

-Recreational Shooting Opportunity Management on National Forest System lands -

History – Background

The Two Elk Target Range has been on the landscape for over 50+ years. It began as a dispersed shooting area which occupies National Forest System lands. The United States Forest Service (USFS) has worked with local recreational shooting enthusiasts over the long history of the range. Sometime in the mid-1990's the build-up of debris and inappropriate use of the range came to a head. The then Holy Cross Recreation Manager and District Ranger asked the community to get involved in taking care of the range or the range would be closed. The community rallied and the range was moved from being a dispersed area to an actual developed site within the USFS management regime (similar to a campground in FS terms). Four lanes were designated, picnic and shooting tables were constructed in each lane, signs were installed, rock was placed to define the road system and buck-n-rail fence was constructed to delineate each lane. A loose unofficial entity was formed called the Minturn Shooters Association. This group never formalized with the CO Secretary of State nor became a registered non-profit entity. The USFS and MSA entered into sporadic volunteer agreements with the USFS to try to keep the range clean over the next 20 years. The USFS has never managed the range with on-site staff or entered into any formal agreements for the day-to-day management of the range. The area is known as a "cowboy" range due to its unmanaged nature.

Recently over the last three years, concerned citizens in the Town of Minturn have expressed issue with having an unmanaged target range so close to houses, walking trails, and bike-park. They expressed their concerns to the leadership of Minturn.

- 2018 Fire at the Two Elk Target Range led to an ongoing investigation at the site.
 - Town of Minturn Council convened and via public discussion in September 2018 post fire - a small group of interested citizens joined together to discuss the issues and potential solutions during the winter of 2018/2019, summer 2019 clean ups and continued email discussions into 2020. The group included shooting advocates, residents of Minturn, recreational shooters and non-shooters.
 - The group decided to host monthly clean up days during the summer of 2019.
- COVID 19 did not allow for volunteer clean ups in 2020.
- 2020 - Ongoing explosions, noise complaints, accumulating debris, live ammunition, etc. continue at the range.
- Dingell Act passed in 2019/2020 outlines the public comment process to make changes to recreational shooting opportunities on federally managed lands.

The 2019-2020 Dingell Act details in Sec. 4102 that In General. – Subject to subsection (b), Federal land shall be open to hunting and fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 4103.

Section 4103 paraphrased requires the Secretary concerned to establish a period for closure and reasons of the closure. The closure area shall be the smallest area for the least amount of time required for public safety, administration or compliance with applicable laws.

In general – except in an emergency before permanently or temporarily closing any Federal land to recreational shooting (which includes instituting new user regulations otherwise known as prohibitions

to limit how a recreational shooter can occupy and use the Federal land) – The land management agency shall -

- A. Consult with State Fish and Wildlife agencies; and*
- B. Provide public notice and opportunity for comment via a notice of intent within the Federal Register and at least 1 newspaper.*
- C. An opportunity to comment for not less than 60 days for a permanent closure or not less than 30 days for a temporary closure.*

In general the Dingell Act ensures that proposals to close or change how the public can recreationally shoot on Federal lands goes through a well vetted public process. The Act directs federal agencies to undergo NEPA and then conduct a Notice Of Intent (NOI) in the federal register regarding any supplementary rules that may result as an outcome. Once NEPA is completed, the USFS must bring the proposal that changes recreational shooting opportunities before each level of the agency, Forest (White River), Regional (Rocky Mountain Region), and then to Washington Office. The Washington Office would present the management proposal to a Congressional Subcommittee along with the outline of the collaborative process undertaken which led to the proposal. This process ensures that there was an open and transparent public process which led to the proposal to make changes to recreational shooting opportunities.

Moving Ahead - Recommendation – Begin a cooperative process to outline the desired conditions and recommendation for actions that will help achieve a collaborative vision regarding future management of the Two Elk Target Range. Develop a well-represented Stakeholder Group which will collaborate on the groups’ goals and objectives, define issues and concerns and potential short and long-term management strategies for the Two Elk Target Range (TETR). This group should include the following type of representation:

- Recreational Shooters who use the site
 - Eagle County Resident
 - Non Eagle County Resident (Front Range)
- National Rifle Association (NRA) Range Service Advisor
- State Senator and/or Congressional representatives- they likely won’t come to all meetings but super important that they know what is happening.
- Colorado Parks and Wildlife
- Eagle County Commissioner
- Town of Minturn property owners
 - South Town - residential
 - Main Minturn – residential
 - Maloit Park – residential
 - Commercial/Industrial land owner
- Hiking Representative
- Mountain Bike Representative
- Stock user (horse/mule/llama) Representative
- Dog walking/casual walker Representative
- Motorized Representative
- Angler

- Hunter
- Union Pacific Representative
- Battle Mountain Representative
- Power Company (Excel or?)
- Winter non-motorized Representative

Ideally, the Stakeholder Group (SG) would be coordinated and led via an impartial 3rd party Facilitator. This Facilitator would guide the group through a managed process. There would be representatives from local and state governments (USFS, CPW, Town of Minturn, Eagle County, Town of Vail etc) as well as from local interest groups and/or individuals. Government entities role in the SG would be to provide information related to applicable laws and regulations and answer questions rather than define the outcomes.

The overall goal of the Stakeholder Group (SG) would be to collaborate on the development of a well-defined vision and associated management strategies for the TETR area that meets the intent and direction found in the Dingell Act. Once the overall vision and management strategies have been defined, the USFS will then conduct the required environmental evaluation process mandated by the National Environmental Policy Act (NEPA). Proposals brought forward from an engaged SG will greatly enhance the chances for public support and overall long-term success of the proposal.

The existing small group of interested public who met during 2018-2020 have presented several options to begin the conversation within a more formal SG process. They include but are not limited to, (1) identify a potential entity who would operate the target range commercially under a special use permit which would include improvements and management requirements., (2) identify an alternate location for a target range within Eagle County that could then facilitate closure and rehab of the Two Elk range, (3) propose closure of the range by citing health, safety and other community concerns with no replacement, and (4) manage the range under an agreement with an established partner which would monitor and manage the range and potentially make improvements and propose to institute new regulations.

The next step would be to coordinate with the Town of Minturn, research a facilitator who could guide this process and then enter into a stakeholder collaborative process.