



File Code: 1570-1

Date: June 6, 2003

Mr. David Hardy, President
Tucson Rod and Gun Club
8987 Tanque Verde, No. 309
Tucson, AZ 85749

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER:**

RE: Appeal #99-03-00-0015-A251, Tucson Rod and Gun Club, Coronado NF

Dear Mr. Hardy,

This is my review decision regarding your appeal of the Tucson Rod and Gun Club (TRGC) special use permit decision, which is contained in the Coronado Forest Supervisor's November 1998, Decision Notice. The decision provides for termination of your current special use permit and issuance of a new permit under conditions specified below.

BACKGROUND

An executive summary is attached. It includes a brief history of the case with some pertinent law, regulation and policy references.

Forest Supervisor John McGee issued a decision on November 20, 1998 regarding the TRGC permit. The decision under appeal includes:

1. The current special use permit shall terminate on December 31, 1998, and
2. A new permit meeting the requirements of 36 CFR 251 subpart B, and the following conditions may be issued at the existing Sabino Canyon Target range site. The permit application and associated range design must be consistent with the following:
 - A. TRGC must demonstrate technical and financial capability as required by 36 CFR 251.54(e)(3),
 - B. The permitted use must be operated and maintained to prevent releases of hazardous substances into the environment using containment, reclamation, and recycling processes,
 - C. The range must be designed for projectile containment within the assigned permit boundary,



- D. The sound of gunfire will be mitigated using sound abatement technology. The standard will be: The sound of a gunshot, measured in decibels by proper equipment in no-wind conditions, shall be no greater than the ambient sound level at that location averaged over a period from 9:00 a.m. to 7:00 p.m. The location of sound measurements will be 300 feet outside of the permit boundary in any direction,
- E. Cultural heritage resources will be assessed on a site-specific basis after initial designs are submitted in accordance with legal requirements,
- F. All improvements must conform to the Americans With Disabilities Act standards for public accessibility. Public access and use of the facility will be allowed without any form of discrimination,
- G. Hours of operation of the shooting range will be from 9:00 a.m. until 7:00 p.m. daily,
- H. The archery range will be relocated within the permitted area and the shotgun range will be eliminated,
- I. A special use permit will be issued with a 20-year tenure
- J. The current permit area will be reduced to the minimum acreage needed to accommodate the shooting facility and associated improvements, and
- K. All range facilities and improvements will be designed by a certified range engineer and approved by the Forest Supervisor prior to construction.

The Forest Supervisor is identified as the Responsible Official whose decision is subject to administrative review under 36 CFR 251.80 appeal regulations. TRGC appealed the decision on January 4, 1999 and the Regional Forester suspended the appeal to provide an opportunity for mediated discussions. On June 13, 2002, TRGC submitted an amended appeal of the November 20, 1998 decision.

My review of this appeal has been conducted in accordance with 36 CFR 251.95. I have reviewed the appeal record and my review decision incorporates the appeal record. The appeal contentions with my responses and findings are attached.

APPEAL DECISION

After a review of the appeal and record, I affirm in whole the Responsible Official's decision. My decision is based on safety and environmental issues related to this shooting range.

However, I would like to clarify two issues related to this decision:

1. The Forest Supervisor's decision stated, "The current special use permit shall terminate on December 31, 1998." Pending the administrative review, non-shooting activities have continued on the permit area since December 31, 1998. Therefore, the permit will now terminate on the date of this decision and authorization for all activities will cease.

Removal of improvements, as described in TRGC's special use permit clause 11, will be completed within one year from the date of this decision.

2. The decision requirement for a new shooting facility, specifically the requirements that "the range must be designed for projectile containment within the assigned permit boundary" and "the sound of gunfire will be mitigated using sound abatement technology" can be clarified. I am not convinced that a fully enclosed building is needed in order to meet these requirements.

TRGC has six months to provide a proposal to the Regional Office that meets the requirements listed in the Forest Supervisor's decision above. We will utilize technical experts to review the shooting range designs and advise the Forest Supervisor as to whether TRGC's proposals meet the decision requirements.

Nothing in this decision precludes TRGC from looking for other locations where an open-air shooting facility could be located. If a proposed location is identified on National Forest System lands, the Forest Service will follow the 36 CFR 251.54 "proposal and application requirements and procedures" process for new special use proposals.

This appeal decision is subject to discretionary review by the Chief of the Forest Service. This appeal review decision will be forwarded to the Chief within one day following the date of the decision. Upon receipt, the Chief will have 15 calendar days to decide whether or not to exercise discretionary review. (36 CFR 251.100(b) and (c)).

Sincerely,

/s/ Lucia M. Turner
LUCIA M. TURNER
Appeal Reviewing Officer, Deputy Regional
Forester

Enclosures

cc:
Dale Bosworth, Chief
John McGee, Forest Supervisor, Coronado NF
Christina Gonzalez, Appeals & Litigation