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Route To:

Subject: Hunting, Fishing, and Shooting Sports

To: Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs, WO Staff Directors, Special Agents in Charge

The goals of providing for recreational shooting, caring for the land, and public health and safety must be considered in a balanced manner. Therefore, any analysis of provisions of safe recreational shooting or restrictions on shooting requires the close attention of line officers.

It has been brought to our attention that there is a need to clarify the use of 36 Code of Federal Regulation [CFR] 261 for shooting closures. When the local unit has the need for quick action for health and safety concerns, use of a closure such as 36 [CFR] 261.50, Subpart B is warranted. Roads are not inherently considered occupied areas and are not subject to [CFR] 261.10(d) (1). However, under 36 CFR 261.10(d) (2), discharging a firearm or anything capable of taking a human life, causing injury or damaging property is prohibited across or on a National Forest System road.

To assist local units with additional target shooting resources and technical assistance, we call your attention to the interagency hunting, fishing, and shooting sports Memorandum of Understanding (MOU) signed September 27, 2006. The purpose of the MOU is to revitalize our relationship with the Shooting Sports Roundtable and bring additional resources to bear on problem solving, and identify opportunities for shooting sports enthusiasts. Signatories include the Bureau of Land Management, U.S. Fish and Wildlife Service, and the 40 hunting/conservation organizations of American Wildlife Conservation Partners.

If you have any questions related to shooting sports, the Shooting Sports Roundtable, or specific situations, please contact Jamie Schwartz, National Forest System Shooting Sports Liaison, at 202-205-1589 or jschwartz01@fs.fed.us.

/s/ Joel D. Holtrop

JOEL D. HOLTROP
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/s/ John C. Twiss, Director

Law Enforcement and Investigation
JOHN C. TWISS, DIRECTOR
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Enclosure

cc: Regional Recreation Directors



Enclosure

Shooting sports are long standing and appropriate uses of National Forest System (NFS) lands. Shooting sports bring together the hunting, target shooting, and general recreational shooting interests that have enjoyed these activities for many years. With ever increasing population, use, and urban interface development affecting NFS lands, we must, now more than ever, work with our partners to facilitate safe and responsible use.

Where the local unit has the need for quick action for health and safety concerns, use of a closure order pursuant to 36 Code of Federal Regulation [CFR] 261.50, Subpart B. is warranted. Where permanent closures are contemplated, NEPA analysis including public involvement with consideration of alternatives is appropriate. Public involvement should include local chapters of affected user groups, local law enforcement officials, state fish and wildlife agencies, county commissions, and other interested parties. During public involvement, emphasize that shooting sports are generally considered to be legitimate uses of NFS lands. If a decision has been made to permanently close an area, a Forest Supervisor's closure order is required. Information should be provided on alternative safe shooting areas.

36 CFR Part 261 Subpart A includes general prohibitions which remain in place at all times. The following are prohibited under Occupancy and Use section of 26 1. 10(d) - Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows:

- (1) In or within 150 yards of a residence, building, campsite, developed recreation site, or occupied area, or;
- (2) Across or on a National Forest System road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge;
- (3) Into or within any cave.

Roads should not be considered inherently occupied areas under 261.10(d)(1). If there are concerns about public safety in areas along roads, units should work with the public and specific user groups through education and open communication to address problem situations, emphasize responsible use, and ultimately provide for public safety. If safety concerns related to roads other than the prohibitions listed in 36 CFR 261.10(d)(2) remain after public involvement and appropriate NEPA analysis, a Subpart B Forest Supervisor's order should be designated.

An interagency hunting, fishing, and shooting sports Memorandum of Understanding (MOU) was signed September 27, 2006. The purpose of the MOU is to revitalize our relationship with the Shooting Sports Roundtable, bring additional resources to bear on problem solving, and identify opportunities for shooting sports enthusiasts. Signatories include the Bureau of Land Management, U.S. Fish and Wildlife Service, and the 40 hunting/conservation organizations of American Wildlife Conservation Partners [AWCP]. This MOU provides for the sharing of technical expertise regarding shooting areas: design and management; lead management

including containment, recovery, and recycling techniques; and a general framework for future cooperation.

Through this MOU we will work together to:

- Provide public access and enhance opportunities on federal lands in a safe and environmentally sound manner;
- Maintain good communication and disseminate information on availability of opportunities;
- Identify contacts to serve as liaisons to collect and disseminate information;
- Identify unsafe or unsuitable locations used by shooting sports enthusiasts, and work together to resolve these issues;
- Identify areas where awareness and access are perceived to be inadequate and work together to improve access;
- Identify opportunities for volunteer days and potential projects; and,
- Promote outdoor ethics.