mr. Robert Abbey, Director  
Bureau of Land Management  
1849 C Street NW  
Washington, D.C. 20240

**Re: BLM Recreational Shooting Policy**

Dear Director Abbey:

The Wildlife and Hunting Heritage Conservation Council (Council) was established by Secretary Salazar and Secretary Vilsack to help ensure a future for conservation, hunting, and recreational shooting activities. The Department of the Interior's commitment to traditional outdoor sports is a crucial component in ensuring their continued relevancy and survival on federal lands.

One of the duties of the Council is to provide the Secretaries of the Interior and Agriculture with recommendations regarding "appropriate access to Federal lands for recreational shooting and hunting." The Council was invited by the Bureau of Land Management (BLM) to comment on the draft policy. The Council members are very appreciative of BLM's interest and willingness to engage the Council pro-actively on this critical issue.

During its November 15<sup>th</sup> and 16<sup>th</sup> 2011 meeting, the Council discussed the draft policy and agreed to submit a set of comments and recommendations to you for your consideration. They are attached to this letter. The Council felt that in its current form, the draft policy's implementation would have had the practical effect of moving recreational shooting off public lands, thereby diminishing public access to public lands.

Before the Council's comments were transmitted to you, the Secretary issued a memorandum directing that no further action was to be taken to develop (or implement) the draft policy. The Council is appreciative of the Secretary's prompt action and is particularly pleased that the Secretary's memorandum reaffirmed the Department of the Interior's commitment to hunting, fishing, and recreational shooting on public lands as a priority. Furthermore, the Council believes that the management of public uses should be guided by policy. The concept of a policy retains merit.

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EX OFFICIO REPRESENTATION

*Association of Fish and Wildlife Agencies  
Bureau of Land Management  
U.S. Fish and Wildlife Service  
Farm Service Agency  
U.S. Forest Service  
Natural Resources Conservation Service*

Council Coordinator

U.S. Fish and Wildlife Service  
Division of Program & Partnership  
Support  
4401 N. Fairfax Drive, MS EA-3103  
Arlington, VA 22203  
P 703 358-2639  
F 703 358-2548

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The Council looks forward to remaining engaged with BLM on this very important issue. We would welcome the opportunity to sit down and discuss it at your earliest convenience. In addition, we would be very pleased to have you attend either our next meeting in Washington, D.C. on February 14<sup>th</sup> and 15<sup>th</sup> or our subsequent mid-year meeting. I will ensure that Joshua Winchell, the Council coordinator, keeps your scheduling office informed of meeting details.

Sincerely,

A handwritten signature in black ink that reads "John Tomke". The signature is written in a cursive, flowing style.

John Tomke, Chair  
Wildlife and Hunting Heritage Conservation Council

Cc:  
Secretary Ken Salazar, DOI  
William Shafroth, DOI

Enclosures

## WHHCC RECOMMENDATIONS ON BLM'S RECREATIONAL SHOOTING DRAFT POLICY

The WHHCC provides these recommendations to the BLM on the "Recreational Shooting Policies Under Consideration by BLM" (hereinafter, "draft policy").

**Recommendation 1:** The Council recommends that BLM revise its current policy of not operating shooting ranges on BLM land, and not renewing leases for shooting ranges. That policy leads to the decrease and eventual elimination of recreational shooting on BLM land. The Council recommends that BLM adopt the Forest Service policy, which provides guidelines for facilitation of privately-operated shooting ranges and un-manned shooting ranges. Recreational shooting is well within BLM's multiple-use mandate and that mandate would include, at a minimum, providing improvements for safe shooting like berms, benches and target holders. The Council believes there is no compelling reason for the BLM to adopt a policy that prohibits leasing land for the development and management of shooting ranges. Further, the Council recommends that BLM work with the Department to remove barriers to designating appropriate sites for informal shooting activities on BLM land.

**Recommendation 2:** The Council recommends that the BLM revise its draft policy to include a general statement of support for recreational shooting on BLM land. Numerous statements in the draft policy suggest that BLM is now adopting a policy designed to decrease and eliminate recreational shooting on BLM land. The Council finds that such statements run counter to the Executive Order 13443 (referenced in the draft policy) that governs BLM on hunting and recreational shooting. The Council recommends that the draft policy include the following statement similar to the statement of the Chief of the Forest Service in his June 28, 2006 memorandum to employees:

*Shooting sports are long standing and appropriate uses of Bureau of Land Management (BLM) lands. Shooting sports bring together the hunting, target shooting and general recreational shooting interests that have enjoyed these activities for many years. With ever increasing populations, use, and urban interface development affecting BLM lands, we must, now more than ever, work with our partners to facilitate safe and responsible use.*

**Recommendation 3:** The Council recommends that the draft policy require that land use plans or plan amendments automatically address areas that may be considered for recreational shooting. The current draft policy requires consideration of recreation shooting only "when it is raised as an issue in external or internal scoping." This contradicts the reference in the 10-Year Plan produced as a result of Executive Order 13443, which recommends that opportunities for hunting and recreational shooting be incorporated into public land management, planning and decision-making. In short, recreational shooting should automatically be addressed in a land management plans. Further it will prevent recreational shooting from being compromised by other land uses that have options for their placement.

**Recommendation 4:** The Council recommends that BLM notify the entities who are party to the MOU on potential closures of recreational shooting areas with the goal of seeking remedies to any issues of concern. The current draft policy states that if "reasonable attempts to reduce or eliminate the violations by the BLM have been unsuccessful, the authorized officer will close the affected area to recreational shooting." The policy further directs that the above statement be included in Land Use Plans and that the resources, uses, situations, and locations likely to be adversely affected by recreational shooting should be described. The Council recommends that each land use plan require instead that BLM use good-faith efforts to address such issues with local stakeholders prior to any decrease or elimination of recreational shooting activity.

**Recommendation 5:** The Council recommends that BLM revisit its proposal in the draft policy to include CFR regulations on Codes of Conduct as criteria in land use plans for closing recreational shooting areas. The Council is not aware of other recreational activities being singled out for closure in land use plans under that CFR section, which applies regardless of its inclusion in a land use plan.

**Recommendation 6:** The Council supports BLM's proposal that public land be sold for the purpose of establishing private shooting ranges, but not as a means of substituting the leasing of BLM land for shooting ranges. The Council's review of sales of public land shows that sales face significant time lags both administratively and statutorily.

**Recommendation 7:** The Council recommends that BLM work with the approximately 40 hunting, fishing and wildlife organizations and three federal agencies that signed the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable MOU in 2006. BLM is a party to that MOU, whose purpose is to "develop a framework of cooperation among the Parties at the national, regional and local levels for planning and implementing mutually beneficial projects and activities related to hunting, fishing, and shooting sports conducted on federal lands." The Council recommends that BLM strengthen its partnership under the MOU in a good-faith effort to enhance recreational shooting activity on BLM land.

## WHHCC COMMENTS ON BLM'S RECREATIONAL SHOOTING POLICY

Our concerns with BLM's draft policy are quite serious and begin with the opening paragraph of **Section 1. Laws and Policies Governing Recreational Shooting** which makes no reference to the traditional and historic use of public lands for recreational shooting. As a point of contrast, the Chief of the FS in his memorandum of June 28, 2006 to employees stated in the opening line that:

*Shooting sports are long standing and appropriate uses of National Forest System (NFS) lands. Shooting sports bring together the hunting, target shooting and general recreational shooting interests that have enjoyed these activities for many years. With ever increasing populations, use, and urban interface development affecting NFS lands, we must, now more than ever, work with our partners to facilitate safe and responsible use.*

We recommend that the policy begin by acknowledging that recreational shooting is a legitimate and traditional use of public lands. In fact, the FS statement would be a good template for such a statement in BLM's policy.

The next paragraph of the policy references Executive Order 13443 (EO) and the recommendations in "Facilitation of Hunting Heritage and Wildlife Conservation" or what is commonly called the "10-Year Plan." We are pleased to see that the EO and the Plan recommendations are referenced in the policy. But, we have concerns about how BLM is interpreting these recommendations, specifically with respect to land management plans, which we will address later in this letter.

In the subsection **BLM Regulation**, it states that the specific shooting activity must not cause a public disturbance; create risks for others; damage, remove or destroy resources; or create a condition of littering, refuse accumulation, and abandoned personal property. The Council concurs that unsafe, unethical and illegal behaviors cannot be condoned of any recreationist on public lands, but we question whether the statement is equally and specifically applied or highlighted in documents regarding other recreational activities on BLM lands.

While it may not be the intent, the tone of the policy gives the Council concern that it could pave the way for easy closure of recreational shooting sites when any of the situations (as noted above) arises, regardless of the offending party. It suggests that recreational shooting is being held to a higher standard of stewardship; that the BLM is possibly more tolerant of issues when associated with other recreational activities. The Council would like to see references in other documents that hold camping and other recreational activities responsible for illegal dumping or cause lands to be closed because they "facilitate and create a condition of littering" or "refuse accumulation." The Council would also like examples of where hiking trails and other areas are closed when natural or cultural resources are damaged or destroyed.

Under the subsection **Shooting Ranges**, the BLM maintains its current policy of not operating shooting ranges or issuing new leases for shooting ranges because of the "potential liability related to lead contamination of the environment." This is a false concern because, as the BLM is fully aware, the EPA has developed guidance for management of spent lead ammunition at shooting ranges. Entitled "Best Management Practices for Lead at Outdoor Shooting Ranges," the guidance is designed to manage lead throughout the life of the range so that in the event the range is closed, there is no environmental issue or costly expense in removing the lead. The EPA developed an Environmental Stewardship Plan (ESP) template for shooting range owners and operators to follow in developing their own management plans for lead ammunition.

By comparison, the FS hosts numerous supervised and unsupervised ranges on Federal forest land across the country. The chapter on shooting ranges in its Special Uses Handbook references EPA's guidance and requires shooting range proponents to submit an ESP before their application can be processed.

Another paragraph in BLM's draft policy states that:

*In the expanding urban interface, community-operated shooting ranges are important shooting management tools, providing additional shooting options for the public, reducing social conflicts and safety concerns on adjacent public lands, and ensuring that expended lead ammunition will be periodically removed and recycled in a safe, legal manner. Managed shooting ranges can also provide urban youth with an attractive pathway into lifelong outdoor recreation activities, offering instruction in shooting skills, firearm safety and ethical land use practices and potentially creating a new generation of responsible public land advocates.*

This statement strikes the Council as ironic. On one hand, the policy lauds the benefits of a shooting range to a community, including "offering instruction in shooting skills, firearms safety, and ethical land use practices and potentially creating a new generation of responsible public land advocates." But, on the other hand, the policy disallows shooting ranges to be built and managed on public land.

The BLM suggests that its no-lease policy will not have an effect on providing community-operated ranges because it can convey fee title ownership of land to interested local governments or organizations through direct sale, and in certain situations, at less than fair market value under the authority of the Recreation and Public Purposes Act (R&PP). BLM's briefing to the Council suggested that the R&PP process is a rather simple, short-term process. However, based on timelines the Council requested of the Arizona Game and Fish Department on several projects that the Department has been involved in with the BLM, the R&PP process is anything but simple or speedy.

The Department's timeline on a land conveyance project for the proposed Rio Salado Shooting Range brought into focus the fact that land conveyances are contingent upon the willingness of the BLM to devote the staff and resources to the project. In the case of the Rio Salado Shooting Range, the project stalled after a decade's worth of work because BLM said it was overwhelmed with other priorities and did not have the time, at present, to work on the conveyance. So while there may be a suitable site for a shooting range on land that could be conveyed and an entity to purchase that land, a community-based range is just be a dream without BLM's cooperation.

According to the timelines, the R&PP process imposes costly and time-consuming environmental and other compliance requirements that would appear to place a considerable financial burden on the purchaser as well. Another issue is the cost of the land, even if offered below fair market value. It is highly unlikely that any entity other than a local unit of government or a state agency could afford the purchase price. According to the timelines, the land conveyance, if approved, has stipulations attached to it that have to be met by the purchaser so that the land transfer is not free and clear of obligations. The Council is not passing judgment on the necessity of stipulations, only that it takes an entity with deep pockets and resources to engage in the R&PP process. And these hurdles are separate and apart from the costs of designing, building and managing a shooting range.

The Department's timeline for the Tri-State Shooting Range shows that it engaged in the process of looking for an alternative site following the closure of the Bullhead City Gun Club shooting range by the BLM. It took 14 years to find land suitable for locating a new shooting range and for completing the R&PP process. While the decision to convey the site to the Department has been approved, there remain many more steps and costs in the process before construction of the Tri-State Shooting Range can begin.

By way of another example, Nevada's Clark County Board of Supervisors and local shooters spent years trying to work with BLM to identify and transfer an area of public land to the County for a shooting park that would meet the needs of shooters displaced from BLM lands being closed because of Las Vegas' expanding urban interface. Unwilling to face an expensive and lengthy R&PP process, the shooting community sought remedy through a Congressional transfer of BLM land to the County to build what is now the Clark County Shooting Park.

Since the BLM has chosen not to develop or manage public shooting ranges, allowing private parties to fill that community need is an efficient use of resources and partnerships with local citizens. The Council believes there is no compelling reason for the BLM to adopt a policy that prohibits leasing land for the development and management of shooting ranges. It is inconsistent with the Statement of Mutual Interests and Benefits of the MOU and with the directives in the EO. We strongly recommend that this no-lease policy be reversed.

Further, the Council strongly recommends that the policy against developing recreational shooting facilities on public lands be rescinded. The BLM builds infrastructures, like trails, for other recreational activities, but treats recreational shooting as a second rate activity. Recreational shooting is well within BLM's multiple-use mandate and that mandate would include, at a minimum, providing improvements for safe shooting like berms, benches and target holders. The policy of leasing public land for shooting ranges must be restored, but the greater good served is by dismantling the walls of inflexibility that BLM has created against the development and management of shooting ranges.

**Section 2. Addressing Shooting Sports in Land Use Plans** opens with the statement that "Land use plans or plan amendments should address recreational shooting when it is raised as an issue in external or internal scoping." This contradicts the reference to the 10-Year Plan made near the beginning of the policy which recommends that opportunities for hunting and recreational shooting be incorporated into public land management, planning and decision-making. Moreover, it contravenes Number 4 in the list of what the Federal agencies agree to do in the MOU wherein it clearly states that the agencies will "work with the Private Organizations to assess hunting, fishing, and shooting sports needs and opportunities as part of the Agencies' land management planning."

BLM should not wait to act unless or until recreational shooting is raised as an issue or topic. Recreational shooting should automatically be addressed in a land management plan. In that way, the BLM becomes proactive, rather than passive, in managing recreational shooting. Areas that are well suited for shooting ranges or more intensive informal recreational shooting should be identified, particularly those areas in reasonable proximity to western communities. As a matter of course, these areas should be identified in the planning process to avoid being compromised by other land uses that could have options for their placement.

This section also addresses the criteria for closing areas to shooting. Similar to the list of unethical, unsafe, and illegal behaviors listed earlier in the policy, this section states that if "reasonable attempts to reduce or eliminate the violations by the BLM have been unsuccessful, the authorized officer will close the affected area to recreational shooting." The policy further directs that the above statement be included in Land Use Plans and that the resources, uses, situations, and locations likely to be adversely affected by recreational shooting should be described.

This statement also begs the question as to whether recreational shooting stands alone in receiving these admonishments. The Council is concerned that this policy has the effect of separating recreational shooting from all other recreational activities in terms of how the BLM manages it and responds to problems. We would like information regarding similar statements that are included in Land Use Plans for other recreational activities.

Number 5 in the MOU's list of what the Federal agencies agree to do states the following:

*When sites used by shooting sports enthusiasts on federal lands are unsafe or in unsuitable locations; are in need of environmental or trash cleanup; are not meeting best management practices; or are in need of maintenance, reconstruction, or modernization, work with the Private Organizations to resolve these issues in a mutually satisfactory manner and consistent with applicable, laws, regulations, and Agency policies.*

This agreed-upon action speaks to BLM working in partnership with the NGO signatories to the MOU in order to address issues related to recreational shooting. This partnership is not reflected in the policy. Where the MOU is referenced is in the line, "This MOU requires that the BLM notify shooting organizations of such closures or restrictions and alert them to public comment opportunities." At that point, the opportunity to address issues has passed.

This statement falls woefully short of the mission and purposes of the MOU. The MOU is a partnership which means that the signatory NGOs are accorded a status higher than a member of the public commenting on a closure. The MOU is designed to help prevent closures, not to have the NGOs notified that a closure is taking place. The Council recommends that the policy be amended to recognize the MOU partnership and to express BLM's desire to work with its NGO partners to resolve issues in a "mutually satisfactory manner."

In **Section 3. Management of Recreational Shooting, Identification of Shooting Areas, and Closures**, the BLM again pins the continuation of shooting on whether shooters adhere to standard safety procedures and comply with applicable BLM policies and regulations, as well as with local or state laws and ordinances. We all know there are those who use public lands with little consideration for the stewardship of resources or with respect toward other visitors. Stating it again, the Council is not suggesting tolerance of unsafe and illegal behaviors, but wants to know if all other recreational activities are held to this same standard.

The Council agrees with the policy's directive that areas of low risk or resource conflict be identified for dispersed shooting activities. These are the kinds of decisions that the Council would expect to see in land management planning processes. But, this section admonishes BLM offices to avoid *designating* specific sites or ranges as suitable for recreational shooting. The Council would appreciate an explanation from the BLM as to the distinction between identifying and designating areas for shooting and whether this distinction is equally applied to other recreational areas like OHV trails and campsites.

The policy does not permit BLM offices to develop facilities specifically designed for shooting activities such as benches, rests, target posts, hay bale, target backstops, etc. The BLM builds trails and yet opposes even the most basic elements supporting safe target shooting. The BLM speaks about unsafe shooting practices and conflict with other recreationists or resources. Where the reduction or elimination of such conflicts can be achieved, this should be highly encouraged, not forbidden as this policy directs.

One of the questions asked under **Safety** in the "Factors for Evaluating Risk" is whether a backstop is available, mostly of dirt, and at least 15 ft. high x 15 ft. wide. This suggests a berm and if the BLM sees that as an important safety element, then it seems logical that the BLM offices should be able to build berms, as well as add other basic improvements such as target holders. As requested above, the Council asks the Secretary to examine the relevancy of BLM's policy that prohibits the construction of shooting ranges, including the most basic infrastructure for safe shooting.

**Section 4 Information, Education, and Outreach** is excellent in its guidance to the field with respect to providing website information on areas open and closed to shooting; publishing the basic rules of safe shooting; providing shooting ethics and safety materials; displaying this information at major access entry points; developing partnerships; and using the "Respected Access is Open Access" materials to broadcast safe and responsible shooting (and other recreation-specific messages). The hunting and shooting sports community is vested in the Respected Access campaign along with the BLM and the FS and will appreciate that specific reference to the campaign is made in the policy. The only suggestion that the Council has for this section is to include a reference to the MOU with respect to establishing



partnerships with shooting sports advocacy organizations. The national level partnership was established with the signing of the MOU.

The last section provides **Background** and should be incorporated into the front section of the policy. BLM's no-lease policy and its prohibition against providing infrastructure for recreational shooting are not in step with the statement that "recreational shooting continues to be popular on public lands, and public demand for safe, legal places to shoot remains high." Rising conflicts associated with the expanding urban interface, increasing numbers of recreationists, and the variety of recreational activities are clear messages that the BLM needs to take a proactive management approach to recreational shooting beyond information, enforcement, education and outreach. Although the latter are extremely important in terms of supporting shooting opportunities and instilling good outdoor ethics, the BLM is the manager of a vast Federal estate and should be stepping up to the plate in a more significant way by providing for shooting ranges through leasing and providing infrastructure where it would reduce conflicts and improve safety.

In summary, the Council believes the draft policy sends, at best, a mixed message and, at worst, a negative message to land managers about what position recreational shooting occupies within the spectrum of recreational uses on BLM-managed land. The policy fails to recognize that recreational shooting has one of the lowest incidences of death and injury compared to virtually any other outdoor recreational activity. The policy is prejudicial and discriminatory to target shooters as compared to other recreationists and undermines the spirit and intent of the MOU which was created to protect and promote recreational shooting on public lands. And equally of concern, the policy ignores the partnership that was developed through the MOU to address opportunities and issues associated with recreational shooting and hunting.