



Forest Service  
U.S. DEPARTMENT OF AGRICULTURE

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CUSTER GALLATIN NATIONAL FOREST

## **Response to Comments on the Proposed Permanent Recreational Shooting Order for the Hyalite Creek Drainage in the Bozeman Ranger District, Custer Gallatin National Forest**

**July 9, 2024**

The 60-day comment period for the final permanent recreational shooting order for the Hyalite Creek Drainage in the Bozeman Ranger District, Custer Gallatin National Forest (CGNF), began on June 6, 2022, and ended on August 8, 2022.

The Forest Service received 34 comments from individuals, organizations, or agencies. Most commenters supported the proposed permanent order based on the danger to public safety recreational shooting presents given the high volume of recreational use in the Hyalite Creek Drainage. Four commenters supported the proposed permanent recreational shooting order. Four commenters opposed the proposed permanent recreational shooting order. The Forest Service's responses to these comments are provided below.

**Comment:** The Forest Service received comments about extending bow hunting season, banning all trapping, requesting an exemption to the proposed order that would allow shooting in self-defense, banning all guns and inspecting all vehicles for guns, and posting clear notice of the proposed permanent order.

**Response:** Bow hunting, trapping, shooting in self-defense, banning all guns and inspecting all vehicles for guns, and posting clear notice of the order are outside the scope of the proposed and final permanent recreational shooting orders, which prohibit recreational shooting in the Hyalite Creek Drainage in the Bozeman Ranger District of the CGNF to address public safety concerns and does not modify existing regulatory requirements regarding posting of orders. Also, many of these issues are within the jurisdiction of Montana Fish, Wildlife, and Parks and outside the authority of the US Forest Service.

**Comment:** Most of the comments received focused on public safety. A few commenters opposed the proposed permanent recreational shooting order because they did not believe that recreational shooting in the Hyalite Creek Drainage poses a risk to public safety. Many commenters fully supported the proposed permanent recreational shooting order because they believed that unmanaged recreational shooting in an area experiencing an increasing number of

visitors presented a public safety concern. Another commenter was pleased that the proposed order would not affect the right to carry a firearm. Another commenter noted that before issuance of the emergency order prohibiting recreational shooting in the Hyalite Creek Drainage, reverberations of gunshots in the Drainage made it impossible to determine where the shots were fired and direction in which they were heading.

**Response:** The Forest Service is authorized to prohibit recreational shooting in specified areas on NFS lands due to public safety concerns. 16 U.S.C. 551, 7913; 16 U.S.C. Part 261, Subpart B. Recreational shooting has proven to be a public safety concern in the Hyalite Creek Drainage in the Bozeman Ranger District of the CGNF. When recreational shooting was allowed in the Hyalite Creek Drainage, the CGNF received numerous reports from the public of close encounters from ricochet bullets or of people shooting in areas where they did not have a clear line of sight. At the same time, the Hyalite Creek Drainage was experiencing and continues to experience a growing number of recreational visitors each year. In 2021, the Hyalite Creek Drainage received 2,000 visitors per day during the summer. These near misses, unsafe recreational shooting practices and increasing recreational use of the entire Hyalite Creek Drainage, combined with the narrow geography of the glacial valley and the density of roads, trails, and developed and undeveloped sites, make the entire Hyalite Creek Drainage unsafe for recreational shooting. This public safety concern led the Forest Service to prohibit recreational shooting in a portion of the Hyalite Creek Drainage in 2013, followed by a prohibition of recreational shooting in the entire 34,018-acre Hyalite Creek Drainage in 2016 to fully address the public safety concern. To the Forest Service's knowledge, no recreational shooting-related injuries or deaths have occurred in the Hyalite Creek Drainage since 2013. The agency is concerned that without the final permanent recreational shooting order, there would be a significant risk that someone would be seriously injured or killed.

**Comment:** Two commenters stated that in lieu of issuing the proposed permanent recreational shooting order, the Forest Service should strive to balance recreational shooting opportunities with other uses of the Hyalite Creek Drainage.

**Response:** The CGNF encompasses over 3 million acres and is among the most ecologically, socially, economically, and culturally diverse national forests in the Northern Region of the Forest Service. The CGNF provides for social, economic, and ecological sustainability and multiple uses of National Forest System lands and resources, including safe recreational shooting opportunities outside the Hyalite Creek Drainage. The Bozeman Ranger District has worked with the public to inform them about the numerous areas outside the Hyalite Creek Drainage that are appropriate for safe recreational shooting. The Bozeman Ranger District has also worked with the public to inform them about safe, responsible recreational shooting practices such as using good backstops and not shooting across a road, trail, or body of water. The CGNF has also created a recreational shooting brochure for the public and has distributed it at sportsmen shows and has used local media to convey messages concerning safe recreational shooting practices and how to determine whether an area is appropriate for safe recreational shooting, including guest columns in the Bozeman Chronicle and in Outside Bozeman magazine. Local television stations have also run stories encouraging responsible recreational shooting and methods for selecting appropriate safe shooting locations. Additionally, the CGNF has installed a bulletin board at the intersection of the Moser Road and Hyalite Road, a popular location in the Hyalite Creek

Drainage, for posting educational information concerning recreational shooting opportunities, and each trailhead bulletin board in the Hyalite Creek Drainage displays educational messages regarding recreational shooting.

**Comment:** Some commenters supported the proposed permanent recreational shooting order based on the concern that keeping the area open to recreational shooting would lead to an increase in trash accumulation.

**Response:** While not all trash in the Hyalite Creek Drainage is left by recreational shooters, the CGNF has observed that shooting-related trash in the Drainage accumulates in areas where people shoot. This trash includes shell casings, clay pigeons, target structures such as plywood, paper targets, and other items specifically used as targets. Before the Drainage was closed to recreational shooting, volunteers and Forest Service staff were dispatched annually to clean up frequently used recreational shooting areas and collected thousands of pounds of shooting-related trash and other associated garbage. Public safety concerns, rather than trash impacts, are the justification for the final permanent recreational shooting order.

**Comment:** Some commenters supported the proposed permanent recreational shooting order because of the noise caused by recreational shooting. One commenter noted that gunshots associated with recreational shooting scares pets and wildlife.

**Response:** Public safety concerns, rather than noise impacts, are the justification for the final permanent recreational shooting order. However, the Forest Service agrees that the final permanent order prohibiting recreational shooting will decrease noise impacts in the Hyalite Creek Drainage.

**Comment:** Some commenters supported the proposed permanent recreational shooting order due to the harmful effects recreational shooting can have on natural resources. One commenter noted that recreational shooters have shot and killed trees.

**Response:** Public safety concerns, rather than resource damage, are the justification for the final permanent recreational shooting order. However, the CGNF has observed many types of resource damage caused by recreational shooting in the Hyalite Creek Drainage, including trees that have been killed from that activity. The Forest Service agrees that these adverse impacts will be prevented by the final permanent order prohibiting recreational shooting in the Hyalite Creek Drainage.

**Comment:** A few commenters objected to the size of the proposed permanent recreational shooting order. One commenter believed that 34,000 acres is plenty of space to allow recreational shooting.

**Response:** The Dingell Act requires that the Forest Service restrict its order to “the smallest area for the least amount of time that is required for public safety....” 16 U.S.C. 7913(a)(2). The CGNF encompasses over 3 million acres, and the area where recreational shooting is prohibited represents approximately 1.1% of the NFS lands in the CGNF. The 34,018-acre Hyalite Creek Drainage is a narrow glacial valley with a large number of visitors and a high density of roads,

trails and developed and undeveloped sites that is unsafe for recreational shooting because of the significant risk of serious injury or death to visitors. Based on these facts, the Forest Supervisor for the CGNF has determined that the final permanent recreational shooting order in the Hyalite Creek Drainage covers the smallest area for the least amount of time that is required for public safety, consistent with the Dingell Act. The Gallatin County Commission and the Gallatin County Sheriff agree that the scope of the final permanent recreational shooting order is appropriate and would not support a closure smaller than what is proposed.

**Comment:** A few commenters emphasized the importance of finding recreational shooting enthusiasts a safe alternative location for recreational shooting. One commenter suggested moving target shooting to a location outside the Hyalite Creek Drainage in the CGNF. Another commenter noted the lack of safe, designated, public locations for target shooting.

**Response:** The CGNF, as part of the Intergovernmental Working Group, is committed to moving forward with proposals to provide developed target ranges at appropriate locations in and around Bozeman. While there are currently no developed target ranges in the Bozeman Ranger District, recreational shooting in undeveloped areas is allowed in the CGNF unless specifically prohibited, such as in sensitive areas.

**Comment:** One commentor suggested working with the Montana Department of Fish, Wildlife, and Parks (FWP) to designate a special weapons district like the Rattlesnake Wilderness near Missoula.

**Response:** The FWP has not designated a special weapons district in the Rattlesnake Wilderness. The FWP has established an early backcountry rifle season for elk. The Forest Service does not have the authority to designate a special weapons district. Recreational shooting is allowed in undeveloped areas in the CGNF unless specifically prohibited, such as in sensitive areas.

**Comment:** One commenter suggested installing a gated entrance and establishing a \$60 entrance fee for the Hyalite Creek Drainage in lieu of issuing the proposed permanent recreational shooting order.

**Response:** The Forest Service lacks the authority to charge an entrance fee under the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801–6814). Regardless, a gated entrance and entrance fee would not address the public safety concerns associated with recreational shooting in the Hyalite Creek Drainage. The final permanent recreational shooting order, issued under the Organic Administration Act (16 U.S.C. 551), the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 (16 U.S.C. 7913), and Forest Service regulations (36 CFR Part 261, Subpart B), addresses these public safety concerns.