Proposed Permanent Forest Order Prohibiting Recreational Shooting
East Side, Huachuca Mountains Range

Introduction

The Coronado National Forest, Sierra Vista Ranger District (Coronado NF), proposes to issue a permanent closure order that will prohibit recreational shooting in the canyons located along the eastern side of the Huachuca Mountains, within the wildland-urban interface (WUI). The area that the Coronado NF proposes to close to recreational shooting is in close proximity to a number of densely populated communities, as well as private land, homes, and multiple other structures. Recreational shooting in the area poses an extreme risk to public health and safety, has generated conflicts between and among forest users and private landowners, and has created unacceptable damage to natural resources.

To ensure continued health and safety of forest users, and protect forest resources, particularly during an era of increased population growth in this particular WUI, the Coronado NF has issued a series of time limited closure orders for recreational shooting. With the enactment of the John D. Dingell Jr. Conservation, Management, and Recreation Act (Dingell Act) in March 2019, the Coronado NF recognized that a permanent solution was necessary. Until a permanent closure can be obtained, the Coronado NF has issued a time-limited emergency closure order to ensure the continued health and safety of the recreating public, minimize the threat of wildfire from ricocheting ammunition, and eliminate adverse impacts to natural resources as a result of recreational shooting. The rationale for both the emergency order and a permanent closure order for recreational shooting is explained in detail below.

East Side, Huachuca Mountains

The canyons along the east side of the Huachuca Mountains range adjacent to the urban interface with the City of Sierra Vista, Fort Huachuca, and the communities of Hereford and Palominas, have experienced multiple use for decades. In particular, Ash, Lutz, Stump, Hunter, Miller, Carr, and Brown Canyons are used by the public for hunting, recreational shooting, prospecting, mining, hiking, climbing, camping, mountain biking, dog walking, bird watching, trail running, and equestrian riding. The public’s level of use of these east side canyons is significant and diverse. The eastern side of the Huachuca Mountains, which is managed by the Coronado NF, is easily accessible to residents of these communities, and is enjoyed by thousands upon thousands of people every year. To illustrate the scale of public visitation to the east side canyons, the City of Sierra Vista is estimated to have a population of 44,200; Fort Huachuca’s population fluctuates with assignments and deployments but averages around 18,000 annually; and Hereford and Palominas have a combined population estimated to be 9,700. All combined, approximately 71,900 people live within close-proximity to, or along the National Forest boundary and a high proportion of them have enjoyed recreating on the National Forest from their backyards for generations.
Along the eastern side of the mountain range, several roads exist which provide access to the National Forest at multiple points, crossing through private properties along the way. Private properties come up to the edge of the National Forest boundary, and the WUI remains fairly consistent in density as one travels along the National Forest boundary. The east side WUI is a zone of transition between wildland and human development, wherein communities located in the WUI meet or intermix with wildland conditions. Nationally, wildland-urban interfaces have experienced the fastest growth of all land use types in the United States due to population shifts and expansion of communities (new homes, supporting infrastructure) into wildlands. Looking ahead, it is anticipated and expected that the WUI in this area will continue to expand, as has been experienced here locally in the communities of Hereford and Palominas.

The canyons along the east side of the Huachuca Mountains are narrow, steep-sided, compartmented canyons. With approximately 20 residences with associated outbuildings, Ash Canyon has a sizeable residential community at the entrance to the canyon, and Hunter Canyon has a residential community in an adjacent canyon just to the south comprised of approximately 40-50 homes with associated outbuildings. Both canyons have a pair of National Forest System (NFS) hiking trails emanating from them and both canyons are bordered by private land to the east and the Miller Peak Wilderness Area to the west/southwest. The remaining canyons along the east side of the Huachuca Mountains are similar in topography, being narrow and steep sided, and having private residential areas with similar home and population densities up to their entrances.

There are roughly 35 miles of NFS hiking trails on the eastern side of the Huachuca Mountains with at least one managed system trail in every east side canyon. While many people hike on designated trails, those who seek to view birds and wildlife often do not, favoring hiking along washes, canyons or drainages, or through the general forest landscape. People can be found hiking in just about all areas of the eastern side of the range at any time during a given year.

Recreational Shooting and Other Forest Users

The Monument Fire in 2011 resulted in significant, high intensity fire effects along the eastern side of the Huachuca Mountains, forced the evacuations of hundreds of homes, and destroyed 89 structures during the event. The canyons along the eastern side were extremely hard hit and experienced a significant portion of high intensity fire. Of note, it was estimated that over 90% of Ash Canyon burned, to include the adjacent residential area, and approximately 70% of Hunter Canyon burned. The burned areas opened the forest canopy and attracted recreational shooters in greater numbers than the east side canyons had experienced previously. Starting in 2012, gunfire was reported almost daily, and oftentimes continuously on the weekends. Reports of shooting down and across hiking trails, across NFS roads, shooting near homes and across private property, and shooting at trail heads was occurring on a routine basis. Inappropriate targets were brought onto the National Forest and left behind (i.e., televisions, furniture, toilets, pallets, beer bottles/cans), as were hundreds, if not thousands, of pounds of spent ammunition shells and bullets. Fortunately, there have been no reported injuries or fatalities from recreational shooting, but numerous near misses both on the National Forest and on private properties have been reported. By the fall of 2012, Ash, Hunter, and other east side canyons
were largely abandoned by other forest users (e.g., hikers, birders, equestrians, mountain bikers, hunters, etc.), mainly due to concerns regarding health and safety, as well as disruption of the natural environment. Reports of numerous near misses and general concerns were brought to the attention of the Ranger District and the Coronado NF Supervisor’s Office, revolving around the health and safety of forest users in relation to the recreational shooting occurring along the east side.

Recreational shooting continued along the east side canyons, and Forest Service law enforcement counseled shooters and issued warnings for violations. After counseling and warning actions proved ineffective, law enforcement started to issue citations. For example, recreational shooters were found violating various state and/or federal regulations, such as shooting within 150 yards of a residence; shooting across Forest Service roads; shooting at hiking trailheads; leaving target trash behind; and conducting intentional resource damage (using trees as targets).

Health and Safety Concerns

The Coronado NF received numerous comments from concerned citizens, many in the form of testimonials, regarding recreational shooting prior to the temporary closures being put in place. Some of these comments, a few of which are excerpted below, serve to illustrate the extreme unsafe conditions that recreational shooting along the east side of the Huachuca Mountains poses to National Forest users. For example:

- “My wife and I hike in Ash Canyon . . . and have done so for many years. We stay on developed roads and are aware of hunting seasons, which are published events. During those times, we take reasonable precautions, but since Recreational Shooting occurs randomly, there is little way of knowing when to take similar precautions. Although we are gun owners, we object to Recreational Shooting in the National Forest – many shooters go to established, organized shooting ranges east of Sierra Vista or on Fort Huachuca – our objection to Recreational Shooting in a multi-use environment is based primarily on the issue of safety. Since shooters are not generally birders, prospectors, hikers, campers, or the like, they seldom demonstrate judicious awareness of other users. The following observations are based on experiences we have had: In 2013, the vehicle windshield of a prospector was shot out while he was prospecting in a wash in Ash Canyon. The shooter apparently was unaware of the prospecting activity in the wash, since his shot was not directed to a back berm, but was randomly aimed into the wash. The prospector did not report the incident – only confronted the shooter, who then departed the area. In 2014, a week after the ‘no shooting’ order had been issued, we encountered high-power rifle shooting on private land (an enclave within the National Forest in Ash Canyon). The shooting was in a wash near Morgan Spring, up against a back berm, but was loud enough to startle us hiking on the Forest Service road above the wash. After my wife screamed at the top of her lungs, the shooters beat a rapid retreat in their vehicle. When we examined their firing site, we recovered several 30-06 casings which were obviously recently fired. Most recreational shooters fire into a back berm, but this was obviously not the case when we found a baby doll hung in a tree and riddled with shot. In no direction was there a safe back berm. In addition to the matter of safety, Recreational Shooting has resulted in trash in the canyon. Over a period of 3-5 years we have found the following used as targets: television sets, a ceramic toilet, wash tub, countless beer bottles/cans, wooden pallets, and LIVE TREES. A truly
lamentable instance was a live juniper tree of approximately one foot in diameter shot so often as a target that it broke at the trunk and fell to the ground.

• . . . I reside in Ash Canyon in Hereford Az. since 1997. All these years, I was able to horseback ride up Ash Canyon. Then came the Monument Fire in 2011. After rebuilding and moving back to Ash Canyon the madness begins, hard enough we lost the oak trees and our canyon is a moonscape, now the shooters want to turn the canyon into a firing range which acts like an amphitheater, we bought this property for its peaceful and secluded beauty, and pay a higher property tax to live here, so why would we want a firing range in our back yard.... there is a reason firing ranges are out away from residential areas. Several times I had to call the Sheriff’s to come and stop the shooting so I could get myself and my horse out of the canyon, I’m sure the Sheriff has all my recorded phone calls. This is very dangerous for anyone wanting to visit the canyon. I’ve witnessed cars going up with chickens to use for target practice, came across a couple from California shooting across the valley (no back drop) and asked them to stop. Can’t tell you how many times I had to call Sheriff and Forrest Service. This is outright disrespectful to us who still live here, not to mention the canyon being pumped full of lead and trash left behind, and the poor wildlife!!! As it is, now I have to trailer my horse to other places to ride. Please have some consideration for the folks who had to create a new normal after the devastation we endured.

• I offer my experiences. 1. August 21, 2011; Hunter Canyon/Miller Canyon Trailhead in Kelly Spring Fork of Hunter Canyon; Bullet whizzed by me 15 feet away.[.] Details: In the morning I had walked up the trail in the morning to Kelly Springs to plan for a November repair of the water development. No one had parked or was shooting in the vicinity. As I returned to the parking area following my hike to the spring, I heard gunfire. Although close to the trailhead I was unsure of where the actual shooting was in progress. As I approached the creek crossing very cautiously, a bullet hit the ground 35 feet in front of me and then whizzed by me about 15 feet to my right. Two individuals had parked immediately adjacent to creek and were using the bank on my side for target placement. Distance from the target to their shooting spot was less than 10 yards. At the time I was walking down the System trail immediately behind their target backdrop. I could not see them. I don't know whether they saw me; however, the trail sign and path across the creek were clearly visible to them. Their excuse was “We thought the trail was closed because the Forest Service told us so.” The closure notice was posted 10 feet from them stating that the trail was closed at the ridge between Hunter and Miller Canyons over a mile away due to work by Tombstone in Miller. I informed them that they came 15 feet from shooting me while I was walking down a Forest system trail. I then read them the closure notice that was posted 10 feet away. I left as the situation immediately afterwards was very tense. Their target practice with a .223 Remington Bolt Action Rifle started again within 5 minutes after I left, pretty much ignoring anything that I had said. Upon returning home later that morning, I reported the incident . . . . I judged the approximate path of the bullet after lining up my position on the trail, where their bullet hit on top of the bank, and their shooting position during a trip back up canyon the following October. 2. March 16, 2014; Hunter Canyon/Miller Canyon Trailhead in Kelly Spring Fork of Hunter Canyon; single individual using “new parking lot” for shooting range.[.] Details: I want to check on the Kelly Spring water development. Individual had parked in center of parking lot and placed a target on the surface of the lot about 20 feet away. He was shooting a .45 Long Colt Ruger Revolver, using the car hood for a rest. To
park at the lot I had to drive around him. I talked to him briefly and after determining that he probably was not going to use my car for target practice I walked up canyon. Does the Forest Service condone using a trailhead parking lot for a target range? The newer signage was on the boards. He was gone when I returned about 1 hour later. 3. Christmas Bird Count, December, 2012; Hunter/Miller Canyon Trailhead; 4 individuals firing .223 AR-15 at creek bank about 50 feet northeast of parking area. I parked at trailhead and determined where shooting was located. To ensure my safety for my walk up canyon I approached group from behind. Noise was so loud that I had to shout at them to let them know where I was at. They were shooting a high powered rifle into rock bank from about 15 feet away. I wonder if they had any idea the ricochets were going. I had to ask my party if they felt safe going up canyon with that kind of shooting in progress. We did proceed but very cautiously. Individuals were gone when we returned. After that incident I informed the bird count compiler that there could be a future count when it would be too unsafe to cover the Hunter Canyon area. 4. 4 visits during 2014; Hunter Canyon/Miller Canyon Trailhead in Kelly Spring Fork of Hunter Canyon; evidence of shooting up trail from parking lot. During 4 visits to the this area while checking the condition of the Kelly Spring water development, trees and bottles were still being shot along the edge of the trail up to the nearby stream crossing. Evidence consisted of shattered glass, punctured plastic bottles and metal cans, and bullet holes in trees. Anyone coming down trail would have been in the line of fire. 5. Approximately August 1, 2009; South Fork of Ash Canyon road crossing of Lutz/main Ash drainage; 2 individuals shooting from edge of road at targets set above road about 25 yards away. Just south of the creek crossing, 2 individuals had parked their car along the road edge. On the opposite side of the creek and above the same road, they had set targets at ground level. They were shooting a .22 rifle over the road at the targets. We could only pass safely when they took a pause in their shooting. This incident occurred on a Saturday when more people would be in the canyon.

Actions Taken by the Forest and Community

Prompted by the concerns brought forth by the residents living along the east side of the Huachuca Mountains range in relation to recreational shooting, in the spring of 2013, the Multi-Use Collaborative Alternatives Team (CAT) was formed. The CAT is made up of local community members representing a variety of local interests to include recreational shooting, mountain biking, hiking, birding, and horseback riding, as well as representatives from the Arizona Game and Fish Department (AGFD), the National Rifle Association (NRA), Friends of the Huachuca Mountains, and Friends of Brown Canyon Ranch. The first meeting was held on April 23, 2013, during which several ideas on how to minimize impacts of recreational shooting to the various forest users were discussed. Among those ideas were responsible shooting behavior education, providing local shooting range information, protection of fire-damaged environmentally sensitive areas, law enforcement presence and enforcement, identification of suitable areas for recreational shooting along the east side, and development of a shooting range on the Sierra Vista Ranger District.

In July 2014, the Coronado NF issued a temporary closure order to recreational shooting in Ash and Hunter Canyons, due to the continued near misses both on and off NFS lands, and the elevated risks to public health and safety. For example, recreational shooters nearly shot other
forest users unknowingly, due to the steep and compartmented canyons which essentially blind users from one another. In other instances, adjacent private residence owners reported bullets whizzing by them and their homes/structures while they were outside on their properties. The area for this temporary closure extended a quarter mile off both sides of canyon NFS roads in both Ash and Hunter Canyons and included approximately 1,908 acres in total. The configuration of the closure areas was determined based on the shooting behavior occurring in the canyons, which was primarily occurring off canyon roads or at trailheads located within the canyons, very near to residences, buildings, campsites, occupied areas, and across or on NFS roads. Additionally, the closure areas were consistent with 36 C.F.R. § 261.10(d)(1) and (2), which prohibit recreational shooting within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or across or on an NFS road, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge. Ash and Hunter Canyons were receiving the predominant use by recreational shooters, although most of the east side canyons were experiencing similar effects. The Forest Service and CAT members initiated various clean-up actions to collect and dispose of inappropriate targets, bullets, ammunition shells, and parts of oak trees used as targets for shooting.

In December of 2014, representatives with AGFD met to discuss recreational shooting in Ash and Hunter Canyons. Among the perspectives that were shared with the Forest Service was the view that given the terrain in the canyons, and the proximity to both residential development and popular recreation areas, the presence of shooting would continue to pose a threat to the public’s health and safety. One suggestion that emerged was the designation of a specific area in Hunter Canyon that could possibly be developed to accommodate small arms. A representative of the NRA’s Range Technical Team assessed both Hunter and Ash Canyons, to gauge their suitability for recreational shooting. The NRA representative concluded that there was no suitable area for recreational shooting in Ash Canyon, but that Hunter Canyon could potentially accommodate one small arms area with a limited number of shooting lanes (generally the same area as identified by AGFD).

In December of 2016, the CAT developed a draft Recreational Sport Shooting Management Plan (Plan). The purpose of the Plan was to provide a variety of ideas for the management of recreational sport shooting in the Huachuca Mountains. While this document did not suggest any changes to the management of lawful hunting activities, it did indicate that there would be community support for a permanent closure of NFS lands to recreational shooting along the east side WUI.

The CAT provided the Coronado NF with a proposed micro range concept drawing in February of 2016. The Forest Service assessed the proposal against its Special Use Authorization screening criteria (Special Uses Handbook (FSH 2709.11)), to determine if the proposal qualified for further consideration (9 initial screening elements). The proposal did not pass the screening for Element 5, in that development of a recreational shooting range on the Sierra Vista Ranger District would conflict or interfere with the Sierra Vista Shooting Range, an existing use adjacent to NFS lands. Consequently, the Coronado NF determined that a shooting range would not be
able to be developed on the Sierra Vista Ranger District, due to the inability to pass the initial screening criteria for a special use authorization.

To ensure the continued protection of the public’s health and safety, the Coronado NF determined that it was necessary to issue successive temporary closure orders for recreational shooting in Ash and Hunter Canyons. The temporary closures were determined necessary for several reasons, all based in the need to ensure the health and safety of the public, including residents and users of NFS lands.

The efforts in which the Coronado NF engaged to implement the initial temporary closure order were extensive and involved a great deal of coordination with the CAT, county commissioners, and congressional representatives (community at large). Concerns were expressed by the community at large regarding the first temporary closure, revolving around the ability for recreational shooting to continue elsewhere on the Sierra Vista Ranger District, how lawful hunting might be affected, and possible infringement on the ability to keep and bear arms under the Second Amendment to the United States Constitution. It was indicated to those concerned that, per a 2006 Forest Service memorandum, then Chief Dale Bosworth indicated that recreational shooting is considered an appropriate use of NFS lands, and that “With ever increasing population, use and urban interface development affecting NFS lands we must, now more than ever, work with our partners to facilitate safe and responsible use.” With this intent in mind, the Coronado NF informed the community at large that the Forest Service supported recreational shooting, and that such shooting could occur elsewhere on the Coronado NF and the Sierra Vista Ranger District, when done in compliance with federal and state shooting laws. For example, recreational shooting can occur across the entire ranger district, except where it is already prohibited by regulation (36 C.F.R. § 261.10(d)). It was also clarified that the temporary closure would have no impact on lawful hunting and would not infringe on the ability of the public to keep and bear arms, as the Coronado NF was not prohibiting the possession of firearms, just restricting, in a limited fashion, the geographic location of where recreational shooting can occur. With subsequent renewals of the temporary closure order since 2014, community concerns have all but diminished, support is high, and opposition is minimal. The majority of the community at large appears to understand that recreational shooting in the area in question – a densely populated WUI with unique characteristics that is adjacent to a highly used National Forest – poses unacceptable risks to public health and safety.

With every reissuance of the closure order, close coordination with congressional staffers has occurred. This coordination has resulted in questions, such as the existence of any opposition to the temporary closure proposal, and the extent of public involvement in the process. The Forest Service has consistently communicated that opposition is minimal, and that the CAT, county commissioners, and other members of the community had been notified of the proposed temporary closures, and that support for the closures was consistently high.

**Proposed Action**

To effectively mitigate the potential for grave harm to human health and safety resulting from the discharge of firearms in close proximity to hiking trails, recreational facilities, private
property and residences along the eastern side of the Huachuca Mountains within the WUI, a permanent closure is necessary. Until a permanent closure order can be issued, an emergency closure is necessary. Since the last temporary closure order expired in July of 2020, reports have been made to the Sierra Vista Ranger District on a regular basis regarding recreational shooting occurring in the east side canyons, to include the use of illegal exploding targets. In addition, recreational shooters are not cleaning up their rounds and are leaving target trash behind. These recent actions serve to illustrate not only the imminent threat to the health and safety of others forest users recreating in the east side canyons, but also the threat of wildfire in the WUI resulting from the use of illegal exploding targets on NFS lands.

This closure would include all NFS roads within Ash, Lutz, Stump, Hunter, Miller, Carr and Brown Canyons, and would mirror what has proven successful in mitigating risk to the public and adjacent private landowners in previous temporary closures. Within each of the aforementioned canyons, the closure area would extend a quarter mile off both sides of canyon NFS roads, resulting in a closure area of approximately 5,090 acres. With the closure in place, approximately 98.3% of the Sierra Vista Ranger District would remain available and open to recreational shooting, consistent with the federal and state recreational shooting laws and regulations. Hunting in all east side canyons with a valid state permit would still be allowed. The proposed size of the closure area has been limited to the minimum size necessary to meet the objective of protecting public health and safety.

Compliance with the National Environmental Policy Act (NEPA)

Since the first temporary closure was put in place in 2014, the Sierra Vista Ranger District and the Coronado NF have always had a long-term plan to effectively manage recreational shooting, to include the goal of permanently closing areas along the east range WUI of the Huachuca Mountains where ongoing conflicts between users, adjacent private properties, and numerous near misses have occurred. Furthermore, several discussions have been held over the years with regards to the applicability of conducting an analysis for this closure under NEPA, as well as the appropriate level of the analysis. From these multiple discussions over the past several years, it is the Coronado NF’s position that NEPA does not apply to this proposed permanent closure for the following reasons:

- The permanent closure to recreational shooting will be an administrative action, and no ground disturbing actions or activities will be required to put the closure into effect;
- The permanent closure would not compel any direct action or inaction and would result in no tangible or perceptible effects on the environment;
- There will be no environmental effects as a part of the administrative action that can be meaningfully evaluated (36 C.F.R. § 220.4(a));
- Recreational shooters have gone elsewhere for over 7 years since the temporary closures have been in place, and their displacement has not resulted in environmental effects elsewhere that would rise to the level of a Federal action under NEPA; in short, there are no displacement effects to take into consideration or evaluate under NEPA; and,
• If there had been displacement effects on the National Forest, they would have materialized after 7 years and the Coronado NF would have had to take action to address any effects to Federal lands.

For these reasons, it is the position of the Coronado NF that this proposed permanent closure order is not subject to NEPA requirements. The Coronado NF will engage the public as required by the John D. Dingell Act by publishing a Notice of Intent for 60 calendar days in the Federal Register and on various USFS websites.

Summary

Residential development continues on the east side of the Huachuca Mountains. To date, more homes continue to be built, followed by businesses to support the residential development, increasing the risk to the public from recreational shooting within the WUI. Recreational use of the Coronado NF and the Sierra Vista Ranger District has likewise steadily increased as people look to the National Forest to hike, mountain bike, hunt, ride horses, prospect, target shoot, find solitude, and enjoy their public lands. Additionally, because of the proximity of the National Forest along the east side to residents of the communities of Sierra Vista, Hereford and Palominas, access to the National Forest is very convenient and takes little time or effort, resulting in heavy forest use.

Since the temporary closures have been in place, the CAT has worked with the Sierra Vista Ranger District to clean illegal target trash and spent ammunition and shell casings from the canyons. Trees which were used as targets and were partially impacted have mainly healed and continue to live. Other users have returned to the east side canyons without the threat of errant bullets or the worry of not being seen by recreational shooters, a situation which often occurred due to the nature of the canyons and terrain. The Sierra Vista District has continued to work with AGFD to educate the public on responsible recreational shooting on NFS lands, but this effort has been insufficient to deter irresponsible recreational shooting along the WUI.

Due to the continued residential and commercial development in this WUI, increased recreational use on the Sierra Vista Ranger District by the public in various forms (hiking, hunting, mountain biking, birding, horseback riding, camping, recreational shooting, solitude seeking), and the close proximity of NFS lands to surrounding residential communities and businesses, the threat to the health and safety of the recreating public along the east side of the Huachuca Mountains from recreational shooting is showing no signs of decreasing. This is an ongoing problem that is not going to abate. Accordingly, we strongly believe that the canyons along the eastern side of the Huachuca Mountains must be closed permanently to recreational shooting to effectively mitigate the risk to the health and safety of the recreating public, the threat of wildfire from ricocheting ammunition, and adverse impacts to natural resources. Until the permanent closure can be put in place risk and threats will remain, and therefore a temporary, emergency closure to bridge this gap is likewise necessary.