

Order No. 11-06
Recreational Shooting Prohibition
Ojai Ranger District
Los Padres National Forest

Pursuant to 16 USC 551 and 36 CFR 261.50(a), and to comply with the United States District Court's Order dated June 27, 2011, the following act is prohibited within the Ojai Ranger District of the Los Padres National Forest. This Order is effective from July 30, 2011, until the District Court allows the Forest Service to terminate the Order.

Discharging a firearm, air rifle, or gas gun within the Cherry Creek Drainage. The boundary of the Cherry Creek Drainage begins at the Sespe River near Assessor Parcel Number 006-0-090-030, then continues east 0.33 miles on the Sespe River, then continues south on the drainage boundary to the Matilija Creek watershed boundary, then continues west 1.75 miles along the ridgeline, and then continues north along the drainage boundary back to the starting point, as shown on Attachment A. 36 CFR 261.58(m).

Pursuant to 36 CFR 261.50(e), the following persons are exempt from this Order:

1. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
2. Persons engaged in the lawful hunting of game mammals or birds in compliance with California Law.

This prohibition is in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

A violation of this prohibition is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization or imprisonment for not more than six (6) months, or both. 16 USC 551 and 18 USC 3559, 3571, and 3581.

Done at Goleta, California, this 29th day of July, 2011.


PEGGY HERNANDEZ
Forest Supervisor
Los Padres National Forest

**ADMINISTRATIVE RECORD
AND
CIVIL RIGHTS IMPACT ANALYSIS**

**Cherry Canyon Recreational Target Shooting Prohibition
Ojai Ranger District**

1. Description of Proposed Action

Pursuant to 16 USC 551 and 36 CFR 261.50(a), and to comply with the United States District Court's Order dated June 27, 2011, the following act is prohibited within the Ojai Ranger District of the Los Padres National Forest. This Order is effective from July 30, 2011, until the District Court allows the Forest Service to terminate the Order.

Discharging a firearm, air rifle, or gas gun within the Cherry Creek Drainage. The boundary of the Cherry Creek Drainage begins at the Sespe River near Assessor Parcel Number 006-0-090-030, then continues east 0.33 miles on the Sespe River, then continues south along the drainage boundary to the Matilija Creek watershed boundary, then continues west 1.75 miles along the ridgeline, and then continues north along the drainage boundary back to the starting point, as shown on Attachment A. 36 CFR 261.58(m).

2. Possible Alternatives

A. No action (existing situation). Impacts:

- 1) The area would be open to recreational target shooting and motor vehicle travel.
- 2) This alternative would not meet the direction of the Court's Order.

B. Proposed Action. Impacts:

- 1) The area would be closed to all recreational target shooting.

3. Data Gathering/Employee Involvement

The United States District Court has ordered the all recreational shooting be prohibited in Cherry Canyon until the Los Padres National Forest completes an Amended Biological Opinion and accompanying Incidental Take Statements.

4. Civil Rights Impact

The action is proposed under criteria listed in paragraph 31.12 of FSH 1909.15 Environmental Policy and Procedures Handbook, Chapter 30 – Categorical Exclusion from Documentation, which states that "Orders issued pursuant to 36 CFR Part 261 – Prohibitions to provide short-

term resource protection or to protect public health and safety” normally do not have a significant effect individually or cumulatively on the quality of the human environment.

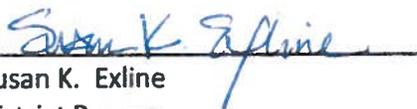
While the proposed action does affect a section of the recreating public, it does not disproportionately affect minorities, women, persons with disabilities, program beneficiaries, or employees by virtue of their race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation or marital or family status (USDA Regulations 4300-3 and 4300-4). It primarily affects recreational shooters – a category that is not protected under USDA regulation.

5. Mitigation

- 1) Ensure publication in Spanish and English media to advise visitors of the closures;
- 2) Provide local sporting goods and gun stores with information regarding shooting prohibitions in Cherry Canyon;
- 3) Post information on Forest external (www) website; and
- 4) Provide multi-lingual (Spanish/English) signing indicating the reason for the closure at certain access points (such as the entrance to Cherry Canyon and on the Ortega Trail).

6. Monitoring

- 1) District Law Enforcement and Recreation Staff will monitor Cherry Canyon area to ensure compliance with court order.

Submitted by: 
Susan K. Exline
District Ranger

Date: July 29, 2011

Reviewed by: 
Sarah Majdiak
Forest Civil Rights Officer

Date: July 29, 2011

Approved by: 
Peggy Hernandez
Forest Supervisor

Date: 7/29/2011