



United States
Department of
Agriculture

Forest
Service

2009



Decision Memo

Index Sportsmen Club

**Mt. Baker-Snoqualmie National Forest
Skykomish Ranger District**



United States
Department of
Agriculture

Forest
Service

Mt. Baker-Snoqualmie
National Forest
Skykomish Ranger District

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File Code: 1950/2720-1

Date: September 14, 2009

Dear Friend of the Mt. Baker-Snoqualmie National Forest,

The National Environmental Policy Act (NEPA) process to authorize the Index Sportsmen Club (Club) to operate a trap range is complete. This Decision Memo documents the decision, its rationale and a response to public comments in detail. This Decision Memo represents the final agency action regarding the request for a temporary 1-year permit to use and occupy National Forest System (NFS) land near Index, WA.

The decision is to issue a temporary 1-year permit for the use and occupancy of approximately 7.5 acres of NFS land for the purpose of operating a public shotgun trap range and associated facilities. The implementation of a lead management and monitoring program is also authorized. The authorized hours of operation for trap shooting are between 3:00pm to 8:30pm on Thursdays and between 11:30am to 4:00pm on Sundays year round.

This NEPA process began with a two week public scoping period in November of 2007. This decision is in consideration of many discussions with all organizational levels of the NRA, the Forest Service, local governments, communities and political leaders. A number of public comments both for and against the proposal were considered, including specific concerns over various aspects of the proposal and related issues. These comments were considered with the information that is in the Project Record and the potential implications of this decision on Forest resources, Forest users (including range participants and non-participating users), adjacent landowners, neighbors in the nearby communities and the members of the Index Sportsmen Club.

The decision memo is available for viewing and downloading on the Forest's website at: <http://www.fs.fed.us/r6/mbs/projects/nepa-projects.shtml>. Hard copies are available upon request by contacting the Skykomish Ranger District at (360)677-2414 or at 74920 NE Stevens Pass Hwy, Skykomish, WA 98288 or email requests to IndexSportsmenClub@fs.fed.us.

This decision is not subject to administrative appeal by the general public pursuant to 36 CFR 215.12, *Decisions and actions not subject to appeal*. This decision is also not subject to administrative appeal by the applicant pursuant to 36 CFR 251.81, *Definitions and terminology*; and 36 CFR 251.86, *Parties*. The applicant Index Sportsmen Club is not responding to a



prospectus or written solicitation, and does not hold a written authorization to occupy National Forest System land.

If you have any questions about the decision please refer to the Decision Memo which discusses the decision and rationale as well as the required project design features and mitigation measures and a response to public comments in detail. For additional information concerning this decision contact Sean Wetterberg, Forest Special Uses Coordinator, Mt. Baker-Snoqualmie National Forest, by mail at 2930 Wetmore Ave, Suite 3A, Everett, WA 98201, by e-mail at IndexSportsmenClub@fs.fed.us or by phone at (425)783-6022. I appreciate your interest in this project.

Sincerely,



BARBARA A. BUSSE
District Ranger

DECISION MEMO

Index Sportsmen Club Trap Range Permit

USDA Forest Service Mt. Baker-Snoqualmie National Forest, Skykomish Ranger District Snohomish Co, WA

Background

The Index Sportsmen Club (Club) began operating a club and shooting range on National Forest System land (NFS) near Index, WA in 1947. The Club held various Special Use Permits (permits) through 1987 when their most recent permit expired. The Club continued to operate the site as a trap range and club hosting trap shoots, community events, holiday parties, baseball games etc. without a valid permit until the site was closed by the Forest Service in 2004.

Trap ranges are an appropriate use of NFS land. However, the range was closed because the Club did not have a permit to operate. Additionally, the Forest Service was concerned about safety and the protection of Forest resources. The concern was due to the extremely high accumulation of unmanaged lead at the site and the potential for human exposure to lead due to the occurrence of unauthorized activities and facilities in the lead deposition area.

Since 2004 the Forest Service has contributed substantial public funds to conduct a baseline site condition assessment. This assessment included soil samples and the installation of groundwater monitoring wells necessary to evaluate the existing conditions at the site. The assessment indicated lead levels up to 7000% (58,100 mg/kg) higher than the Environmental Protection Agency (EPA) standard for industrial sites (800mg/kg). It also confirmed that lead had reached the groundwater.

In 2006 the Index Sportsmen Club submitted a letter to the Forest Service stating that they wished to continue operation of the existing facilities as a public target range and club and take on an active role in lead management. They have asked that a new permit be issued to operate the range as had been authorized in the past and to implement their Environmental Stewardship Plan (ESP) to manage lead. The Club proposed year round operational hours between 3:30pm to 10:00pm on Thursdays and between 9:00am to 3:30pm on Sundays.

This Decision Memo documents and concludes the Forest Service analysis of the proposed action described above consistent with the NEPA requirements. It describes in detail the Forest Service purpose and need for action and the decision including the

required mitigation measures and project design features. The rationale for the decision is described in detail including responses to concerns that were key elements of the decision: lead management, noise and safety. Finally it covers the reasons for categorically excluding the action from additional documentation, summarizes the public involvement, gives the implementation date, and provides additional contact information.

This decision memo is available for viewing and downloading on the Forest's website at: <http://www.fs.fed.us/r6/mbs/projects/nepa-projects.shtml>

Purpose and Need for Action

Shooting ranges are an appropriate use of NFS land, and the following purpose and need for action is based on the existing conditions of the trap range and the desired conditions based on the Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan, as amended (Forest Plan), regulation, policy and direction.

- **Authorize by Special Use Permit the Club activities and facilities.** The use and occupancy of the site for a target range with associated facilities is not currently authorized by a permit. The Forest Plan and the Code of Federal Regulations (CFR) require that the use and occupancy of NFS land be permitted and that permit administration shall assure the permittee is following the permit terms (Forest Plan p. 4-85 and 36 CFR 251.50(a). The Forest Service needs to review the proposed action and facilities, and the proponent's technical and financial capability to construct, operate, maintain and terminate the use, to determine whether or not to authorize this use and occupancy of NFS land. The Forest Service also needs to determine the conditions to require in authorizing the Club activities and facilities to protect Forest resources while ensuring public safety and minimizing conflicts.
- **Manage lead at the shooting range.** A baseline site condition assessment identified extremely high levels of lead in the soil at the site well outside of the previously authorized permit area as shown on the most recent permit map. Results from monitoring wells indicate that lead has also reached the groundwater. The Forest Service has no record of lead management having occurred at the range since it began operation in 1947. Current Forest Service policy is to require an Environmental Stewardship Plan (ESP) and lead management which includes clean up at shooting ranges (FSH 2709.11 Chapter 41.46(d), 41.46(g)(1-4). The Forest Service needs to require and approve the management of lead through an ESP that includes provisions for lead clean up and site restoration.
- **Ensure that the design and operation of the range are compliant with industry standards.** The Forest Service has no record of any formal evaluation of the site's design and proposed operations having been completed at the gun

club site since it opened in 1947. The Forest Plan and Forest Service Handbook require that the use and occupancy of the NFS land be safe. They require that a Safety Plan be approved by the Forest Service and that the range design and operations be compliant with the generally accepted standards of safety including the guidance in the National Rifle Associations *NRA Range Source Book*, (Forest Plan p. 4-85 and FSH 2709.11 Chapter 41.46(d), 41.46(h)(1)(a-b) and 41.46(h)(2)(b). The Forest Service needs to evaluate the site's design and proposed operations to determine if the range is compliant with accepted standards of safety.

- **Ensure that it is not possible for shot to leave the permit area.** The Forest Service does not have the authority to permit the range activities to affect areas off National Forest System land. The most recent permit map (1987) shows a permit area of 3.97 acres identified as little more than the cleared field at the Index range visible on the attached Permit Map. A letter from the Forest Service acknowledges that the permit area was insufficient and discussed extending it in a future permit to cover the shot dispersal area in the trees (R. Williams 2/9/1987). The Forest Service needs to evaluate the site's design and proposed operations to determine if the design will ensure that it is not possible for shot to leave the permit area. The Forest Service also needs to determine the appropriate area to permit for use and occupancy.
- **Develop and maintain the Club to standard.** The Forest Plan directs that recreation sites will be developed and maintained to provide visitor safety and sanitation, protect facility and site resources, and provide for visitor recreation needs and convenience (1990 Forest Plan p.4-85). Previously unauthorized and/or non-functional structures, refuse, and debris exist at the site. Previously authorized buildings and structures are in need of repair and maintenance. The Forest Service needs to ensure that the range is developed and maintained to standard. The Forest Service needs to determine which existing facilities and structures to authorize and which if any of these to remove.

Location

The site is located west of the town of Index, WA on National Forest System (NFS) land along the Old Gold Bar - Index Road NE ¼ of Sec 19 T27N, R10E, W.M (see Permit Map).

Decision

Upon the applicant meeting the decision requirements, I have decided to authorize, for a term of one year, the temporary use of approximately 7.5 acres of NFS land for a public shotgun trap range exclusively for the purpose of Amateur Trap Association (ATA) standard trap. The implementation of a lead management and monitoring program is also authorized. The following existing facilities are authorized: 1 club house (with 2 flush

toilets, 3 sinks, and a kitchen), 1 shelter, 1 BBQ pit, 1 playground (3 large tires set into the ground), 1 entrance gate, 1 septic system, shooting barriers, 2 ATA traps, and area lights. These are shown on the included Permit Map which identifies the permit area and authorized facilities. The new construction and maintenance of a Forest Service approved shot curtain is also authorized. The authorized hours of operation for trap shooting are between 3:00pm to 8:30pm on Thursdays and between 11:30am to 4:00pm on Sundays year round. Other non-shooting Club and public activities utilizing the club house and facilities for normal social events are authorized at any time through the annual Operating Plan. However, the use of the permit area down range (to the north) of the firing line for any activity not specifically related to trap shooting or lead and range management is expressly not authorized (e.g. field sports in the lead deposition zone). All unauthorized facilities, developments, rubbish etc. are required to be removed by the permittee and disposed of in appropriate locations off NFS land by the end of the one year temporary permit term.

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment because as authorized, including the required project design features and mitigation measures described below, there are no extraordinary circumstances associated with the proposed action that may significantly affect the environment. This is discussed in detail in the Reasons for Categorically Excluding the Action from Additional Documentation section below.

I carefully considered a number of pertinent situations that were brought up during scoping including lead management, noise, and safety. These are discussed in detail along with more specifics of the decision, in the Rationale for the Decision section below.

Project Design Features and Mitigation Measures

A number of project design features and mitigation measures are integral components of this decision and are described in detail in Appendix A, Project Design Features and Mitigation Measures. These requirements meet the purpose and need for action, are a result of the analysis, and are in response to concerns identified through public scoping. Appendix A will also become part of the permit. Some key requirements described in Appendix A include: monitoring of soil, monitoring of groundwater, and operation of the range consistent with the rules of the Amateur Trap Association (ATA).

Rationale for the Decision

The purpose and need for action is described in detail above in the Purpose and Need section. In summary, the purpose and need is authorizing and maintaining to standard the Club facilities and activities including lead management. It is also ensuring that the design and operation of the range comply with industry standards, ensuring that it is not possible for shot to leave the permit area. This purpose and need is consistent with the direction in the Forest Plan and Forest Service Policy. In reaching my decision I have consulted with industry sources and expert opinion. This decision is in consideration of

many discussions with all organizational levels of the NRA, the Forest Service, local governments, communities and political leaders. I have considered a number of public comments both for and against the proposal, including specific concerns over various aspects of the proposal and related issues. I had to carefully consider these comments with the information that is in the Project Record and the potential implications of this decision on Forest resources, Forest users (including range participants and non-participating users), adjacent landowners, neighbors in the nearby communities and the members of the Index Sportsmen Club. This difficult decision was not made lightly.

I believe that my decision best meets the purpose and need for action because it permits the continued use of NFS land for a shooting range and the recreation opportunity that it provides. The authorized use protects Forest resources and ensures public safety. It also ensures that lead will be managed at the site which will be accomplished through the implementation of an approved Environmental Stewardship Plan and on-going soil and groundwater monitoring. Provisions are included that will ensure the clean up and restoration of the range when environmental conditions warrant during operations or at the end of the use of this site as a shooting range.

My decision ensures that the design and operation of the range comply with industry standards including the guidance in the National Rifle Associations *NRA Range Source Book*. By authorizing the installation of a shot curtain, the approval of a Safety Plan, and required monitoring, it will be ensured that no shot will leave the permit area. Finally, the site will be developed and maintained to standard by requiring the removal of unauthorized facilities, general refuse clean up, and the on-going maintenance of the site.

Below I will address the three key concerns identified through this analysis and public scoping which had specific bearing on my decision: lead management, noise, and safety. A response to all of the comments received through scoping can be found in Appendix B, Response to Comments. Appendix B, Response to Comments is a table that lists the comments and the agency responses by resource category. It also indicates the number of times that a given comment was received.

Lead Management:

A number of public comments specifically related to the containment and management of lead on the site. Given that the range was not authorized to operate and due to the absence of lead management or any knowledge of lead levels prior to 2004, the Forest Service closed the site. The closure was due in part to Forest Service concern about safety and the protection of Forest resources. Lead management was identified as a need for action to comply with Forest Service Policy and to protect Forest resources and Forest users.

Most of the public comments regarding lead management and containment requested that a lead clean up and containment program be in place that adhered to the Environmental

Protection Agency (EPA) Best Management Practices (BMP's), including an Environmental Stewardship Plan (ESP). Commenters were concerned with the potential cost to taxpayers and suggested that the applicant post a bond to cover those costs.

To better understand the existing conditions at the site, the Forest Service contributed substantial public funds to pay for the installation of groundwater monitoring wells and to conduct soil and groundwater sampling. In summary, the soil sample with the highest concentration of lead was up to 58,100 mg/kg, substantially higher than the EPA standard for industrial sites of 800mg/kg. For groundwater, data shows arsenic, lead, antimony, and polynuclear aromatic hydrocarbons (PAHs) in samples. Although their overall concentrations do not currently exceed federal drinking water standards, they are close to exceeding ecological standards and ambient water quality criteria.

Although there is a large accumulation of lead at the site, and lead has reached the groundwater, the impact to environmental resources is currently not exceeding any legal limits assuming that the range is operated as a shooting range and that appropriate and effective lead management is implemented. Additionally, Forest Service resource specialists have analyzed the effects of the existing and proposed lead including lead management and the required project design features and mitigation measures (Appendix A) on environmental resources (soil, water, fish, wildlife, plants, etc.). Based on this analysis, with the required mitigation, there will be no significant individual or cumulative effects. This is discussed below in the section Finding of No Extraordinary Circumstances. The soil and groundwater sampling reports and the Specialist Reports discussing this in detail are located in the Project Record.

Existing and future lead will be managed by requiring the implementation of an EPA certified Environmental Stewardship Plan consistent with the EPA's Best Management Practices and the Project Design Features and Mitigation Measures (Appendix A) required by this decision. This includes a required annual monitoring plan and annual report that must be developed by a qualified environmental engineering firm and approved by the Forest Service. The firm must also be approved by the BNSF Railway to work on the right of way. The goal of lead management is to keep lead from moving off site. Implementing the ESP, mitigation, and monitoring the results will ensure that the existing conditions do not worsen and that the site will be maintained until the required lead reclamation is done. Required monitoring reports on soil pH in the permit area and for lead on the railroad right-of-way and water quality (both surface and groundwater) will identify any measurable changes and to inform lead management practices to adjust the ESP and annual monitoring plan accordingly.

On-going lead management without reclamation at this time is appropriate as long as the site continues to operate as a shooting range and environmental conditions do not worsen as described above. There will be two triggers for initiating lead reclamation in the future: 1) During the authorized use, when monitoring indicates that a reduction in lead is necessary to avoid exceeding any legal thresholds or to protect Forest resources as

determined by the Forest Service; or 2) When the authorized use ends, such as when the permit expires and if no new permit is applied for and issued, or if the permit is revoked or terminated. In either case, this decision requires that an on-site inspection by the authorized officer, the regional environmental engineer, and the permit holder take place at least 180 days prior to termination consistent with Forest Service policy. This inspection will consist of a site walk-through and evaluation of monitoring results to identify site conditions that must be addressed either in a final restoration and response plan (if the permit will not be re-issued) or prior to issuance of a new permit. The condition of the site at the end of the permit term will be used to determine the appropriate restoration and response measures that will be the responsibility of the Index Sportsmen Club to implement (FSH 41.16 (g)(4)(A))

The Forest Service has contributed considerable public funds to collect baseline data and complete this environmental analysis in response to the Club's permit request. Future costs necessary for the required lead management, monitoring, and clean-up, including additional environmental analysis as required by NEPA for further permitting or clean up, are the responsibility of the Index Sportsmen Club and not the Forest Service or the general public. Agency costs associated with these activities are subject to Cost Recovery under 36 CFR 251.58(d) (4) and (g) (4). Cost Recovery authorizes the Forest Service to recover the agency costs of processing permit applications including planning and monitoring costs from the applicant. Cost Recovery will be implemented from the date of this decision forward. If the Club is unable or unwilling to cover these costs, then the permit to operate the range will not be issued. Regardless, the response plan required by FSH 41.16 (g)(4)(B) is required and the Club is responsible to implement it as described above.

The unknown future costs associated with on-going lead management, monitoring, and NEPA for future permit applications in addition to implementing a restoration and response plan, either during or after the use ends, are difficult to estimate. The Club has stated that when clean-up is necessary, it has located a company that specializes in reclaiming lead from shooting ranges. The Club and the company owner have stated that the company profits from the lead and therefore there will be no cost to the Club to implement lead recovery (two letters from L. Stockman 12/17/07). However, after contacting the company directly, it was discovered that the forest vegetation in the shot fall zone (over story and under story) must largely be removed in order to allow the necessary equipment access to the site (phone conversation with L. Stockman 11/8/07). Additionally, acres of topsoil and two wetlands would be disturbed by the equipment that scrapes and sifts out the lead. Vegetation removal and disturbance other than mowing of the field was not proposed by the applicant and is not authorized by this decision. Any such proposal will require additional analysis under NEPA subject to cost recovery as well as payment of any stumpage fees for merchantable timber. Discussions with a qualified engineering firm that has collected data at this site (EA Engineering) suggest that it is unlikely to get this site cleaned up for no cost, and that a rough estimate could

range from ¼ to 1 million dollars. An analysis must be completed to determine the actual clean up costs which include implementing a response and restoration plan that provides for investigation, engineering evaluation, cost analysis, action plan, and removal action. The Forest Service has obtained an estimate to provide such an analysis to determine what such a clean up will cost.

The regulations require that the Forest Service determine that the permittee has the technical and financial capability to implement the project for which an authorization is requested, including its construction, operation, maintenance, and termination (36 CFR 251.54 (d)(3)). With regard to lead, operation and termination of the permit require implementation of a response and restoration plan when triggered by monitoring during operation or upon termination of the authorization (see FSH 2709.11 Chapter 41.46(g) (4) (a)). The Forest Service must determine whether or not the applicant has the financial and technical capability to implement a site response and restoration plan (36 CFR 251.54 (d) (3)). In order to make that determination, the applicant is required to obtain and submit a clean up cost estimate from a qualified environmental engineering firm that would identify the costs sufficient to cover the implementation of a response and restoration plan. The cost estimate must be for a plan that will provide for the investigation, engineering evaluation, cost analysis, action plan, and removal actions. The plan shall include measures to prevent the release into the environment of hazardous substances, pollutants or contaminants following expiration of the authorization. If the use will not be reauthorized, the response plan shall provide for restoration of the site upon termination of the permit (FSH 41.16 (g)(4)(B)). At that time, a timeline for implementation and restoration of the site shall be agreed upon by the Forest Service and the permittee.

It is required that the cost estimate for the response and restoration plan be submitted by the end of this temporary 1 year permit along with sufficient evidence demonstrating that the applicant has the financial capability to cover the costs of implementing the response and restoration plan. This is a necessary prerequisite to acceptance of an application for a longer term permit. It is also necessary in order to adequately describe and authorize the restoration and response action in subsequent NEPA analysis. This decision is reasonable because it is consistent with the regulation and policy. It is consistent with the purpose and need for action because it ensures that lead management including clean-up when appropriate, either during the authorized use or after it terminates, will be implemented consistent with Forest Service policy and it responds to public comments.

Noise:

Historically the Forest Service has received complaints about noise from the range and these letters are in the permit file. The records indicate an increase in these complaints in the mid 1990's when the area lights were installed allowing the Club to operate later in the evening. In response to scoping for this proposal, commenters are still concerned about the potential noise impacts from operation of the range. Comments included

general concern over the noise impacts on the local communities in and around the Town of Index, and some alternative operational times were suggested to mitigate the noise impacts. Some concerns were specifically about noise after dark and questions were asked as to whether or not the flood lights that facilitate night shooting were ever authorized by the Forest Service. The Forest Service has no record of authorizing those lights and our records suggest that they were installed well after the most recent permit expired in 1987.

This decision authorizes the area lights and the Club to operate between 3:00 to 8:30pm on Thursdays and between 11:30am to 4:00pm on Sundays. The inherent noise from this range will affect people near the range, and specifically in the local communities in and around the town of Index. The impact that noise has on people will generally be a function of timing, location, duration, and frequency and each individual's expectations and perceptions. The contribution of noise from this range will be in addition to noise contributions from the active railroad, the river, State Route 2, and any noise produced in the town of Index (i.e. traffic and construction noise).

Noise from the site will generally be loudest nearest to the site and decrease farther away from the site. Varying topography and other factors that influence noise patterns and distribution will affect how loud noise from the site will be in any specific location. Shot guns can be heard off-site, including but not limited to nearby recreation areas, Wallace Falls State Park (Index Town Wall), and within the town of Index. The level of noise produced at the site from this use is expected to be similar to what has occurred over the last 50+ years, excluding those years that the range has been closed. Noise from the range will be most pronounced during special events, where an increase in the intensity and frequency of noise is expected.

Other recreational users such as climbers, hikers, bird watchers, boaters, etc. have the ability to decrease or avoid noise impacts entirely by using the affected areas at times outside of the ranges operational hours. Local residents, however, have less ability to decrease or avoid noise impacts by avoiding affected areas during the operational times. However, when noise impacts are not avoidable, they will be limited to the operational hours. In order to respond to these concerns from local residents, the authorized operational hours have been slightly modified from those that the Club proposed. This schedule modification is reasonable because I believe that it strikes the best balance between permitting this recreation opportunity consistent with purpose and need while responding to public comments and minimizing the impact it may have on local residents.

Despite this modification, the unavoidable noise impacts from this use may continue to cause conflict with local residents into the future. Members of the Index Sportsmen Club are encouraged to reach out to the affected communities and work with them as neighbors to minimize conflicts and maintain a good relationship.

Safety:

Safety is a primary concern of the Forest Service and has been a fundamental part of this review process since 2004 when the site was closed due in part to safety concerns. Safety is reflected in the purpose and need for action, which is in part *to ensure that the design and operation of the range are compliant with industry standard,*” and *“to ensure that it is not possible for shot to leave the permit area.”* Comments received through public scoping were specifically concerned with safety at the range, both for range users and for non-users including other recreationists, workers, and trains that use the adjacent railroad right-of-way immediately north of the range.

In the event that any lead shot traveled beyond the permit area to the north, it would travel off National Forest System land and onto the active railroad right-of-way. This would result in a trespass and be a safety hazard on the adjacent property. Any liability from trespass or harm associated with shot leaving the permit area could impact the continued operation of the range and potentially result in its closure. Range closure would end this recreation opportunity and the public benefits that it provides. Furthermore, the Forest Service has no authority to permit activities off NFS land, and the adjacent landowner has stated repeatedly that they do not want lead shot to land on the right-of-way.

The Forest Service concern for the design of the range and the potential for shot to leave the range affecting the railroad right-of-way consumed much of this analysis. In reaching my decision I have consulted with industry sources and expert opinion. This decision is in consideration of many discussions with all organizational levels of the NRA, the Forest Service, local community governments, and political leaders. I have considered a number of public comments related to range design and shot distance. I had to carefully consider these comments with the information that is in the Project Record and the potential implications of this decision on Forest resources, Forest users (including range participants and non-participating users), adjacent landowners, neighbors in the nearby communities, and the members of the Index Sportsmen Club. This difficult decision was not made lightly.

This decision will allow the continued use of the range while ensuring that all of the shot remains within the permit area. The potential for trespass or harm off-site will be mitigated by this decision as well as the potential liability that the Club or the Forest Service might incur. This decision meets the stated purpose and need for action, responds to public comments, and is based on the Agency’s consideration of published industry information, expert opinion, and site specific information.

Safety is an issue that was central to this decision. Whether or not shot fired at the range could potentially travel further than the 630 feet boundary down range and affect the railroad right-of-way is both a trespass and a safety issue. This issue has been discussed and tested by a number of interested organizations including the Forest Service, the Index

Sportsmen Club, the National Rifle Association (NRA), and many others. The Forest Service has reviewed a variety of published industry sources, independent expert opinions, and public comments. The Forest Service also partnered with the Club to complete a live fire test at the site in an effort to make this informed decision.

The original proposed action submitted by the Club was to continue to operate a trap range with no changes to past operations. The Club has since modified that proposal so that they would adhere strictly to the rules of Amateur Trap Association (ATA) Standard trap. The ATA limits the largest allowable load to #7.5. Depending on the published shooting sports industry source, there is variation in the maximum possible distance for #7.5 shot. This variation is apparently due to any number of inherent variables that affect shot distance such as the firing angle, pellet deformation, load, wind, humidity, elevation, and vegetation at various times of the year, etc. However, all of the readily available published information agrees that the maximum possible shot distance for #7.5 shot is greater than the available distance at the Index range, which ends on an active railroad berm 630 feet down range of the firing line. The *NRA Fact Book* gives a maximum shooting distance of 740 feet. Further, the *NRA Range Source Book* recommends that for trap, a 900 foot control zone be provided for safety. Various other sources provide similar standards. See the Permit Map and Appendix C, Maximum Shot Distance and Area of Main Shotfall Concentration for Trap for how the industry's published maximum shot distances and recommended control zones overlap on this range. Appendix C, Maximum Shot Distance and Area of Main Shotfall Concentration for Trap, is a bar graph that compares the maximum shot distance or safety zone published by each industry source against each other and against the available distance at the Index range.

Published industry information and expert opinion acknowledges that most of the time shot does not travel the maximum possible distance. Most shot is expected to land between 375-600 feet in what the National Shooting Sports Foundation (NSSF) calls the "main shot fall concentration area." (See the Permit Map and Appendix C for how this area overlaps on this range). Shot fall in the main concentration area is what the Forest Service anticipates most of the time for #7.5 shot fired at the normal elevation angles used in ATA Standard trap. This is also consistent with the NRA Range report submitted by the Club whose evaluator observed through an independent, off-site, live fire test that #7.5 shot traveled 630 feet when fired at a maximum angle and generally landed prior to this distance when fired at lower angles common in trap.

Vegetation can act as a barrier to intercept shot, reducing its maximum potential travel distance. Through observation during a live fire test completed at the Index range in partnership with the Club and through soil samples taken at the range, it is known that when shot is fired, most of the shot falls out on NFS land. Despite the trees, shot was observed landing just before and on the toe of the railroad berm located at about 600 feet down range. This is consistent with the NSSF described "main concentration area". As a result, the absolute effectiveness of the existing vegetative barrier is brought into

question. This is especially true when considering the seasonal variation of foliage and natural changes to forest stand structure resulting from annual tree mortality, wind, and snow and ice damage.

The Forest Service has worked collaboratively with the Club, the NRA, and others to review this issue in depth since it was identified during public scoping over a year ago. The Club and a NRA Range Technical Advisor disagree with the Forest Service on the need for a shot curtain to intercept shot to ensure that shot does not leave the NFS land. The Club has also disagreed in the past with the design standard that an acceptable curtain is required to meet. Both have suggested that with the new Club rules in place to limit shot load to #7.5 as used in ATA Standard trap, and with monitoring of the public use of the range, the potential for trespass or harm off-site will not exist. This is based on the existing vegetation and past observations that when fired correctly, shot did not leave NFS land. As discussed in detail above, the Forest Service generally agrees that the likelihood of #7.5 shot fired under normal conditions traveling beyond the NFS land is low. But the Forest Service is responsible for managing risk and accounting for error outside of normal operations or if someone simply breaks the Club rules. It only takes one shot outside of normal, either by accident, ignorance, or negligence, to cause trespass or harm.

For the reasons stated above, the Forest Service cannot guarantee that absolutely no shot will leave the permit area. Either extreme angle firing of #7.5 shot or the use of heavier loads fired either by accident, ignorance, or negligence, may generally travel further than normal, affecting the railroad berm and potentially exceeding the Forest boundary at 630 feet on the railroad berm and travel off-site. Based on the analysis, the Forest Service believes that this risk exists and that it can be managed and monitored and if necessary, mitigated with a shot curtain engineered by the shooting sports industry for this very purpose. The following decision requirements will allow the continued operation of the target range and meet the agency's responsibility to the public and to the adjacent neighbors.

My decision is to authorize the temporary use of NFS land for a public shotgun trap range exclusively for the purpose of playing Amateur Trap Association (ATA) standard trap. The heaviest allowable load that is authorized is #7.5 and the highest firing elevation angle must be no greater than that used when shooting ATA trap. My decision requires the Club to post and manage the use of the range strictly for ATA trap. The Club is also required to post acknowledgement of the railroad's location down range to inform all range users of the importance of following the rules and the potential consequences of not doing so. The club is required to submit a plan that they develop for Forest Service approval outlining how they will manage, monitor and report on compliance with the rules of ATA trap. Additionally, the Club is required to monitor and report on the presence of lead on the railroad right-of-way through the use of a qualified disinterested 3rd party. This monitor must be a qualified environmental engineering firm approved by

the BNSF Railway and the Forest Service to work on the railroad right of way. If the Forest Service determines that shot has left NFS land, regardless of the volume and whether or not it causes harm, the permit will be suspended immediately. Use of the range will not be re-authorized until the Club has installed a shot curtain designed by a qualified professional that meets industry standards and is approved by the Forest Service. On behalf of the Club, the Forest Service has obtained an acceptable curtain design that is approved by this decision (Appendix D, Shot Curtain Design Plan). The details of these decision requirements can be found in Appendix A, Project Design Features and Mitigation Measures, which will be made a part of the permit.

My decision is to approve an approximately 7.5 acre permit area with the north boundary reaching the NFS boundary at about 630 feet down range (shown on the attached Permit Map). The reason that the previous boundary is being modified now is because the most recent expired permit map identified only a 3.67 acre permit area encompassing the open field. This boundary was never sufficient to cover the full extent of the area of shot fall area which is known to extend north into the trees and towards the railroad tracks. This was stated in a letter from the Forest Service to the Club when the last permit expired in 1987 (letter from R. Williams 3/9/1987). This decision will aid in range administration, its boundary marking, as well as the required lead management.

It has also been suggested that in 50+ years of operations there have been no incidents of trespass or harm on the railroad right of way. However, response to public scoping on this proposal indicates otherwise. Regardless of whether or not incidents have happened in the past, for the reasons stated above, the Forest Service believes that the potential exists today for shot to affect the railroad berm and right-of-way and that potential can be mitigated.

This decision benefits the public users of the range because it maintains the future use of the site as a shooting range and the recreation opportunity that it provides. It gives the Club an opportunity to perform and to demonstrate that it can manage the use of the range and monitor compliance. Should a shot curtain be erected, periodic lead reclamation which has been proposed by the Club may be greatly facilitated by the shot curtain. If shot intercepted by the curtain typically comes to rest at the curtain base, it could be easily raked up and recovered.

The Forest Service has contributed a substantial amount of public funds on the Club's behalf to cover the Club's costs associated with this permit process. These costs include the soil and groundwater sampling necessary to understand the existing conditions of the site as well as all of the associated NEPA environmental analysis costs. The Forest Service is sensitive to the fact that the requirement of a shot curtain that meets an acceptable design as approved by this decision will present a cost to the Club. As demonstrated by the financial plan submitted with their proposal, it may take the Club some time to obtain the necessary funds. To help the Club, the Forest Service has previously provided them with Washington Department of Fish and Wildlife grant

information specifically for shooting range improvement projects. If the Forest Service determines that it is necessary to construct a shot curtain the Club is encouraged to pursue that opportunity and the Forest Service is willing to help review their application. In an effort to help the Club meet the curtain design requirements, the Forest Service has obtained an acceptable shot curtain design and general cost estimate (Appendix D, Shot Curtain Design Plan). This design is approved, and the approximate cost of materials and installation is estimated to be \$8500 for the curtain plus other materials and installation. The Club was recently successful at obtaining a \$15,000 grant from the NRA to purchase two new traps for the range. The estimated amount needed for a curtain is similar to that of the traps, and it seems that this cost is in line with typical shooting range expenses and is not out of reach for the Club. A similar grant from the NRA may be available for this range improvement project.

Reasons for Categorically Excluding the Action from Additional Documentation

Under the provisions of NEPA, specific actions may be categorically excluded from documentation in an environmental assessment (EA) or environmental impact statement (EIS). Forest Service NEPA regulations at 36 CFR 220.6 (a) state that a proposed action may be categorically excluded from documentation in an environmental impact statement or environmental assessment only if the action is within a category listed in section 220.6(d) and (e), and there are no extraordinary circumstances related to the decision that may result in significant individual or cumulative environmental effects.

The proposed action fits a categorical exclusion under 36 CFR 220.6 (d) Category 8: *Approval, modification, or continuation of minor, short-term (one year or less) special uses of National Forest System lands.*

Finding of No Extraordinary Circumstances

I have determined that this project qualifies for Category 8 because it approves a temporary special use of NFS land for one year or less. I have also determined that with the required mitigation there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect (as defined in FSH 1909.15, Chapter 30). My determination is based on interdisciplinary team review and analysis and documents in the Project Record, as summarized below for each of the resource conditions in 36 CFR 220.6 (b).

- a) The project has been analyzed to determine effects on threatened or endangered species, and their critical habitat. This analysis concluded that there would be no effect or no impact on these species or their habitat. Details are contained in the biological evaluations and biological assessments in the Project Record.
- b) The project has been analyzed to determine the effects on flood plains and wetlands (see Water Resource Report in the Project Record). The analysis concluded that there would be no effects on both because the site is not a

- floodplain and although there are wetlands on the site, the proposed action will not impact them. There are no municipal watersheds in the project area.
- c) The project does not occur in any congressionally designated area such as Wilderness, wilderness study area, or National Recreation Area.
 - d) The project does not occur in an Inventoried Roadless Area or potential wilderness area.
 - e) The project is not situated in or near a Research Natural Area (RNA).
 - f) The project will not adversely affect any known American Indian religious or cultural sacred sites. The Federal government has trust responsibilities to Tribes under a government-to-government relationship to ensure that the Tribes reserved rights are protected. Consultation with Tribes helps ensure that these trust responsibilities are met. The Forest consulted with potentially affected Tribes (Yakama and Tulalip), and no significant effects were determined (see Heritage Specialist Report in the Project Record).
 - g) The proposed action will not affect any archeological sites, or historic properties or areas. A cultural resource survey has been completed, and consultation with the State Historic Preservation Office (SHPO) has occurred (12/19/2007 letter in the Project Record).

Public Involvement

A proposal to issue this permit was listed in the Schedule of Proposed Actions in the fall of 2007. The proposal was provided to the public and other agencies for comment during scoping from 11/16/2007 through 12/1/2007. The scoping period was extended until 12/3/2007 to allow for the Index Town Council to discuss and comment. Almost 300 individuals and organizations were scoped including a number of federal and State agencies, environmental organizations, and Indian Tribes. In addition, the agency posted legal notices in the Everett Herald and Monroe Monitor-Valley News newspapers. The scoping letter was also posted at the US Post Office in the Town of Index, WA and on-line on the Forest website at <http://www.fs.fed.us/r6/mbs/projects/>.

As a result of scoping, over 100 letters were received. The Forest Service has prepared a summary of responses to the comments received. This summary is found in Appendix B, Response to Comments. Original letters of comments are included in the Project Record. Also as a result of scoping, newspaper articles ran in local papers, and an extended public dialogue between those in support of and those against the proposal ran in the letters section. Much of these are available in the Project Record.

Findings Required by Other Laws and Regulations

This decision is consistent with the Mt. Baker Snoqualmie National Forest Plan, as amended, as required by the National Forest Management Act. The project was designed in conformance with Forest Plan direction for sites within Management Prescription 2A Scenic View Shed and Riparian Reserves.

Scenic View shed: Management Prescription 2A Foreground. This decision will continue to provide a visually appealing landscape as viewed from major travel corridors and use areas because very little change affecting views from those areas is authorized. The use of natural materials and colors will also be incorporated to the extent practical.

- Program Element A (1)- Recreation Planning: A roaded natural and rural ROS Class will be maintained because authorized improvements are typical of the those found in this ROS Class and natural materials and colors will be used to the extent practical.
- Program Element A (4) - Facility and Site Management: All signs and facilities will be approved and authorized by the Forest Service to ensure that they blend with the surrounding landscape.

Water Resources and Riparian Areas: Forest-wide standards and guidelines for water resources and riparian areas, pp. 118-119:

- Goal 2- Meet or exceed Water Quality Regulations for water so the State (WAC, Chapter 173-201) through application of Best Management Practices (Forest Plan p. 4-118). BMP's for shooting ranges will be implemented through the required ESP and soil and ground water monitoring. Eventual clean up is required that will ensure that goal 2 is met.
- Goal 5- Maintain the bank, floodplain, and shore stability of all wetlands, streams, lakes, and other bodies of water. Implicit in this standard are actions to prevent all forms of accelerated soil erosion and soil compaction, and the retention of the live root mat to the maximum practicable extent (Forest Plan p. 4-118). This goal will be met because no soil or vegetation disturbance is proposed or approved other than mowing of the field and erecting a shot curtain.

Forest Plan (as amended), Aquatic Conservation Strategy Objectives (1994 Record of Decision p B-11):

- Objective 1: Maintain and restore the distribution, diversity, and complexity of watershed and landscape scale features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted. This objective will be met because issuing the permit will not affect the distribution, diversity, and complexity of watershed and landscape scale features.
- Objective 2: Maintain and restore spatial and temporal connectivity within and between watersheds. Lateral, longitudinal, and drainage network connections include floodplains, wetlands, upslope areas, headwater tributaries, and intact refugia. These network connections must provide chemically and physically unobstructed routes to areas critical for fulfilling life history requirements of aquatic and riparian-dependent species. This objective will be met because issuing the permit will not affect connectivity within or between watersheds.

- Objective 3: Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations. This objective will be met because only very minor soil or vegetation disturbance is proposed or approved other than mowing of the field and erecting a shot curtain.
- Objective 4: Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities. Objective four will be met through the required ESP, monitoring and lead management.
- Objective 5: Maintain and restore the sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport. This objective will be met because only very minor soil or vegetation disturbance is proposed or approved other than mowing of the field and erecting a shot curtain.
- Objective 7: Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands. This objective will be met because only very minor soil or vegetation disturbance is proposed or approved other than mowing of the field and erecting a shot curtain.
- Objective 8: Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability. This objective will be met because only very minor soil or vegetation disturbance is proposed or approved other than mowing of the field and erecting a shot curtain.
- Objective 9: Maintain and restore habitat to support well-distributed populations of native plant, invertebrate, and vertebrate riparian-dependent species. This objective will be met because only very minor soil or vegetation disturbance is proposed or approved other than mowing of the field and erecting a shot curtain.

Riparian Reserves:

Recreation Management, RM-1, p. C-34: For existing recreation facilities within Riparian Reserves, evaluate and mitigate impact to ensure that these do not prevent, and to the extent practicable contribute to, attainment of Aquatic Conservation Strategy objectives.

RM-2: Adjust dispersed and developed recreation practices that retard or prevent attainment of Aquatic Conservation Strategy objectives. Where adjustment measures such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective, eliminate the practice or occupancy. These objectives will be met because only very minor soil or vegetation

disturbance is proposed or approved other than mowing of the field and erecting a shot curtain.

Lands, LH-4, p. C-37: For activities other than surface water developments, issue leases, permits, rights-of-way, and easements to avoid adverse effects that retard or prevent attainment of Aquatic Conservation Strategy objectives. Adjust existing leases, permits, rights-of-way, and easements to eliminate adverse effects that retard or prevent the attainment of ACS objectives. If adjustments are not effective, eliminate the activity. Priority for modifying existing leases, permits, rights-of-way and easements will be based on the actual or potential impact and the ecological value of the riparian resources affected. This objective will be met because only very minor soil or vegetation disturbance is proposed or approved other than mowing of the field and erecting a shot curtain.

My decision complies with all applicable laws and regulations. I have summarized some pertinent ones below.

National Historic Preservation Act, American Indian Religious Freedom Act, and Native American Graves Protection and Repatriation Act: This decision complies with the cited acts as described above because no historic properties were discovered either through surveys or consultation with local Tribes. (See the Heritage Report in the Project Record.)

Clean Water Act: This project complies with the Clean Water Act and Executive Orders 11988 and 11990 and related State water quality requirements because lead in the groundwater does not appear to be moving off site at the time it was sampled and is not currently exceeding Clean Water Act thresholds. Required lead management and monitoring will minimize lead movement and will allow the Forest Service to observe any changes and respond accordingly. (Soil and Water Resource Report in the Project Record.)

National Environmental Policy Act (NEPA): The process for this environmental analysis followed the regulations and direction outlined in 40 CFR 1500-1508, 36CFR 220, Forest Service Manual 1950, and Forest Service Handbook 1909.15. There was an extended opportunity for public involvement during the course of the analysis, and the public comments received helped inform my decision. Therefore, I find this decision fully complies with NEPA

Magnuson-Stevens Act: The District Fisheries Biologist analyzed the proposed action in regards to the Magnuson-Stevens Act as described above and in the Fisheries Report in the Project Record. The effect determination for federally listed fish and designated critical habitats, for essential fish habitats, and for sensitive and management indicator fish species, is *No Effect*.

Migratory Bird Treaty Act: The Forest Wildlife Biologist analyzed the proposed action in regards to the Migratory Bird Treaty Act and concluded that the project will not cause negative effects to populations because no habitat alteration is proposed (Wildlife Report in the Project Record).

Administrative Review or Appeal Opportunities

Appeals Under 36 CFR 215. This decision is not subject to administrative appeal by the general public pursuant to 36 CFR 215.12, *Decisions and actions not subject to appeal*.

Appeals Under 36 CFR 251. This decision is not subject to administrative appeal by the applicant pursuant to 36 CFR 251.81, *Definitions and terminology*; and 36 CFR 251.86, *Parties*. The applicant Index Sportsmen Club is not responding to a prospectus or written solicitation, and does not hold a written authorization to occupy National Forest System land.

Implementation Date

The decision may be implemented immediately. A permit may be issued as soon as the applicant meets all of the decision requirements, which include the following, to the satisfaction of the Forest Service. These decision requirements are listed below in the order that would result in the most expeditious permit issuance.

1. Sign a Cost Recovery Agreement with the Forest Service.
2. Submit the name of a qualified soil and water monitoring firm and a monitoring cost estimate for Forest Service approval.
3. Provide sufficient evidence of the financial and technical ability to implement the authorization including the monitoring provided in #2 above.
4. Submit proof of a contract for soil and water monitoring (surface and groundwater, lead on railroad right-of-way, and soil pH) that meets Forest Service specifications as outlined in the Decision Memo Appendix A, Project Design Features and Mitigation Measures.
5. Submit a monitoring plan for Forest Service approval (surface and groundwater, lead on railroad right-of-way and soil pH, and range management ATA rule enforcement) as outlined in the Decision Memo Appendix A, Project Design Features and Mitigation Measures.
6. Submit an updated Environmental Stewardship Plan (ESP) and a Safety and Operating Plan that adequately includes the requirements of this decision including those as outlined in the Decision Memo Appendix A, Project Design Features and Mitigation Measures.

7. Submit proof of insurance.
8. Submit payment of the permit fee.
9. Submit an implementation schedule to implement the decision elements including the removal of the unauthorized facilities by the end of the permit term.
10. Sign the permit.

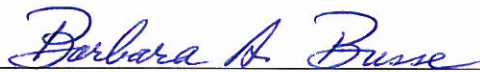
Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Sean Wetterberg, Forest Special Uses Coordinator, Mt. Baker-Snoqualmie National Forest, by mail at 2930 Wetmore Ave, Suite 3A, Everett, WA 98201, by e-mail at IndexSportsmenClub@fs.fed.us or by phone at (425)783-6022.

Additional copies of this Decision Memo can be printed from the Forest's website at:

<http://www.fs.fed.us/r6/mbs/projects/nepa-projects.shtml>

Paper copies are available on request by contacting the Skykomish Ranger District at 74920 NE Stevens Pass Hwy, Skykomish, WA 98288 or by emailing the address above.



Barbara A. Busse
District Ranger
Skykomish Ranger District

September 14, 2009

Date

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Permit Map

And Authorized Facilities



Appendix A

Project Design Features and Mitigation Measures

DECISION MEMO APPENDIX A

Index Sportsmen Club Trap Range Permit Issuance

USDA Forest Service Mt. Baker-Snoqualmie National Forest, Skykomish Ranger District Snohomish Co, WA

Project Design Features and Mitigation Measures

The following project design features and mitigation measures are integral components of this decision and are required by the decision to become a part of the permit. These requirements are in response to the concerns identified through analysis; they respond to public scoping comments and/or are required by Forest Service Policy or Federal Regulation.

The Environmental Stewardship Plan (ESP) and/or Annual Operating Plan must be updated and approved to include the following provisions required by Forest Service Policy and Federal Law.

- The applicant must attest in their ESP that they will maintain or improve the condition of the site as identified in the baseline site condition assessment (FSH 2709.11 Chapter 41.46(g) (2)).

Monitoring (General):

- Prior to operating the Club must sign a Monitoring Cost Recovery Agreement with the Forest Service to cover the agency costs incurred in monitoring this use as provided in 36 CFR 251.58(d)(1) through (d)(4) and (g)(4).
- A pre-operation “monitoring plan” and post operating “monitoring report” are required annually and must be prepared by a qualified environmental engineering firm and approved by the Forest Service (FSH 2709.11 Chapter 41.46(g)(3)(c)).
- The monitoring shall be reviewed by a Forest Service regional environmental engineer. Monitoring is subject to cost recovery as provided by 36 CFR 251.58(d) (1) through (d) (4) and (g) (4). The monitoring shall take place prior to termination or re-issuance of the permit so as to inform the end-of-term site condition assessment (sec. 41.46g, para. 4). (FSH 2709.11 Chapter 41.46(g)(3)(b))
- The Forest Service reserves the right to approve the selection of the monitor. The Forest Service shall notify the holder of the reasons for rejecting a monitor (FSH 2709.11 Chapter 41.46(g) (3) (e). EA Engineering who has worked on the site

- previously is pre-approved. The monitor must be a qualified environmental engineering firm.
- If the results of monitoring indicate that lead reclamation is warranted during operations or at the end of the permit term if no proposal is approved to continue to operate as an ATA trap range, or if the use terminates or is revoked, a response plan must be prepared consistent with FSH 2709.11 Chapter 41.46(g) (4). The environmental analysis required by NEPA to implement and monitor the response plan will be subject to Cost Recovery as provided by 36 CFR 251.58(d)(4) and (g)(4).
 - The special use permit shall contain a provision that requires an on-site inspection by the authorized Forest Service officer, the Forest Service Regional Environmental Engineer, and the holder at least 180 days prior to termination. The inspection is considered routine administration. It will consist of a site walk-through and evaluation of results from monitoring to identify site conditions that must be addressed either in a final restoration and response plan (if the use will not be reauthorized) or prior to issuance of a new permit. The inspection will compare the condition of the site at the end of the permit term to the baseline condition to determine appropriate restoration and response measures that are the responsibility of the holder consistent with FSH 2709.11 Chapter 41.46(g)(4)(a).
 - The response plan must provide for investigation, engineering evaluation, cost analysis, an action plan, and removal and remedial action. The response plan shall include measures to prevent release into the environment of hazardous substances, pollutants, or contaminants following expiration of the authorization. If the use will not be reauthorized, the response plan shall provide for restoration of the site upon termination of the permit consistent with FSH 2709.11 Chapter 41.46(g) (4) (b).
 - The regulations require that the Forest Service determine that the permittee has the technical and financial capability to implement the project for which an authorization is requested, including its construction, operation, maintenance, and termination (CFR 251.54 (d)(3)). With regard to lead, operation and termination of the permit require a response and restoration plan (see FSH 2709.11 Chapter 41.46(g) (4) (a)). The required cost estimate to implement an engineering evaluation and cost analysis is an important component in making the determination of technical and financial capability. The Forest Service is giving the permittee 1 year to submit an estimate with evidence of their financial and technical capability sufficient to make the determination. Technical and financial capability must be demonstrated by the applicant prior to the Forest Service accepting an application for a longer term permit. Prior to issuance of this temporary 1 year permit under this authorization the applicant must submit sufficient evidence of their financial and technical capability to implement the remaining elements of this decision.

- The Environmental Stewardship Plan must be reviewed by the Forest Service Regional Environmental Engineer and approved annually by the authorized officer. Any necessary changes that result from monitoring reports or subsequent NEPA analysis will be incorporated.
- After monitoring and as required by FSH 2709.11 Chapter 41.46(g) (3)(d) the holder must submit a statement signed by the holder's authorized agent attesting to compliance with the monitoring requirements in sec. 41.46g, paragraph 3b is required. At a minimum, this statement must include the following:

Pursuant to Forest Service Handbook 2709.11, section 41.46g, paragraph 3, and the special use permit for INDEX SPORTSMEN CLUB TRAP Range, the Forest Service has monitored the permit area to determine the compliance of INDEX SPORTSMEN CLUB TRAP Range with all applicable environmental laws and with generally accepted standards of environmental stewardship, including but not limited to the U.S. Environmental Protection Agency's *Best Management Practices for Lead at Outdoor Shooting Ranges* and the standards in the National Shooting Sports Foundation's *Environmental Aspects of Construction and Management of Outdoor Shooting Ranges* and has prepared a monitoring report. We have received the results of that report and have made and documented corrections of all deficiencies noted by the monitor. INDEX SPORTSMEN CLUB TRAP Range is ready for public use as of [date].

Monitoring (Details): The Annual Monitoring Plan may be included in the ESP or Operating Plan as an appendix and must include: Soil Monitoring, Water Monitoring, and Range Management as described in detail below.

Soil Monitoring (Permit Area pH and Railroad Right-of-Way lead):

- The Forest Service must be assured that the proper soil pH (near 7.0) exists throughout the permit area at the onset of the fall rains and the runoff and leaching period. Samples shall be taken in representative areas: main shot fall zone in the open field, and within the wooded area and around the wetlands.
- Annual soil testing must be spelled out. The appropriate schedule for how much lime to use in the initial application and how often to re-apply shall be detailed in the Annual Monitoring Plan and determined by a qualified professional approved by the Forest Service.
- Monitoring of the BNSF Railway right-of-way (ROW) for lead is required to document any observable shot fall that may reach the ROW. This monitoring

must be conducted by a qualified disinterested 3rd party approved by the Forest Service. This monitor must also be qualified to work on the ROW as approved by the BNSF Railway. At a minimum, the ROW must be sampled prior to operating and prior to 180 days before the end of the term. An analysis of the sampling must be provided in the Annual Monitoring Report.

Water Monitoring (Surface and Groundwater):

- Periodic water testing must be spelled out in a monitoring plan. The Forest Service must be assured that lead management is working and that conditions at the site are maintained or improved.
- At a minimum, the existing groundwater monitoring wells must be sampled prior to operating and prior to 180 days before the end of the term. An analysis of the sampling must be provided in the Annual Monitoring Report. Conducting another set of water well samples prior to operating will help to determine if contamination levels have changed since April 2006. This will establish any trend since the initial sampling.
- At a minimum, the existing surface water (North Fork Skykomish River) must be sampled prior to operating and prior to 180 days before the end of the term. An analysis of the sampling must be provided in the annual report. Sampling of the North Fork Skykomish River upstream and downstream of the site is required.

Range Management:

- The monitoring plan and report must include appropriate sections outlining how the Club will monitor and report on range management, user compliance with range rules, the containment of shot within the permit area and the recording of the number of rounds fired by date and time. This plan and report may be developed by the permittee and must be approved the Forest Service.

The Safety Plan must be updated to include the following provisions:

- If it is determined that shot has traveled beyond the authorized permit boundary (regardless of whether it causes trespass, harm or both) the authorized use will be immediately suspended. Use of the site will not be reauthorized until the approved shot curtain design is installed and operational and the site is again approved for use by the Forest Service authorized officer. Costs of materials, installation and maintenance of the shot curtain are the responsibility of the holder.
- A safety evaluation of the target range is required to be conducted at the holder's expense at least every 5 years by a disinterested range technical adviser to verify that design and maintenance work as planned. This provision also must require that the range technical adviser prepare an evaluation report and submit it to the

- authorized officer. The Forest Service reserves the right to approve the selection of the range technical adviser. However, the agency shall provide a rationale for its rejection FSH 2709.11 Chapter 41.46(h) (2) (a).
- After each safety evaluation of the target range it is required that the holder submit a statement, signed by an authorized agent of the holder, of compliance with the safety evaluation requirements in section 41.46h, paragraph 2a. At a minimum, this statement shall include the following:

Pursuant to Forest Service Handbook 2709.11, section 41.46h, paragraph 2a, and the special use permit for INDEX SPORTSMEN CLUB TRAP Range, we have had an evaluation to determine the compliance of INDEX SPORTSMEN CLUB TRAP Range with generally accepted standards of safety, including the guidance in the National Rifle Association's *NRA Range Source Book*. We have received the results of that evaluation and have made and documented corrections of all deficiencies noted by the range technical adviser. INDEX SPORTSMEN CLUB TRAP Range is ready for public use as of [date].

- An annual self-evaluation of operations is required to be conducted by a safety officer with the requisite education or training and experience. The safety officer must also prepare an evaluation report and submit it to the authorized officer (FSH 2709.11 Chapter 41.46(h) (2) (a). The safety officer must be identified in the Safety Plan.
- It is required that the holder report to the authorized officer all accidents at the target range caused by discharge of a firearm that result in property damage, personal injury, or death as soon as reasonably possible, but no later than 24 hours after the accident occurs. The holder must also complete a written report of the accident and submit it to the authorized officer (FSH 2709.11 Chapter 41.46(h) (2) (a).
- The plan must also state explicitly that there will be no use of the area down range (north) of the firing line for any activities other than range management and implementation of the ESP, Safety Plan, and Appendix A Project design Features and Mitigation Measures. The Safety Plan must adequately explain how this will be accomplished (that is, how people will be managed as to not allow unauthorized access and activities down range and how this will be monitored).
- The permit boundary will be posted with warning signs that have been approved by the Forest Service and installed prior to operating.
- No firearms or ammunition are authorized to be stored on site unless approved in the annual operating plan with sufficient evidence that adequate safety and security is provided.

- Only Amateur Trap Association (ATA) Trap is authorized to be played on the range. The rules for ATA trap shall be posted conspicuously at the range. Additionally it will be posted that all other shooting, the use of different loads, calibers or firearms are strictly unauthorized.
- The heaviest allowable load that is authorized is #7.5 and the highest firing elevation angle must be no greater than that used when shooting ATA trap.
- Notice of the presence of the railroad down range will be posted conspicuously so that it is known to all users why the authorized use is limited to regulated ATA trap and the posted rules.
- Notice of the range operational hours including the hours open to the general public must be conspicuously posted with contact information provided for the Club.

Facilities: The following facilities are not authorized and must be removed by the end of the permit term. The holder must submit an implementation schedule outlining when this will be accomplished.

- **Horse Training Equipment:** Items scattered over the north half of the cleared area includes 3 sets of jump stands, 3 blue plastic barrels, 4 bales of straw, miscellaneous poles. None of the items are permanently affixed to the ground.
- **Baseball Field Area:** Wooden backstop area. Consists of 4X4 posts and rails (treated wood) with chain link fencing forms safety fence down first and third baselines (does not appear to have concrete anchoring based on trowel and shovel probes). 4X6 posts and 4X4 rails (treated wood) with chain link fencing forms backstop, 3 foot wood wall (ground level up) 2X8 planks forms solid stop. Plastic (rubber) mounted bases and pitchers stop.
- **Concrete Fire Ring and Small Shelter:** Structure is 8X8 feet from salvaged materials such as lap siding and power pole pieces.
- **Outhouse:** 4X8 feet building is divided to form two 4X4 compartment (men's & women's), chip board walls, poured concrete floor, and 2X4 rafters with fiberglass sheet roofing. No paint or siding. Decommission the pit toilet in the wooded area near the ball field by filling with clean (weed-free) off-site fill.
- **Water Fountain:** Consists of a water fountain stand and faucet.
- **Metal fence posts:** Two rows of metal fence posts (east to west) in front of blinds, no fencing.
- **Playground Area:** Swing set (residential type).
- **Small Shelter East of Backstop 8X8 foot roof area**
- Adequate restroom facilities must be provided for the number of people at the site. During events, port-a-potties may be necessary. The Sportsman Club or its client should arrange for additional sanitation facilities for groups that exceed the

design capacity of the on-site septic system. This will prevent overloading the septic system and possibly contaminating the area with human waste.

- Parking may at times be challenging as limited parking exists near the site. The Club is encouraged to work with the Town of Index to ensure that parking and vehicle traffic is managed safely. The gate must be signed “Authorized Personnel Only”

Vegetation

- The field must be mowed at a sufficient frequency to limit the growth of weeds.
- The use of certified weed free seed and straw must be used in all revegetation applications. Contact the Forest Botanist for information.

Trash

- Timbered area along the northeast, north, and northwest edge of the clearing must be cleaned up by the end of the permit term. Debris piles and miscellaneous scattered debris were found to be present along the entire perimeter of the clearing just inside the timber line. Debris consists of used building materials, general trash, furniture, and other contemporary items used in the past, some of which appears to have been tossed into the timber (small items such as disposable lighters, wrappers, etc).
- All trash, debris, and other materials from the entire permit area must be removed from National Forest System Lands by the end of the permit term.
- All trash cans or dumpsters are the responsibility of the holder to maintain and service.
- All trash cans or dumpsters are required to be wildlife resistant, must be operated in a manner as designed to be wildlife resistant and must be approved by the Forest Service.
- The Operating Plan must contain litter control measures consistent with FSH 2709.11 Chapter 41.46(g) (3) (a).

Appendix B

Response to Comments

Botany and Environment (General): Comments 1-7

Comment #	# of Comments	Resource	General Comment	Response to Comment
1	1	Botany	It is well documented that a number of genera of plants are able to uptake heavy metals from soil and concentrate these metals in both vegetative and reproductive structures. This can lead to uptake by herbivorous/granivorous species, small and large.	The lead in the ground is not expected to be of concern to the plants on site, based on the lead management described in the Environmental Stewardship Plan. The pH of the soils ranges from approximately 5.6 to 7.4. A less acidic soil, with a pH closer to 7.0, as well as organic matter in the soil, will tie up the lead and makes a significant amount of it unavailable for root uptake. At some future date, the trees may be removed to facilitate lead clean-up, in which case lead will be largely removed from the system.
2	1	Botany	ESP states that plants in the shot fall zone serve as a sink for Pb and As, maintain soil integrity, reduce runoff, reduce human exposure, and absorb soil water that might contribute to increase Pb transport (leaching) but no source is given.	The lead in the ground is not expected to be of concern to the plants on site, based on the lead management described in the Environmental Stewardship Plan. The pH of the soils ranges from approximately 5.6 to 7.4. A less acidic soil, with a pH closer to 7.0, as well as organic matter in the soil, will tie up the lead and makes a significant amount of it unavailable for root uptake. At some future date, the trees may be removed to facilitate lead clean-up, in which case lead will be largely removed from the system.
3	1	Environment (general)	The range will provide environmental education opportunities.	Although not specifically proposed, the Club is encouraged to provide environmental education and programs.
4	1	Environment (general)	The studies have been done; there is not a lead problem now.	See Decision Memo decision and rationale, lead management.
5	1	Environment (general)	Concern that the 'hazardous waste' issue has not been resolved.	See Decision Memo decision and rationale, lead management.
7	1	Environment (general)	Lead should be cleaned up.	See Decision Memo decision and rationale, lead management.

Fish: Comments 8-9

Comment #	# of Comments	Resource	General Comment	Response to Comment
8	1	Fish	Lead is shown to have significant negative effects on a number of species of aquatic invertebrates, eggs and larvae of aquatic species (vertebrate and invertebrate) including bivalves.	The potential contribution of lead from the permit area is not likely to be of a concentration that would have a measurable effect to aquatic species (Fisheries Specialist Report, pp. 4-5 in the Project Record)
9	1	Fish	Concern for effects to Steelhead and salmon.	The potential contribution of lead from the permit area is not likely to be of a concentration that would have a measurable effect to aquatic species (Fisheries Specialist Report, pp. 4-5 in the Project Record)

Hydrology: Comments 10-13

Comment #	# of Comments	Resource	General Comment	Response to Comment
10	2	Hydrology	Commenter wants to ensure lead does not reach the ground water	The USFS has paid to install groundwater monitoring wells. Sampling indicates that lead has already reached the groundwater, however it is not currently exceeding Clean Water Act standards. Site management would reduce the oxidation of lead shot by maintaining soil pH near 7.0, and continued monitoring would determine effectiveness. See the Decision Memo decision and rationale, lead management and Appendix A Project Design Features and Mitigation Measures and the soil and water report in the Project Record.
11	1	Hydrology	Concern for the sites proximity to the N. Fork Skykomish River and the migration of lead to the river.	Water monitoring wells show some migration of lead to the groundwater, but the two wells on the west side of the range, where groundwater migration would occur, showed no detectable lead. Mitigation calls for monitoring for lead in the river as a precaution. Treating the soil with lime to control soil pH would minimize oxidation of lead shot on site.
12	1	Hydrology	The ESP states there are no streams or wetlands in the general area of the range which is contradicted by the groundwater report from EA engineering and a personal site visit that there is an east west flowing stream in the heaviest shot fall zone and numerous areas of standing water.	While there are some depressions and a ditch feature between the firing range opening and the railroad, that have water in them during wet periods, the water does not connect to any other surface water feature and water is only present for short periods of time. The wet areas do not remain so long enough for wetland characteristics to develop (Plants and soil indicative of wetlands).
13	1	Hydrology	ESP states that depth to groundwater varies, but the EA report states that in the sample site with the greatest lead concentration the groundwater was encountered a few inches below the surface.	Comment noted. A number of errors were discovered in the ESP. Regardless, ground water monitoring is required. See the Decision Memo decision and rationale, lead management and Appendix A Project Design Features and Mitigation Measures

Lead Management: Comments 14-21

Comment #	# of Comments	Resource	General Comment	Response to Comment
14	5	Lead Management	Requests that a lead clean up and containment program be in place, and adherence to the EPA's BMP's including an Environmental Stewardship Plan.	See the Decision Memo decision and rationale, lead management and Appendix A Project Design Features and Mitigation Measures.
15	4	Lead Management	Concern for the cost of lead clean up to tax payers and suggests the permittee posts a bond.	See the Decision Memo decision and rationale, lead management and Appendix A Project Design Features and Mitigation Measures
16	1	Lead Management	Commenter suggests the proposal will allow for lead containment and clean up.	See the Decision Memo decision and rationale, lead management and Appendix A Project Design Features and Mitigation Measures
17	1	Lead Management	When there is enough lead to recycle, remove the lead then before it becomes a threat to the environment.	See the Decision Memo decision and rationale, lead management and Appendix A Project Design Features and Mitigation Measures
18	1	Lead Management	Citations for lead clean up levels for human and environmental health were provided.	Comment noted.
19	1	Lead Management	Arsenic is often associated with lead at target ranges, but is usually remedied with the management of lead.	See the Decision Memo decision and rationale, lead management and Appendix A Project Design Features and Mitigation Measures
20	1	Lead Management	Commenter is concerned that the BNSF may be responsible for any materials such as lead found on its property regardless of origin.	The US Forest Service has no authority to permit uses off of National Forest System (NFS) land. Permitted activities must remain within the permit area as shown on the permit map. The permittee will be responsible for any materials such as lead found on the BNSF Right of Way. See the Decision Memo decision and rationale, lead management and safety and see Appendix A Project Design Features and Mitigation Measures
21	1	Lead Management	Commenter doesn't see why lead in the soil is bad enough to close down the club.	See Decision Memo background and decision and rationale.

Lead Management (continued): Comments 22-27

Comment #	# of Comments	Resource	General Comment	Response to Comment
22	1	Lead Management	Commenter states that a number of errors, oversights or omissions in the Environmental Stewardship Plan despite the EPA letter to the Club about the ESP.	Comment noted. A number of errors were discovered in the ESP. Regardless, ground water monitoring is required. See the Decision Memo decision and rationale, lead management and Appendix A Project Design Features and Mitigation Measures
23	1	Lead Management	ESP states that steel shot is 4-5 times more expensive than lead, however, locally steel shot is only twice the cost.	Comment noted. Lead shot was not proposed and is not required. See Decision Memo decision and rationale, lead management, safety, Exhibit 4 Management Requirements and Mitigation Measures. Further, the ESP will be updated and corrected annually.
24	1	Lead Management	ESP states that it will use Best Management Practices at Outdoor Shooting Ranges not independent studies.	Comment noted. A number of errors were discovered in the ESP. Regardless, ground water monitoring is required. See the Decision Memo decision and rationale, lead management and Appendix A Project Design Features and Mitigation Measures
25	1	Lead Management	Commenter states that given the accumulation of lead, it has an 80 year clean up interval currently rather than the recommended 1-5 years.	See Decision Memo decision and rationale, lead management.
26	1	Lead Management	ESP states that a letter exists from a reclamation company who can mine the lead without disturbing the trees, but there does not appear to be such a letter.	The Forest Service has two letters from the Northwest Shot Manufacturing Inc. regarding reclamation in the Project Record (both letters 12/17/2006). Neither discusses vegetation removal. Upon phoning the company, it is likely that most of the trees and all of the under-story vegetation will need to be removed to facilitate lead reclamation which utilizes a backhoe to scrape the topsoil, run the soil through a machine that sifts out the lead and then the soil is returned (Phone Log L. Stockman11/8/07). See Decision Memo decision and rationale- lead management.
27	1	Lead Management	As the owner of the gun range, the US Forest Service, which knowingly allowed unpermitted trapshooting activities to take place since 1987 should bring forward a plan for clean up and reclamation of the site so it can be used for a legitimate public purpose.	See the Decision Memo decision and rationale, lead management and Appendix A Project Design Features and Mitigation Measures

NEPA and Noise: Comments 28-35

Comment #	# of Comments	Resource	General Comment	Response to Comment
28	1	NEPA	Asks if an EIS was completed.	See the Decision Memo reasons for categorically excluding the action from additional documentation.
29	1	NEPA	An Environmental Assessment should be completed.	See the Decision Memo reasons for categorically excluding the action from additional documentation.
30	1	NEPA	Site was initially closed due to lead in the soil and leaching; now the FS wants to open it up without an Environmental Assessment. An EA or EIS should be required.	See the Decision Memo reasons for categorically excluding the action from additional documentation.
31	1	NEPA	FS is remiss in thinking this (Issuance of a Target Range Permit) is a minor use of national forests.	See Decision Memo Reasons For Categorically Excluding the Action from Additional Documentation.
32	4	Noise	Commenter is concerned about the noise in general and specifically in and around Index, Skyko1, Skykomish 5, Persis view Estates, the Sky Country Club the Mount Index Café and area cabins etc.	See Decision Memo decision and rationale, noise
33	3	Noise	Commenter suggests operations of Thursdays 3:30-9pm and Sunday's noon - 4pm. Sunday morning shoots conflict with church bells ringing.	See Decision Memo decision and rationale, noise
34	1	Noise	Commenter suggests operations of Thursdays 3:30-9pm and Sundays 9am - 6:30pm.	See Decision Memo decision and rationale, noise
35	1	Noise	Suggests Day time only operations and alternate weekends	See Decision Memo decision and rationale, noise

Noise (continued) and Object to Proposal: Comments 36-40

Comment #	# of Comments	Resource	General Comment	Response to Comment
36	1	Noise	Sunday is a day of contemplation and so operations should be on Saturdays instead. Although Jewish friends may suggest Sunday operations.	See Decision Memo decision and rationale, noise
37	1	Noise	Suggests the noise must be heard prior to being assessed.	It is recognized that this use creates noise and that noise impacts will result. A qualitative analysis of noise impacts was completed and is available in the project record. Also, See Decision Memo decision and rationale, noise
38	1	Noise	Believes the count of shots during a meet to be in the high hundreds that can be heard.	The Forest Service recognizes that during events the frequency and intensity of noise due to increased number of shots will be greater. See Decision Memo decision and rationale, noise
39	1	Noise	Commenter indicates that noise complaints in Index have been up last year (2006?) over previous decades and the town of Index is drawing up their own noise ordinances.	Comment noted.
40	4	Object to Proposal	General comments in opposition of the proposal.	Comment noted.

Permit: Comments 41-46

Comment #	# of Comments	Resource	General Comment	Response to Comment
41	1	Permit	Commenter requests that the gun club not be closed.	See Decision Memo.
42	3	Permit	Surprised the term is 1 year and requests a longer term, up to 99 year be issued.	See Decision Memo- Permit Term Length. The Forest Service does not issue permits for terms of 99 years. A permit is a privilege and upon successful performance of two consecutive one year permits, the Club may apply for a five year permit.
43	1	Permit	Commenter is pleased that the permit has been reissued.	See Decision Memo.
44	1	Permit	Questions if the existing facilities (including baseball, lights etc) were permitted before.	The Forest Service did not authorize any of the structures on the north side of the county road with the exception of the old clubhouse (Letter from Ranger R. Williams 3/9/1987). The Club has provided meeting notes regarding the baseball diamond but no specific authorization of that use. The Forest Service does have records indicating that the area lights were installed in 1992 after the permit authorizing use of the site had expired (Letter H. Graupe 3/19/1992). See Decision Memo decision and the Permit Map for the facilities authorized by this decision.
45	2	Permit	Asks if there is a better location for the range. One commenter suggested 5-6 other locations (did not provide names locations or ownership information).	No. An alternative site location analysis was completed and no better site was discovered in the area. This analysis is in the Project Record. Additionally, there are currently approximately 23 gun ranges within 60 miles of Index, WA (www.wheretoshoot.org).
46	1	Permit	FS must approve necessary plan required in FSH 2709.11 CH 41.46d (Safety Plan & Environmental Stewardship Plan) and Environmental baseline (assessment) required in FSH 2709.11 Ch 41.46G.	See the Decision Memo decision and rationale, lead management and safety and Appendix A Project Design Features and Mitigation Measures

Permit (continued): Comments 47-51

Comment #	# of Comments	Resource	General Comment	Response to Comment
47	1	Permit	Proponent needs to pay fair market value for use of the land based on the 2005 appraisal.	A land use fee consistent with Forest Service Policy will be required in the permit.
48	1	Permit	Commenter doesn't see any way that rules/laws will be enforced thru the permit.	The Special Use Permit (permit) outlines the rules and laws that must be followed. The permit is enforced through USFS permit administration. See the Decision Memo decision and rationale, safety and Appendix A Project Design Features and Mitigation Measures
49	1	Permit	Commenter feels the club should be able to buy the land.	Comment is outside the scope of this analysis which is to analyze environmental consequences of the proposed action. See Decision Memo.
50	1	Permit	Commenter suggests that there should be no time limits for operations.	Time limits (operational hours) were both proposed by the applicant and authorized with modifications as a result of public comment and impacts associated with noise. See Decision Memo background and decision and rationale, noise
51	1	Permit	Commenter is concerned with the prospect of more operating days per year in the future.	Comment is outside the scope of this project which is to analyze environmental consequences of the proposed action. Any future proposals by the Club will be subject to NEPA analysis and available for public comment and review. See Decision Memo.

Recreation: Comments 52-57

Comment #	# of Comments	Resource	General Comment	Response to Comment
52	1	Recreation	Concern for a potential parking conflict: boaters vs. shooters	It is acknowledged that parking conflicts may occur as parking is limited at the site. The potential for conflicts will be most pronounced during Club events that coincide with favorable conditions for other activities (i.e. boating etc). However the contribution of this project to any parking conflicts will be limited to the few days per week when the target range is in operation. The Town of Index owns the land that is used for parking and on the Crescent Trail and the Town has stated that they are OK with the Club parking there. Parking management and management of any conflicts will be the responsibility of the Club in coordination with the Town of Index.
53	1	Recreation	Commenter points out that few Index locals use the target range. Another commenter states that they would 'bear' the operation of the range if the majority of Index town's people supported it rather than non-locals.	It may be true that the majority of users are not from Index. However the proposal is for a public target range on public land and it will be open to the general public including Index residents and non Club members.
54	1	Recreation	Commenter is generally concerned that this use will conflict with other recreational users affecting their experience.	It is acknowledged that this use may conflict with other recreational users in the area. Hikers using the Crescent Trail, rock climbers using the nearby Town Wall, boaters among others all recreate near the Club. As approved, the potential for conflict should be minimized to days and hours of operations. It is recognized that the majority of all users are in the area more on weekends when the Club will be operating. The greatest conflicts anticipated will occur during operational hours and be in regards to noise and parking (on the Town of Index Crescent Trail and possible conflicts with boater parking).
55	1	Recreation	Use of the site goes back to 1949.	Our files indicate that the first permit issued to the Club was in 1947.
56	3	Recreation	The range will provide for "managed recreation"	Comment noted.

Recreation (continued): Comments 57-60

Comment #	# of Comments	Resource	General Comment	Response to Comment
57	1	Recreation	Trap range should never have been closed.	See Decision Memo background and decision and rationale.
58	1	Recreation	Not all trap shooters want to hunt.	Comment noted.
59	1	Recreation	Sportsmen have directly victimized other recreationists in the past by convincing the State Parks Department not to put up signs directing people to state land.	Comment noted.
60	1	Recreation	Commenter feels like the Forest Service has a vendetta against the Club and that Club members were shocked when it was closed. Also states that club members have always been friends of the Forest Service and support taking care of the environment.	See Decision Memo background and decision and rationale.

Safety: Comments 61-67

Comment #	# of Comments	Resource	General Comment	Response to Comment
61	3	Safety	Commenter is concerned for the safety of range users and of rock climbers and hikers in and around the target range (Town Wall/crescent trails)	See Decision Memo decision and rationale-safety.
62	1	Safety	Commenter states that the baseball diamond and backstop must be removed.	See Decision Memo decision, appendix A and the Permit Map with authorized improvements identified.
63	1	Safety	Commenter suggests that if trees from down range are removed, a safety analysis and structure need to be installed to protect the railroad tracks.	No vegetation removal was proposed. A future lead reclamation project will likely require substantial vegetation removal and will be subject to analysis as required by NEPA. How this may affect shot containment and safety will be analyzed at that time. See Decision Memo decision and rationale-lead management and safety.
64	2	Safety	Steel shot should be used to protect children who use the area for Halloween parties, play ball, tag or other unorganized and unsupervised games on the trap shoot grounds.	See Decision Memo decision and rationale-safety.
65	1	Safety	Concern that shot goes well beyond the cleared area (that is understood to be the target area) and into the woods down range.	See Decision Memo decision and rationale-safety and the permit map.
66	1	Safety	Comment is concerned about lead and human health as a result of other uses of the site such as baseball etc in the shot fall area. Asks if there has been research as to the health implications of lead exposure. Concern that lead may get tracked into homes.	The area down range (to the north) of the line of fire will be managed only as a shot fall zone and an environmental stewardship plan will be implemented. See Decision Memo decision and decision and rationale-safety.
67	2	Safety	Commenters are concerned that the permit area/distance to the rail road tracks is too small. One commenter claims that he has been shot (not hurt) dozens of times walking on the road on the far side of the tracks and even 150 feet further into the woods.	See Decision Memo decision and rationale-safety and the permit map.

Safety (continued) Comments 68-72

Comment #	# of Comments	Resource	General Comment	Response to Comment
68	1	Safety	Commenter is concerned about the use of other more powerful guns which may reach the tracks.	See Decision Memo decision and decision and rationale-safety.
69	1	Safety	Commenter is concerned about the hazards to BNSF rail road crews given that they carry hazardous materials and that their brakes are dependent on compressed air lines running the length of the train	See Decision Memo decision, decision and rationale-safety, and Appendix A Project Design Features and Mitigation Measures.
70	1	Safety	Commenter states that since 1947 there has never been an incident or accident.	Public Comments in response to this proposal indicate otherwise. Further, any shot that potentially enters the BNSF Right-of-Way is a trespass whether or not an injury occurs. See Decision Memo decision and rationale and Appendix A Project Design Features and Mitigation Measures.
71	1	Safety	Commenter states that a substantial portion of the shot fall zone is offsite. Commenter measured the distance from the firing line to the railroad tracks with a 300 foot tape and got 680 feet. County records indicate that the BNSF railroad property extends about 140 feet towards the firing line leaving the target range at 540 feet with a maximum shot fall zone of 230 feet beyond the site. Goes on to state that these distances support another commenter's statement about shot fall landing near the tracks.	The Forest Service surveyed the site and the survey documents are available in the project record. The permit map was re-drawn based on the Forest Service survey. See Decision Memo decision, decision and rationale- safety, permit map, Appendix A Project Design Features and Mitigation Measures and Appendix C Maximum Shot Distance and Area of Maximum Shotfall Concentration for ATA Regulation Trap.
72	1	Safety	Commenter states that the NRA range report confirms the fact that shot cannot cross onto BNSF property and that the EA Engineering Report (Soils) did not find any shot on the (railroad) berm which is consistent with the NRA range report and live fire testing results with witnesses.	See Decision Memo decision and rationale, safety.

Socioeconomics: Comments 73-76

Comment #	# of Comments	Resource	General Comment	Response to Comment
73	3	Socioeconomics	The proposal helps local businesses and stimulates economic development and tourism	Negative and positive effects on local businesses, economic development and tourism are anticipated from this proposal. These effects are difficult to quantify but can be discussed qualitatively. Locally, additional users may visit the area to use the range, making purchases, staying at lodges etc. It may also be true locally that visitors participating in other activities such as rock climbing or hiking nearby may be negatively affected by range activities (e.g. noise). Given that there are approximately 23 gun ranges within 60 miles of Index (www.wheretoshoot.org) and that authorized operations are limited to only a few days per week, it is anticipated that the incremental effects of this use on business, tourism, quality of life and property values may be locally but not regionally observable.
74	2	Socioeconomics	Commenter feels that this proposal will hurt the local businesses and economic development and tourism.	See Response to Comment #73
75	1	Socioeconomics	Questions if socioeconomics will be considered (effect on quality of life and property values in Index)	See Response to Comment #73
76	1	Socioeconomics	The bed and breakfast should have known about the trap grounds and should work them into their business advantage.	Comment noted.

Soils and Support for Proposal: Comments 77-82

Comment #	# of Comments	Resource	General Comment	Response to Comment
77	1	Soils	Asks if the site was originally closed due to lead in the soil and that the site was to be a superfund type site. If true, what has changed?	See Decision Memo decision and decision and rationale.
78	1	Soils	Commenter states that lead migration through the soil to groundwater is uncommon due to leads adhesion to soil fines. But the lead detection in the ground water has likely occurred in association with soil fines (in the absence of sheet or rill erosion). As such, soils down gradient of and along drainage ways or swales and wetlands down gradient of streams should be evaluated. MTCA sampling preparation protocol was described and it is noted that results of using a different method may produce different results.	Soil and groundwater samples were sent to North Creek Analytical/Test America in Bothell, WA. This is a state certified lab which should be following these procedures.
79	1	Soils	ESP states that average soil pH is 6.4 where the EA report states it is 5.58-6.26 in sample areas TA SSS 12-15	Soil pH can vary from location and by season. Lime application and soil pH testing is required. See Decision Memo decision and rationale- lead management and Appendix A Project Design Features and Mitigation Measures.
80	1	Soils	The EA report states that lead in sample areas TA SSS 12-15 are a factor of 11 to 232 times greater than MTCA method A criteria and many times higher than the highest federal criteria.	Comment noted. See Decision Memo decision and rationale- lead management.
81	42	Support Proposal	The proposal will provide a safe, convenient shooting sports opportunity for adults and kids as well as a venue for community events.	Comment Noted. See Decision Memo decision and decision and rationale.
82	44	Support Proposal	General comments in support of the proposal	Comments noted.

Wildlife: Comments 83-85

Comment #	# of Comments	Resource	General Comment	Response to Comment
83	1	Wildlife	The toxicity of lead to a variety of organisms is well documented and is lethal to waterfowl, songbirds, gallinaceous birds, small mammals and other species as well as species higher on the food chain.	Because of their eating habits, lead poisoning is most common in water birds, but has also been reported in many other bird species. The presence of lead shot or bullets in the environment does not necessarily mean that they will be ingested by birds and wildlife. Any ingestion by birds is likely to be inadvertent and any impacts are likely limited to individual birds and not expected to affect local populations. Lime treatment would minimize the oxidation of lead shot on site and subsequently absorption by vegetation that could potentially be eaten by prey species such as small mammals.
84	1	Wildlife	Soil invertebrates (earthworms) uptake lead and distribute it to other animals.	Treating the soil with lime to control soil pH would minimize oxidation of lead shot on site, and minimize the uptake of lead by worms into the food chain.
85	2	Wildlife	It is common for songbirds, flickers and robins to forage in the grassy areas of shooting ranges.	Because of their eating habits, lead poisoning is most common in water birds, but has also been reported in many other bird species. The presence of lead shot or bullets in the environment does not necessarily mean that they will be ingested by birds and wildlife. Any ingestion by songbirds, flickers, and robins is likely to be inadvertent and any impacts are likely limited to individual birds and not expected to affect local populations.

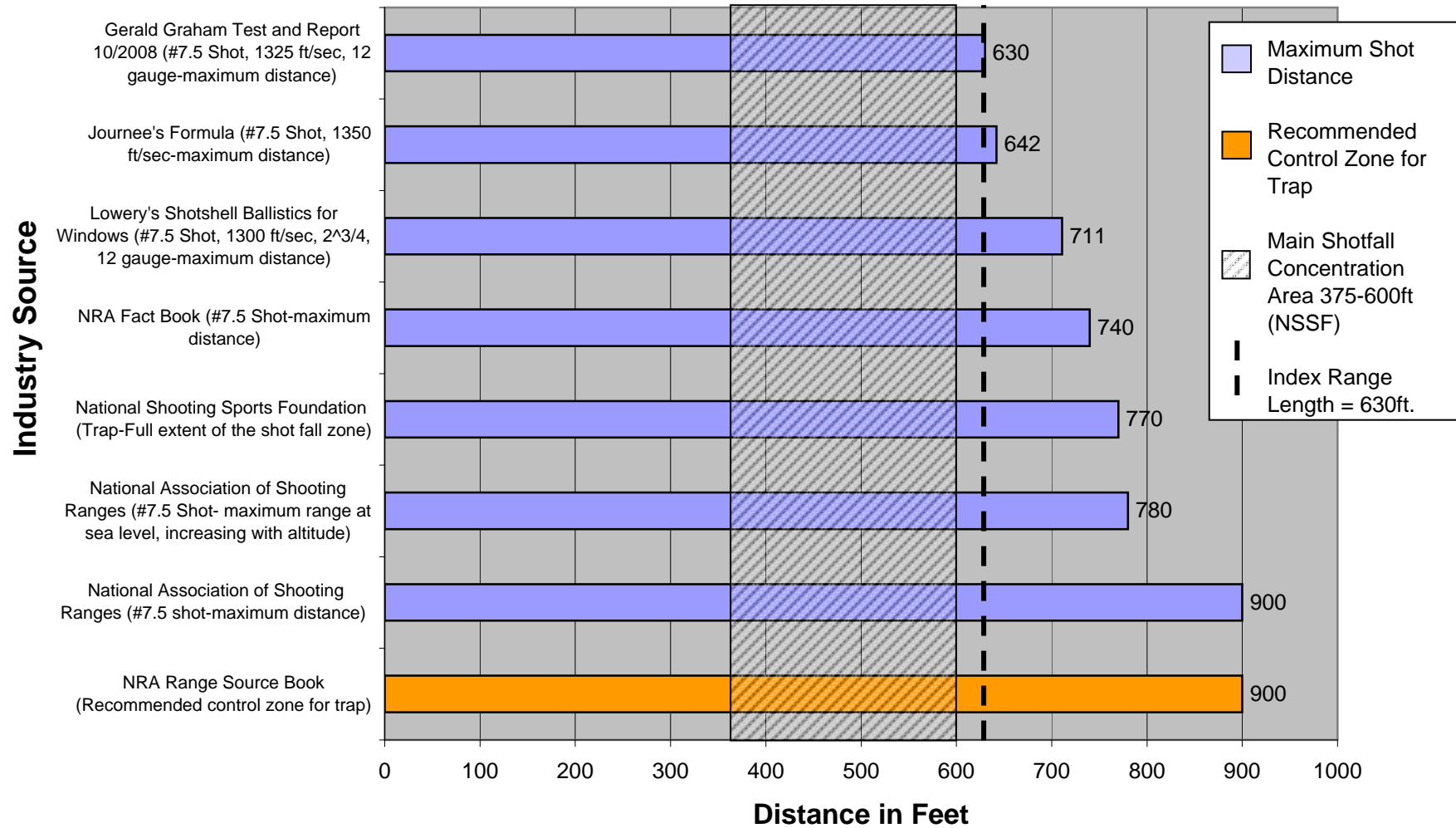
Wildlife Comments (continued): Comment 86

Comment #	# of Comments	Resource	General Comment	Response to Comment
86	1	Wildlife	ESP states that rarely is wildlife seen near or on the range. However, the Town of Index SEPA checklist form states that eagles, peregrine falcons, Chinook salmon, bull trout, marbled murrelet, spotted owls and bobcats have been known to be in Index. According to DOE and DFW officials, a pair of Peregrine Falcons is known to reside at the cliffs down range.	Marbled murrelet and spotted owl habitat is not present at the site and therefore, not expected to use the site. Bald eagle use of the general area is restricted to winter foraging of salmon. It is extremely unlikely salmon (or bull trout) ingested by eagles are exposed to lead from the site as sampling has not indicated lead is migrating the river. Bobcats may prey upon land birds such as grouse or quail that may have ingested lead on the site. However, bobcats are unlikely to use the area given the high amount of human use. Any impacts are likely limited to individual bobcat and not expected to affect local populations. Peregrine falcons primarily forage on flying birds. Peregrine falcons may forage over the gun range during nesting season, but are highly unlikely to prey on species that may have ingested lead from the site. Waterfowl are commonly taken by peregrine and are most likely to ingest lead, but are not known to forage on the site. Other birds foraging on the site are unlikely to be preyed upon by peregrine as they are unlikely to be flying above the forest canopy.

Appendix C

Maximum Shot Distance and Area of Main Shotfall Concentration for Trap

Appendix C: Maximum Shot Distance and Area of Main Shotfall Concentration for Trap



Appendix D

Shot curtain Design Plan

(5) Draw-Drape Curtain Design Developed by the Standish Sportsmen's Association

All the previous LSC support structure designs are meant to be used more or less as permanently deployed, all-weather curtain systems. The idea is that these curtains are to be left up and only lowered in impending wind storms and in foul weather like in winter. As an alternative to this design, a simple and clever draw-drape curtain structure was conceived and implemented by SSA gun club personnel. SAS wanted a curtain support structure that could be opened and closed (secured) after every shooting session. They patterned their operating design after the opening and closing of window draperies. A diagram of the Standish Draw-Drape LSC curtain design is presented in Figures 8 and 9. Here 8 ½ by 34 foot curtains are held onto the cable at the top of the support poles by a grommet and ring assembly. The curtains are positioned in groups of four (4) such that these four curtains span across three side-by-side erected poles (twenty feet apart). Each curtain overlaps the other by about 12 inches. Carriage bolts and washers are secured into the double grommets at the slides of the curtain (see Figure 8) to hold the overlapped curtains together in the wind while they are deployed. The two middle curtains are not fastened together in the middle of this four-curtain assembly. The middle pole of the three support pole array serves as the center of this four-curtain assembly. This "middle" pole serves as the center point for the Draw-Drape assembly. A diagram of the line and pulley arrangement illustrates how the curtains are opened and closed in a Draw-String like manner. The simplicity of this LSC opening and closing system is shown. Pulling on the middle rope (Blue in Figure 9) will draw both the left and right hand sides of the curtain assembly together. The offset pulley positions allow for these center curtains to overlap. One person pulling on this middle (Blue) rope deploys the four curtains. Alternatively, the curtain can be secured (removed from it's lead shot barrier function) by pulling on each of the side ropes. Pulling on these ropes will draw the curtains nest to the side poles. Once the curtains are drawn against these side poles (#1 or #3), the curtains can be wrapped around the poles with the ropes tied or cleated to the pole for a secure storage of the curtains. Figure 10 is a photograph of the deployed Standish Draw-Drape LSC system. The Standish Sportsmen's Association personnel are very comfortable with this arrangement. They find no objections in their having to open and close the LSCs before and after each shooting session. This Draw-Drape arrangement is working out very well for their needs. Also important is the fact that the curtain system has already withstood some relatively heavy weather in its secured condition. Importantly, this Draw-Drape design also appears to be a low cost approach to a uniquely functional LSC support system.

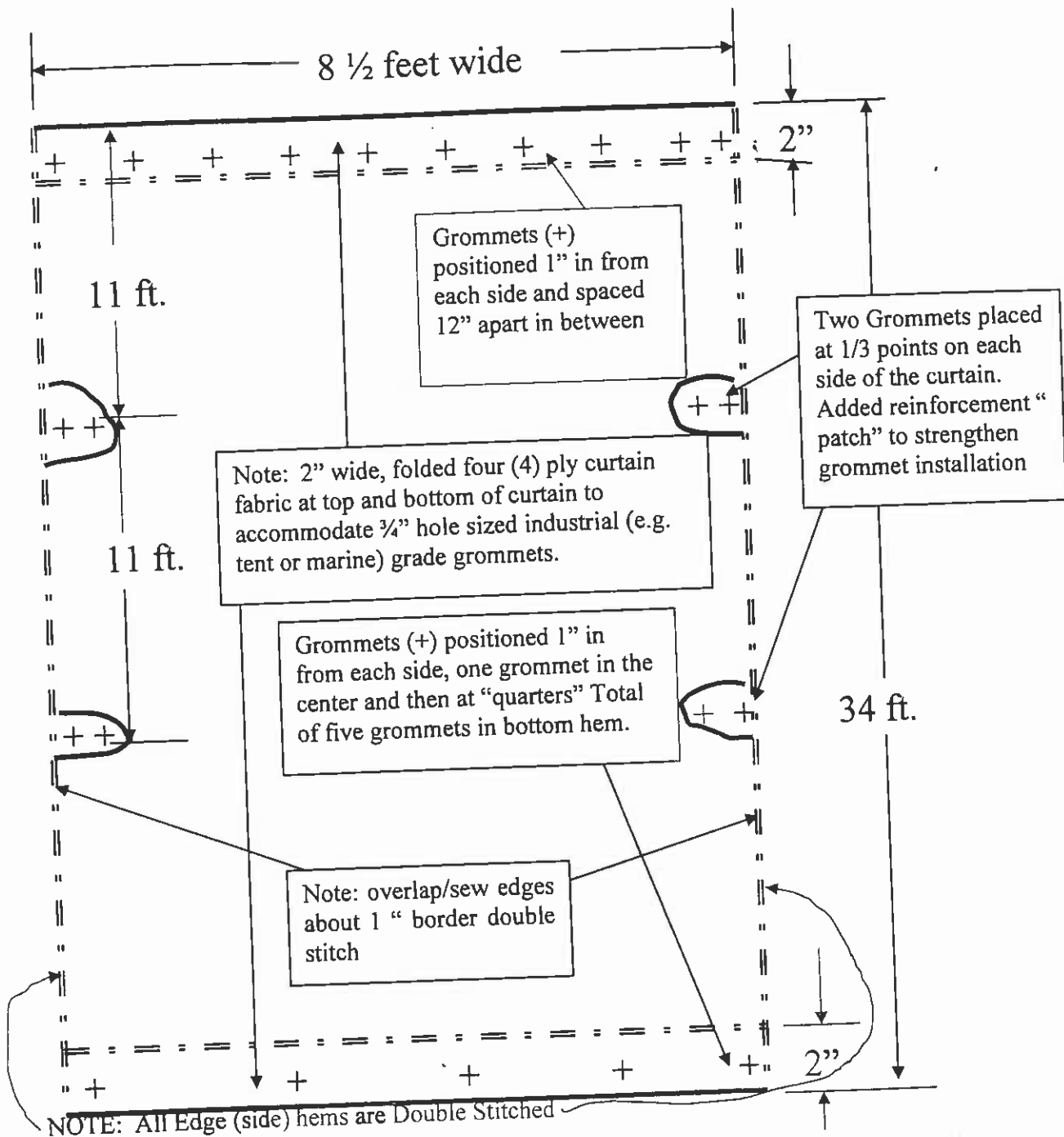
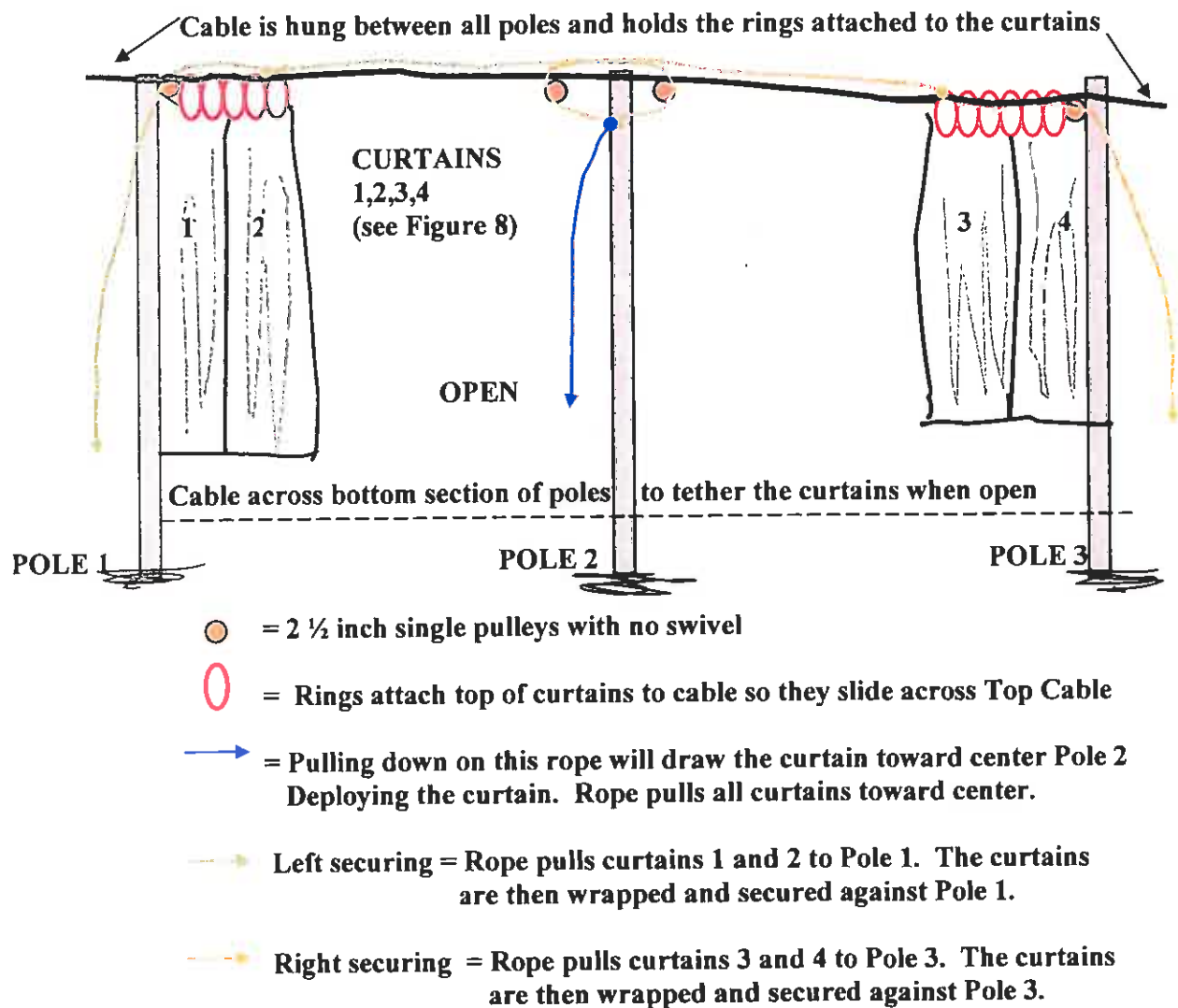


Figure 8: "Draw-Drape" LSC Design developed by the Standish Sportmen's Association Gun Club -- 8 1/2 foot by 34 foot (not to scale)

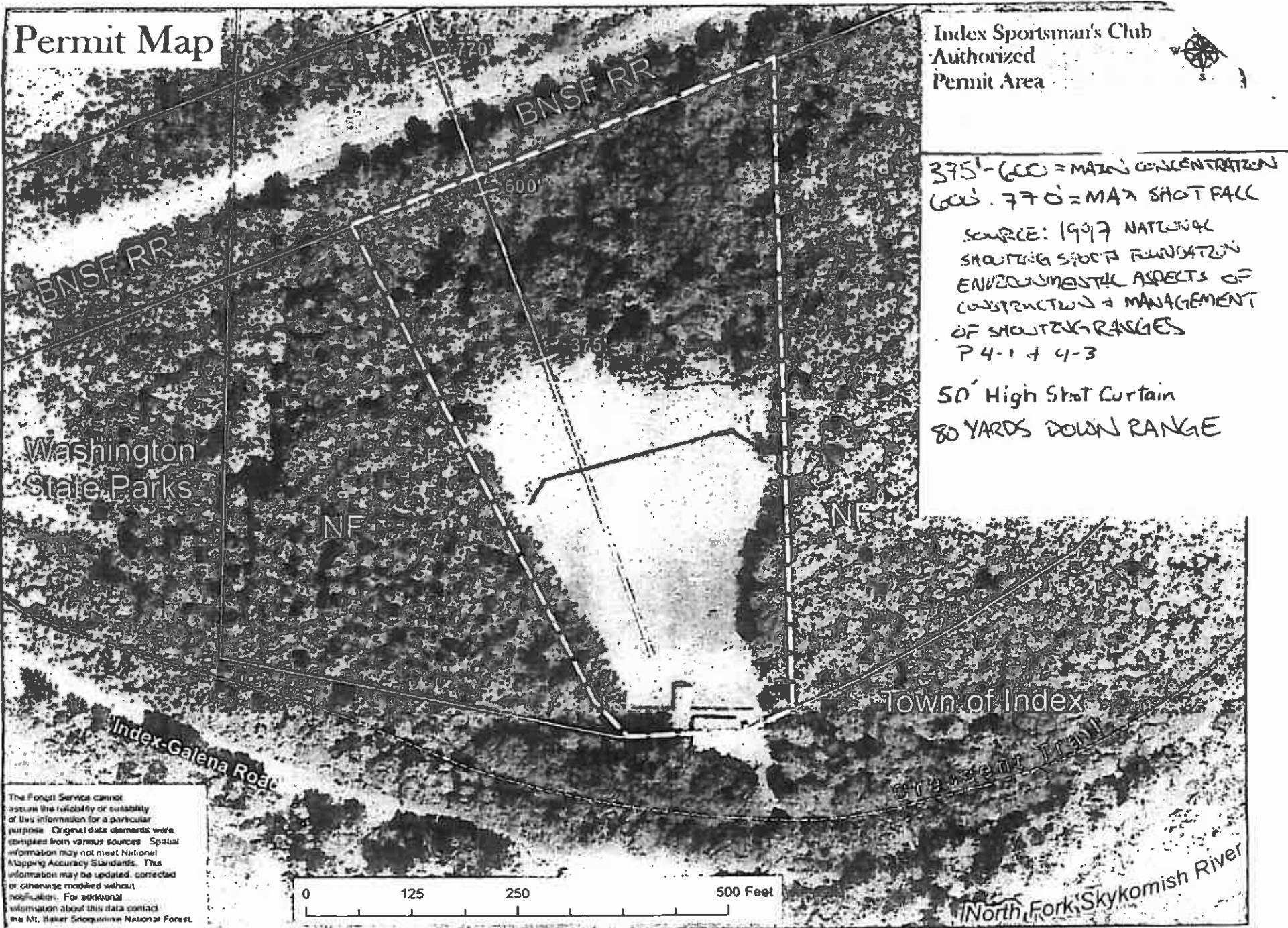


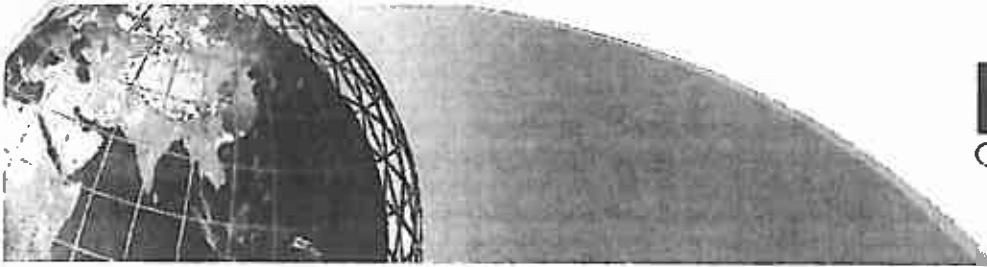
NOTE: The connecting ropes at the middle Pole top are offset so that when curtain is deployed, the curtains will overlap)

Figure 9: Diagram of the Draw-Drape Curtain Opening and Closing Rope and Pulley Arrangement. (not to scale)



Figure 10: Photograph of Draw-Drape LSC Design Developed by the Standish Sportsmen's Association; LSC Deployed at SSA, East Bridgewater, MA

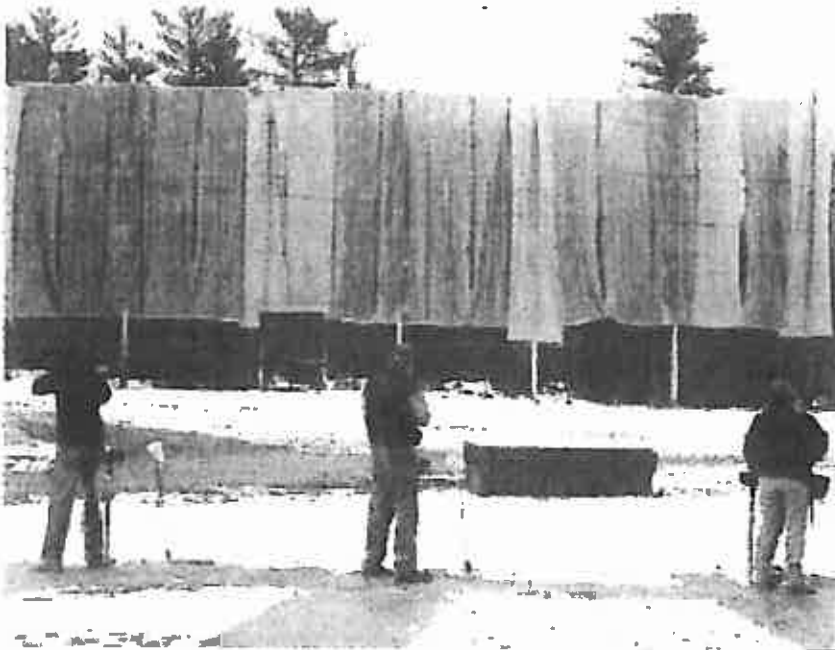




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