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October 24, 2022

Submitted via eplanning and by email to bhigdon@blm.gov

Re: Scoping for Recreational Shooting Range Project in Santa Fe County

Dear Mr. Higdon,

Please accept these comments submitted on behalf of the undersigned organizations and individuals on the scoping notice from the Bureau of Land Management (BLM) Taos Field Office for the proposed Recreational Shooting Range Project (Project) on approximately 38,000 acres of public lands in Santa Fe County. We provide these comments as a coalition working toward the permanent protection and responsible stewardship of the 106,883-acre Caja del Rio Plateau, the greater landscape that surrounds much of the proposed Project area.

Reckless and unregulated shooting has created dangerous conditions and negative impacts throughout the Caja del Rio. In addition to human endangerment from shooting on and throughout the Caja, there has been a documented history of the unlawful shooting of sensitive species, including eagles and burrowing owls,¹ poaching of big game, as well as shooting at petroglyphs and other sensitive archaeological sites.² Accordingly, we recognize the need to provide safe and well-regulated opportunities for responsible recreational shooting in Santa Fe County while minimizing impacts to nearby residential areas and communities; natural, archaeological, and cultural resources; wildlife and plants; water resources and infrastructure; and other public land users.

In Section I below, we discuss the need for the BLM to engage in meaningful Tribal Consultation as well as consider creative opportunities for Tribal Co-Management of any proposed shooting range. In this section we also highlight that a successful shooting range project must include strong cross-jurisdictional collaboration between Tribal, Federal, State, and Local agencies as well as partnerships with local community organizations. In Section II, we discuss our concerns with the currently proposed locations and why each is an inadequate and impractical solution to address the current

¹ See "Rare Burrowing Owl Shot to Death," Santa Fe New Mexican, July 14, 2016, *available at* https://www.santafenewmexican.com/news/groups-offer-5k-for-tips-in-rare-owl-s-death/article_1aee4386-0daa-5a24-b94a-ed90189d1e69.html.

² See "La Cieneguilla Petroglyphs suffer graffiti damage," Santa Fe New Mexican, January 24, 2022, *available at* https://www.santafenewmexican.com/news/local_news/la-cieneguilla-petroglyphs-suffer-graffiti-damage/article_f1895450-7d5b-11ec-b6f2-23b738f5896e.html#tncms.

and future shooting issues on BLM lands in Santa Fe County. In Section III, we provide a compelling case for why the BLM should consider adding a proposed alternative site in the location of the current ad-hoc shooting area off of County Road 56C. In this section, we also discuss how using this current shooting site could protect important cultural, ecological, and wildlife values while also providing educational opportunities to local youth and socioeconomic benefits to surrounding low-income communities. Finally, we conclude our analysis with a discussion of shooting range best-practices and provide community driven management strategies that BLM must incorporate to move forward with the development of any shooting range in Santa Fe County.

I. Tribal Consultation, Co-Management and Cross-Jurisdictional Collaboration

When planning the Project, the BLM should prioritize communication with Pueblos and Tribes and strictly adhere to the new guidance that the Department of Interior (DOI) issued September 13, 2022, to strengthen Tribal co-stewardship of public lands and waters. The guidance directs the BLM to engage Tribes in meaningful government-to-government consultation at the earliest phases of planning and decision-making to ensure that Tribes have a meaningful opportunity to shape the direction of the BLM's land management activities. The BLM must also ensure that the development and use of any land for a shooting range will comply with National Historic Preservation Act (NHPA), Section 106, and that Tribal use of any traditional cultural properties is accommodated. Finally, the BLM should also explore opportunities for co-management on the Caja del Rio Plateau, noting DOI's inclusion in the guidance of the Bears Ears Co-Management Agreement as a potential model for collaborative stewardship on a landscape level, centering Tribal leadership. We are encouraged that with regard to this project the BLM has suggested the opportunity for Tribes to have cooperating agency status.

In addition to working collaboratively and meaningfully engaging the area's Pueblos and Tribes in this important process, we want to strongly encourage the BLM to engage in cross-jurisdictional collaboration with the Santa Fe National Forest, the National Park Service, the New Mexico State Land Office, the New Mexico Department of Game and Fish, the US Fish & Wildlife Service, the City of Santa Fe, and Santa Fe County. This collaboration should occur not only at the leadership level of each entity, but also be institutionally penetrative to ensure strong collaboration between law enforcement officers, archaeologists, biologists, and natural resource and wildlife experts. Along these lines, the various community-based organizations of the Caja del Rio coalition also look forward to lending our expertise and perspectives to the BLM in this process.

II. The Proposed Locations for Developed Shooting Ranges Are Not Viable Alternatives.

In the scoping documents the BLM proposes two locations for developed shooting ranges in the Camel Tracks and Buckman-Alamo Creek areas. As described in more detail below, both proposed locations would be sited on the Caja del Rio Plateau, one of the most ecologically and culturally significant landscapes in New Mexico. The Caja del Rio contains innumerable petroglyphs, sacred sites, a diverse range of plants and

animals, and critical wildlife corridors. Indigenous peoples have lived in and used this area from time immemorial, and traditional Hispano communities have lived on and gathered resources from this landscape for hundreds of years.

Under the National Environmental Policy Act (NEPA), the BLM has a duty to consider all reasonable alternatives to and impacts of its proposed action.³ Under the Federal Lands Management Policy Act (FLPMA), the BLM has a duty to “prevent unnecessary or undue degradation” to the important and unique landscape of the Caja del Rio Plateau.⁴

After considerable community outreach and discussions with local community members and shooters who utilize the Caja del Rio, we are convinced that the current options identified by the BLM as potential sites for developing shooting ranges would result in unnecessary and undue degradation of the Caja del Rio, would fail to solve the current problems associated with unconfined shooting, and are simply not viable options from the public’s perspective.

A. The Proposed Camel Tracks Area is an Unsuitable and Impractical Location That Would Have Unacceptable Impacts on the Ecological and Cultural Resources of the Caja Del Rio Plateau and Is Opposed by Tribes and the Local Community.

The proposed Camel Tracks shooting site contains a wide variety of flaws that make it an unsuitable location for a proposed shooting range. The proposed location would extend too far into the interior of the Caja del Rio Plateau and as further described below, would negatively impact ecological and cultural resources, would conflict with other uses of the plateau, would require costly road construction and maintenance, would be inconvenient for local users, and would result in unintended negative consequences.

First, the proposed Camel Tracks location would require a significant amount of construction, on the ground disturbance, constant noise, and aerial disturbance to an otherwise undisturbed natural and wildlife area. The Caja del Rio Plateau is rich in plant and animal life, both in terms of overall numbers (population size) and types of species (biodiversity). This diversity is possible because the Caja del Rio encompasses an array of habitat types, including grasslands, piñón-juniper shrub, piñón-juniper woodlands, sagebrush, and rivers and canyons with riparian zones filled with cottonwood trees and willows.

Multiple agencies and organizations have recognized the ecological importance of this area. The proposed Camel Tracks site would be in the La Cienega Area of Critical Environmental Concern, designated by the BLM to protect significant wildlife, cultural, riparian, and scenic values. The Santa Fe National Forest, which is responsible for managing much of the Caja del Rio Plateau, recently designated the western section of the plateau as a Wildlife and Cultural Interpretive Management Area.⁵ The Caja del Rio

³ 42 U.S.C. § 4332(2)(C).

⁴ 43 U.S.C. § 1732(b).

⁵ Santa Fe National Forest Land Management Plan (July 2022), *available at* https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1046331.pdf.

has also been designated as an Audubon Important Bird Area.⁶ And the New Mexico Energy, Minerals, and Natural Resources Department has recognized a portion of the Caja del Rio as an Important Plant Area, reflecting the Caja's support for a high diversity of sensitive plant species.⁷

The grasslands and other ecosystems of the Caja del Rio play a significant role in daily and seasonal bird migration and provide habitat for many sensitive species of birds, including the gray vireo, listed as threatened in New Mexico, and the southwestern willow flycatcher, listed as an endangered species by both the state and federal governments. In addition to these listed species, many of the birds found on the Caja del Rio such as the piñon jay are listed as species of greatest conservation need by the New Mexico Department of Game and Fish.⁸

The proposed Camel Tracks shooting area is also important to sensitive species of raptors, including burrowing owls, golden and bald eagles, and peregrine falcons. Burrowing owls, which have already been the target of shooters on BLM lands on the Caja in recent years, are among those listed by the New Mexico Department of Game and Fish as a "species of greatest conservation need."⁹ Loss of burrowing owl habitat has become a major problem due to increased development within and near the Caja del Rio, which serves as the primary habitat for this important species in the Santa Fe area.¹⁰ By developing the natural habitat of the proposed Camel Tracks shooting area, the BLM would contribute to further loss of burrowing owl habitat. Other resident and migratory birds that depend on the Caja include mountain plover, long billed curlew, scaled quail, juniper titmouse, loggerhead shrike, ferruginous hawk, Baird's sparrow, and piñon jay, which has been proposed for listing as an endangered species.¹¹

In addition to birds, the Caja del Rio Plateau provides necessary habitat to an array of game and nongame species of wildlife, including elk, mule deer, mountain lion, bobcat, coyote, black bear, Gunnison's prairie dog, spotted bat, Townsend bat, and a variety of other species. The Caja supplies corridors and habitat connectivity for daily and seasonal wildlife movement to adjacent mountain ranges, wilderness areas, and

⁶ See Audubon, Important Bird Areas, Caja de Rio New Mexico, at <https://www.audubon.org/important-bird-areas/caja-del-rio>.

⁷ See EMNRD, New Mexico Rare Plant Conservation Strategy, at <https://www.emnrd.nm.gov/sfd/new-mexico-rare-plant-conservation-strategy/>.

⁸ See the State Wildlife Action Plan on Birds at: <https://nmswap.org/swap-species/birds>

⁹ New Mexico State Wildlife Action Plan at:

<https://www.wildlife.state.nm.us/download/conservation/swap/New-Mexico-State-Wildlife-Action-Plan-SWAP-Final-2019.pdf>; see also the Santa Fe New Mexican at: https://www.santafenewmexican.com/news/local_news/game-and-fish-identifies-235-species-in-dire-need-of-protection/article_1e655ab6-9a96-5b85-9cod-4e1c5842b2d0.html

¹⁰ See Santa Fe New Mexican "Burrowing Owls Almost Gone from the City Different" at https://www.santafenewmexican.com/news/health_and_science/prairie-dog-removal-in-city-contributes-to-owl-s-decline/article_17ab9709-4fb6-5388-92c9-2faf67d617c7.html

¹¹ See Petition to List Pinyon Jay by Defenders of Wildlife (Apr. 25, 2022), available at https://defenders.org/sites/default/files/inline-files/2022.4.25_FWS_Listing%20petition_Pinyon%20Jay.pdf

inventoried roadless areas, often following the corridor of the Rio Grande and other waterways. These wildlife corridors establish a critical link from Colorado south to Mexico and are vital to the long-term genetic viability of resident and migrating populations of many species of concern. Construction of a shooting range in this area, and the associated road construction and maintenance that would be required to serve the shooting range, would result in constant traffic and shooting in this area. These actions would forever damage wildlife and natural habitat and would significantly impact and alter wildlife movement, migration, and connectivity in the Caja and more regionally.

Second, shooting at the proposed Camel Tracks location would occur too close in proximity to Tetilla Peak, an area considered sacred to various Pueblos, including Cochiti Pueblo.

Third, there are existing cattle permittees grazing in and around the proposed Camel Tracks area. Putting a shooting range in this location could endanger both permittees and livestock and result in user conflicts.

Fourth, the proposed location would require the costly construction of a better road as well as the regular, costly, and burdensome maintenance of this road, which would be especially problematic during the monsoon season, winter, and spring. Construction and regular maintenance of a road into the interior of the Caja would not only further disrupt this natural and sacred area, but also create significant cultural and historical challenges to the preservation of the existing rights-of-way of the Camino Real de Tierra Adentro and Route 66.

Finally, based on the input of local shooters and from a practical perspective, by extending the shooting range further into the interior of the Caja del Rio, the BLM would be asking local shooters to drive miles past the existing ad-hoc shooting area at the entrance of the Caja off County Road 56C to shoot at the much further location. Not only does this create a greater socio-economic burden in times of constantly rising gas prices, but also fails to recognize that people have a history and developed culture of shooting in areas just off County Road 56C near the entry of the Caja. Along these lines, during the winter and spring when the road to the proposed Camel Tracks area becomes impassable, shooters will inevitably choose to shoot in areas near the entry of the Caja. Again, there is a reason people are currently utilizing this area to shoot.

Further, by developing a maintained road that pushes further toward the interior of the Caja del Rio, the BLM is likely to create numerous unintended consequences related to more problems of travel management and unauthorized motor vehicle and OHV use, and will force public safety personnel, including BLM law enforcement, Santa Fe County police, firefighters, and EMTs, to travel deeper into the Caja to deal with shooting, wildfires, medical emergencies, and other problematic issues. Additionally, given that the proposed range and newly constructed/maintained road would directly abut the Santa Fe National Forest boundary, it is foreseeable that shooters may drive further into the Caja to shoot and dump trash in the national forest and impact wildlife and culturally sensitive areas such as Tetilla Peak.

For all of these reasons, the proposed shooting range at Camel Tracks is both unsuitable and impractical and will create a myriad of other problems and issues for both the community and the agency.

B. The Proposed Buckman-Alamo Creek Location Is Not Centrally Located, Would Cause Conflicts with Other User Groups and Nearby Residents, and Could Jeopardize Water Quality and Drinking Water Infrastructure.

The proposed Buckman-Alamo Creek site is untenable because it would create unnecessary development and impacts in a fragile and sensitive area, would create conflicts with nearby residential neighborhoods and other user groups, and would be inconvenient for shooters to access.

First, the shooting range would be too close to the Rio Grande, the Buckman Direct Diversion, and the City of Santa Fe's drinking water infrastructure. In working with the City of Santa Fe to pass a resolution to permanently protect the Caja del Rio, we received numerous concerns from city leaders and staff over the need to protect city infrastructure and investments in the Buckman area that has been the target of constant and dangerous shooting. In funneling more people to shoot and access this area by creating a range, BLM runs the risk of encouraging even more shooting around sensitive and expensive infrastructure critical to the drinking water supply of the City of Santa Fe. Developing a shooting range in this location would also concentrate the amount of lead and other pollution that could wash into the Rio Grande and contaminate groundwater and the surrounding environment.

Second, the proposed location would be located right between the Dead Dog and Diablo Canyon trailheads, which are popular with hikers, climbers, and families with small children and pets. Developing a shooting range in this area would decrease the opportunities for high quality recreational experiences for other user groups.

Third, the proposed Buckman site is not centrally located and would be inconvenient for potential users from the most populous areas of Santa Fe, especially for those of lower income. To reach the proposed shooting area, residents would have to travel approximately 10 miles from New Mexico 599, including about 5 miles down a narrow dirt road. Adding more extensive traffic to these roads would require additional road maintenance dollars from local governments and would create more traffic on the narrow roads of Las Campanas, impacting nearby residential neighborhoods.

Finally, establishing a developed shooting range in this sensitive, inconvenient location would not prevent recreational target shooters from continuing to create and use other areas dispersed throughout the Caja. Shooters will choose sites that are convenient and easy to get to, which this site is not. To discourage dispersed and illegal shooting, the BLM must develop a convenient and appropriate location. Proper siting will prevent unnecessary impacts on water quality and infrastructure, decrease enforcement and implementation costs for the BLM, and reduce conflicts with other user groups, local communities, and area residents.

C. The San Pedro Mountains Area Is Not Suitable for a Developed Shooting Range.

We agree with the BLM's statements in the scoping documents that the existing unconfined target shooting in the San Pedro Mountains area occurs too close to residential areas and that there are no suitable alternatives for a developed shooting range in the vicinity. Moreover, the San Pedro area is far from population centers in Santa Fe County and is inconvenient for most people to access. We support the BLM's proposal to close this area to recreational target shooting and to conduct restoration and remediation activities in the impacted areas.

We understand that many of the shooters who use this area for dispersed recreational shooting likely travel from Albuquerque or Bernalillo County. We note that Albuquerque is already home to a shooting range facility, the Albuquerque Shooting Range Park, which is managed and publicly operated by the City of Albuquerque Open Space Division. The Shooting Range Park provides a safe and conveniently located environment for shooters from the Albuquerque area to practice and learn the skills of using a firearm. The Shooting Range Park has highly trained range staff on-hand at all times to ensure the safety of patrons. Since there is already a safe, high-quality public facility in the Albuquerque area, it is not necessary to develop an additional shooting range in the San Pedro Mountains area of Santa Fe County to serve residents of Bernalillo County.

We encourage the BLM to collaboratively work with the New Mexico Wildlife Federation, Hispanics Enjoying Camping and Hunting Outdoors (HECHO), the New Mexico Department of Game and Fish, and the BLM Albuquerque Field Office to address the shooting concerns in the San Pedro area.

III. The BLM Should Build a Single, State-of-the-Art Recreational Shooting Facility off County Road 56C in the Current Ad-Hoc Shooting Location.

As explained in Section II above, the two shooting range locations proposed in the scoping documents are flawed, untenable options. When siting a shooting range, the BLM must consider all reasonable alternatives and must prevent unnecessary or undue degradation of the Caja del Rio Plateau.¹² In this section we explain why the BLM should consider an alternative for a single developed shooting range in an area already impacted by heavy use.

Specifically, the BLM should develop one new shooting range in or near the ad-hoc location currently used for unconfined target shooting off County Road 56C, near the Crego mine. Most of the unconfined target shooting in the Project area occurs in this location. We strongly recommend that the BLM consider an alternative in its NEPA analysis for a single developed shooting range in this vicinity. As compared to the locations proposed by the BLM so far, this alternative is a better option because it would be in an accessible, convenient area already subject to disturbance and impacts from shooting.

¹² See generally 42 U.S.C. § 4332(2)(C); 43 U.S.C. § 1732(b).

A. The BLM Should Focus on Developing a Single, High-Quality Recreational Shooting Range in Santa Fe County.

The Project to create a recreational shooting range facility in Santa Fe County will require a significant infrastructure build-out, which will be complicated and expensive to plan and construct. Once constructed, the facilities will require costly ongoing management and maintenance.

Given these constraints and the impacts that a new shooting range will have on the surrounding landscape and communities, we urge the BLM to focus its resources on the development of a single site for one new state-of-the-art facility that the agency and the people of Santa Fe and New Mexico can be proud of. Creating a high-quality shooting range in a convenient, appropriate location will incentivize responsible recreational shooters to use the facility, rather than seeking out currently undeveloped areas to engage in disbursed target shooting.

B. The Location of the Current Shooting Area off County Road 56C is Accessible, Convenient, and Furthers Public Health and Safety.

The ad-hoc location currently used for unconfined target shooting off County Road 56C is conveniently located near the entrance of the Caja del Rio off of Road 56C and is easily accessible by motor vehicles.

Constructing shooting range facilities in this location would require minimal road development, maintenance, or travel. As compared with the locations proposed in the scoping documents, using the existing location would result in a huge cost savings to the agency and its collaborative partners in the short and long term, as well as ensure that a shooting range is both sustainable and accessible. The new Camel Tracks shooting site proposed in the scoping documents would likely cost far more than using the current ad-hoc shooting location off County Road 56C, due in part to the cost to upgrade and maintain road access. The difference in site construction and annual maintenance costs between these and other alternatives should be disclosed to the public and considered in decision-making under the NEPA process.

Choosing the existing location will also enhance public health and safety because the site is less than a mile from the main paved County Road. The accessibility of this site will ensure that law enforcement and public safety personnel from both the BLM and Santa Fe County are able to timely respond to emergencies and monitor activity in and around the shooting facilities. Additionally, choosing the existing location would mitigate wildfire concerns because firefighters could more quickly and easily access the area to suppress a fire, thereby preventing a blaze from spreading to adjacent developed and undeveloped areas, such as the Santa Fe National Forest.

Additionally, as further discussed below, the de facto shooting site located off County Road 56C is a convenient location close to the dense population center on the southside of Santa Fe that is familiar to local target shooters. If a shooting range were developed in this location, the BLM would not need to shift the shooting culture away from this spot,

which would take a significant amount of public education, law enforcement, and monitoring resources.

C. The Existing Location of the De-Facto Shooting Range off Road 56C Is Appropriate for Socioeconomic Reasons.

The existing de facto shooting range on the Caja del Rio off County Road 56C is located less than 2 miles from the fastest growing population in the City of Santa Fe. Santa Fe's southside, which is directly adjacent to the Caja del Rio, is one of the most densely populated areas in New Mexico with over 20,000 residents living in 4.5 square miles of the airport road corridor. Developing a safe and state-of-the-art shooting range at the existing ad-hoc shooting location will ensure that the range remains publicly accessible and will require minimal travel resources from the area's low-income residents. The socioeconomic considerations of using the de facto location are incredibly important since the southside area is considered extremely low income with the average median family income of the southside being \$13,687 annually, less than 54 percent of that of the rest of the city of Santa Fe, whose average median income is \$25,454 (2000 Census). Along these lines, 35 percent of residences in the southside area are mobile homes, and 21 percent are apartments--less than 43 percent are single-family dwellings, compared to 66 percent in greater Santa Fe. It is especially important to develop a range that is accessible to the southside community and the greater Santa Fe community since Tina's Gun Range, which was located on the Southside along Airport Road and was the city's only indoor shooting range, closed in 2017.

Furthermore, 43 percent of Santa Fe's children live along the Airport Road corridor with over 4,000 public school children living in the area. The median age of the Southside is 30 years old, with the majority of the area's residents being young Hispanic/Latinx families. 78 percent of the population is Hispanic/Latinx. A state-of-the-art shooting range located in the currently utilized de facto shooting area off County Road 56C will provide important opportunities for area youth and families to take advantage of New Mexico Department of Game and Fish certified courses in hunter safety as well as learn safe and responsible recreational firearm use. Additionally, given its proximity, this range could be used by Capital High School's ROTC program. Providing a state-of-the-art range directly adjacent to Santa Fe's southside is critical to ensuring safe, accessible, and important opportunities for responsible recreation to a community that is desperately in need of more recreational resources and opportunities to access public lands in a safe and responsible way.

D. The Ecological and Cultural Resources within the Existing Shooting Area Have Already Been Compromised.

When choosing a location for a developed recreational shooting range, the BLM must select an alternative that will minimize negative impacts on the area's rich ecological and cultural resources. To do so, BLM should locate the recreational shooting range facilities in an area that has already received extensive, heavy usage, rather than impacting new areas that are closer to the interior of the sensitive and important Caja del Rio landscape.

First, the BLM must protect the biodiversity of the Caja del Rio plateau. As described in detail above, the Caja provides important habitat and corridors for an array of sensitive wildlife, including migratory birds, birds of prey, and a diverse variety of game and nongame species. Wildlife has already learned to avoid the existing ad-hoc shooting range off County Road 56C due to the extensive and heavy use. Motor vehicles and noise pollution from gunshots and recreation threaten the health and long-term survival of many species of animals, including mammals and birds on the Caja. Similarly, the flora has already been degraded by heavy motor vehicle and recreational use along the eastern edge of the plateau and the associated soil compaction, erosion, and introduction of invasive plants.

Second, the BLM must protect New Mexico's irreplaceable water resources. The Caja del Rio contains a number of rivers and watersheds, including the Rio Grande and the Santa Fe and Galisteo Basins. These watersheds are critical to the long-term future production of high-quality water, necessary for drinking water supplies for cities and Tribal communities, agricultural and other human uses, and overall ecosystem health. Concentrated recreational shooting raises legitimate concerns about drainage, and lead contamination of drinking water sources and water quality in general. The existing shooting area has already been polluted by concentrated usage.

Third, the BLM must prevent negative impacts to cultural resources. The Caja del Rio Plateau contains significant cultural resources including the ancestral homes of modern Pueblo communities, ceremonial and sacred sites, tens of thousands of petroglyphs including the La Cieneguilla Petroglyph site, evidence of historic use by Hispano families dating back to the 1600's, and intact remains of historic roads and trails such as the original alignment of Route 66 and the El Camino Real del Tierra Adentro. The array of cultural resources and sacred sites on the landscape dictate that impactful development, such as developed recreational shooting facilities, should be in areas that have already been disturbed by heavy use and must be planned through a process of thorough Tribal consultation and stakeholder outreach.

Finally, the Caja del Rio area suffers from illegal trash dumping, and some of this is related to ad hoc shooting (e.g., dumping of large items to use as shooting targets). We are concerned that improving a road into the heart of the Caja will lead to an expansion of trash dumping even if it is not related to target shooting activities. Addressing how various alternatives and how future management of new shooting sites would impact trash dumping is something that should be analyzed in the NEPA process.

Rather than spreading the impacts of recreational shooting and motor vehicle use deeper into the sensitive Caja landscape, as proposed in the scoping documents, the BLM should use the existing shooting area for the development of shooting range facilities and infrastructure. Concentrating impacts in this area will prevent environmental degradation elsewhere.

E. The Existing Location Has More Community Support than the Alternatives Presented in the Scoping Documents.

Our initial outreach to neighboring communities, including La Cienega, La Cieneguilla, and Agua Fria residents, yielded a positive reaction to this option, indicating that community members would be more likely to accept the construction of a developed shooting range at the existing shooting site, as compared to the locations proposed in the initial scoping notice. These communities did express that proper and consistent management is needed, and local communities emphasize that best practices must be implemented in order to mitigate impacts and protect the community. This is further discussed in Section IV below.

We appreciate that BLM staff were transparent and helpful at the October public scoping meetings. Comments by BLM staff indicate that the BLM has not been considering use of the existing ad-hoc shooting location off County Road 56C in part because of noise complaints from nearby residents. These comments indicate a lack of thorough analysis of the current site. Our outreach to nearby residents indicates a different opinion, and we are confident that there are ways to address sound travel through mitigation measures in site design such as berms, sound walls, etc., and through regulated hours of operation.

As the NEPA process proceeds, the BLM should consider collecting sound data for various site options so that decisions can be based on real data, as opposed to anecdotal information. Use of the current ad-hoc site deserves a thorough analysis and should not be dismissed without considering and thoroughly analyzing all available data and collecting data to fill gaps where needed, and then disclosing how the data affects BLM's decision-making.

IV. The BLM Should Incorporate Best Practices into the Development, Maintenance, and Management of a Shooting Range

In planning and developing the shooting range facilities, the BLM should incorporate best management and design practices for safety, sound mitigation, and environmental protection from lead contamination and other pollution. It is critical to ensure that any shooting range is safely operated, that sound levels generated on the range are kept to an acceptable level, and that hours of operation are limited to a reasonable timeframe. While a full analysis of best practices is beyond the scope of these comments, we encourage the BLM to carefully review and incorporate into the NEPA process existing

resources and guidance available from the NRA¹³ the EPA,¹⁴ and the New Mexico Department of Game and Fish.¹⁵

The best practices that the BLM implements as part of this Project must include appropriate environmental cleanup and remediation in locations that have been impacted by disbursed target shooting, including the existing ad-hoc shooting site off County Road 56C. This existing shooting area requires extensive restoration and remediation regardless of whether new infrastructure and facilities are built at the site. Other areas that the BLM will close to disbursed target shooting must likewise be remediated.

Regarding management, comments by BLM staff at the October public scoping meetings indicate that the BLM has not yet developed a plan for the operation and management of shooting range facilities, once constructed. As part of the NEPA process, the BLM should analyze and disclose its capacity, and/or the capacity of partners, to manage and maintain the various alternatives for a newly built shooting range or ranges. We implore the BLM to ensure that a sound plan for management and maintenance is in place prior to the selection of a site or the construction of a new shooting facility.

One possibility for supporting proper management would be for the BLM to establish a long-term multi-agency/partner working group that would meet regularly to discuss management issues and collaboration opportunities. A dedicated working group could help the BLM achieve better management of the area, noting the apparent need for community help and support.

V. Under NEPA, the BLM Should Incorporate Relevant, Available Data and Include an Additional Alternative for a Single Shooting Range in the Existing Location off County Road 56C.

The NEPA process is intended to focus the BLM's "attention on the environmental consequences of a proposed project, to guarantee that the relevant information will be made available to the larger audience that may also play a role in forming and implementing the agency's decision, and to provide other governmental bodies that may be affected with adequate notice of the expected consequences and the opportunity to plan and implement corrective measures in a timely manner."¹⁶

¹³ See National Rifle Association of America (NRA), *The Range Source Book: A Guide to Planning and Construction* (2004).

¹⁴ See U.S. Environmental Protection Agency, *Best Management Practices for Lead at Outdoor Shooting Ranges* (rev. June 2005), available at <https://www.epa.gov/lead/best-management-practices-lead-outdoor-shooting-ranges-o>.

¹⁵ See Presentation by Dr. David Bennett to N.M. Department of Game and Fish, *Unstaffed Public Shooting Ranges: Survey of Existing Unstaffed Ranges Site Selection Criteria Passive Safety Criteria Range Management*, available at [https://www.wildlife.state.nm.us/download/commission/presentations/2015/03-26\(2\)/17-Unstaffed-Public-Shooting-Ranges.pdf](https://www.wildlife.state.nm.us/download/commission/presentations/2015/03-26(2)/17-Unstaffed-Public-Shooting-Ranges.pdf)

¹⁶ *Western Organization of Resource Councils v. BLM*, 591 F. Supp. 2d 1206, 1211 (D. Wyo. 2008).

Comments made by BLM staff at the October public scoping meetings indicate that the BLM is approaching this NEPA process as a means to examine and select a site or sites for shooting ranges without having comprehensively pulled together and considered the available, relevant data. While we applaud the BLM for taking action to address the problems that are currently being caused by dispersed target shooting, we are concerned that the BLM has inefficiently used time and resources by failing to compile all available data before proposing alternatives through public scoping. The BLM must remedy this going forward; taking the time to do a thorough job will serve the agency and the public now and well into the future. The BLM must gather and consider all available data on natural and cultural resources from within their agency as well as from external sources, including other agencies and governments at the local, state, and federal level, Pueblos and Tribes, conservation organizations, research institutions, and other entities. While the scoping process may help to partially alleviate this absence, it is incumbent that the BLM's subsequent NEPA process and analysis for this Project use comprehensive data and fully disclose the data and how it informs the agency's decision-making.

By issuing a scoping notice that lists two specific but nonviable locations for a proposed shooting range, the BLM precludes full consideration of a better alternative and exposes itself to legal challenges that the agency has predetermined the outcome of its NEPA analysis, thereby failing to take the requisite "hard look" at the environmental impacts of the Project. To remedy these deficiencies, we suggest that the BLM revise, supplement, or reissue the scoping notice to include the additional alternative described above for a developed shooting range in the vicinity of the existing de facto shooting area off County Road 56C. We acknowledge that the BLM has invited the public to submit additional alternatives during the scoping process, which the BLM could theoretically incorporate into the environmental assessment. But this approach could prevent the BLM and the public from fully evaluating the consequences of the proposed action and could result in unnecessary legal challenges to the BLM's final decision. To follow a sound NEPA process and reach the best result, the BLM should consider incorporating the additional alternative immediately, during the scoping phase of the Project.

CONCLUSION

We strongly urge the BLM to add to its NEPA analysis an alternative for the planning and development of a single, state-of-the-art recreational shooting range in the vicinity of the existing de facto shooting area off County Road 56C. Proper siting and the use of best practices will prevent unnecessary and undue degradation of the Caja del Rio Plateau and negative impacts on surrounding communities and resources. Thank you for your consideration of our comments. Please include them in the official project record.

Sincerely,

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