

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
GLORIETA MESA TARGET SHOOTING AREA CLOSURE
U.S. FOREST SERVICE
PECOS/LAS VEGAS RANGER DISTRICT
SANTA FE COUNTY, NEW MEXICO

DECISION

Based upon my review of the Glorieta Mesa Target Shooting Closure Environmental Assessment (EA), I have decided to implement Alternative 2, which closes almost 2,500 acres of Glorieta Mesa to target shooting.

DECISION RATIONALE

I have reviewed the Santa Fe National Forest Plan [PR#01], and the Glorieta Mesa Target Shooting Environmental Assessment (EA) [PR#48]. Based on my review and the examination of the two alternatives, I have decided to implement alternative 2 to protect public safety, specifically the residents that are adjacent to the target shooting area. This target shooting area closure does not preclude forest users from target shooting on other areas of the Santa Fe National Forest.

The action proposed by the Forest Service to meet the purpose and need is to:

- Prohibit the discharging of firearms, air rifles or gas guns at targets on approximately 2,500 acres of the northwest side of Glorieta Mesa, specifically Township 15 North, Range 11 East, Sections 20, 21, 28, and 29.

This decision is consistent with the National Forest Management Act and I have considered the best available science in making this decision. The Glorieta Mesa Target Shooting Closure EA documents the environmental analysis and conclusions upon which this decision is based.

ALTERNATIVES CONSIDERED

Besides alternative 2, one other alternative was considered in detail; and an additional alternative was eliminated from detailed analysis (EA, pp. 5-6). The no action alternative (alternative 1) was the alternative used as a baseline for comparing the effects of alternative 2.

PUBLIC INVOLVEMENT

The proposal was listed in the Schedule of Proposed Actions (SOPA) beginning April 2010 and has been listed quarterly since.

The proposed action was mailed to 49 members of the public and other agencies including the Santa Fe New Mexican, which published information about it in a news brief on September 11, 2009. The proposed action was also made available on the Santa Fe National Forest webpage. The 30-day comment period began on September 11, 2009.

Eleven comment emails and one phone call were received during the public comment period. Three of these were either supportive or requested a copy of the proposed action. The remaining nine comments were considered by the interdisciplinary team and used to develop the list of issues.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Santa Fe National Forest Plan.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

The closure is pursuant to Title 36 CFR 261.40 (a) and (b) and does not pertain to the lawful pursuit of protected games species, in season, by an individual in possession of a proper and valid hunting license, for the purpose of protecting public health and safety.

This decision is consistent with the National Forest Management Act and the Santa Fe Forest Plan. This decision is also in compliance with the National Environmental Policy Act.

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

CONTEXT

The Santa Fe National Forest is scattered with private land inholdings. Glorieta Mesa is approximately 89,500 acres composed of National Forest System land (79,029 acres) and interspersed privately-owned land (10,535 acres). The closure area is approximately 2,500 acres on the Pecos/Las Vegas Ranger District of the approximately 1.6 million acres of the Santa Fe National Forest. The size of the Mesa lends itself to recreational shooting in other areas that won't affect private landowners. The Closure area is within the western portion of the Pecos-Las Vegas Ranger District which receives light recreational use compared to other portions of the district.

I have read the Glorieta Mesa Target Shooting Closure EA and I fully understand the environmental effects disclosed in the analysis. In making my decision, I considered the ecological health of the area and past and future effects to other resource management objectives.

INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Effects were lessened or eliminated through design and mitigation measures. None of the adverse effects were determined to be significant, singularly or in combination. The beneficial effects of the action do not bias my finding of no significant environmental effects. The anticipated environmental effects and their intensity have been disclosed for each alternative in chapter 3 of the EA (pp. 8-15). Beneficial impacts were not used to minimize the severity of any adverse impacts.
2. **The degree to which the proposed action affects public health or safety.** There will be no significant adverse effects on public safety. The safety of persons who live in and travel through the area will be improved (EA, pp. 1-2, 6-7, 17-18).
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area, because there is no undertaking that affects cultural resources. There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (EA, p. 12).
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action as discussed in Chapter 3 of the EA (pp. 9-15). The environmental analysis process has documented the expected environmental effects of the proposed action and no action alternatives. These effects have been disclosed in Chapter 3 of the EA and the selected action has been designed and mitigated to address the various issues raised.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA, pp. 9-15). The Forest Service has considerable experience with closures and the effects are described in the EA based on the judgment of experienced resource management professionals using the best available information.
6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects to public safety. This is the only known target shooting area on the Pecos/Las Vegas

Ranger District that is threatening the safety of private residences (EA, pp. 9-15). Future actions will be evaluated through the NEPA process and will stand on their own as to environmental effects and project feasibility.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. This is the only known target shooting area on the Pecos/Las Vegas Ranger District that is threatening the safety of private residences (EA, pp. 9-15). Future actions will be evaluated through the NEPA process and will stand on their own as to environmental effects and project feasibility.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed , or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places because no such locations are present. The selected alternative will not cause loss or destruction of significant scientific, cultural, or historical resources because no such resources are present (EA, pp. 16-17).
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973 (EA, pp. 12-13), because there are no threatened, endangered species or their critical habitat in or adjacent to the project area.
10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (EA, pp. 1, 2, 3, 9, 18). The action is consistent with the Santa Fe National Forest Land and Resource Management Plan. (EA, p. 2).

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is subject to administrative review (appeal) in accordance with 36 CFR 215. A written notice of appeal – clearly stating it is a notice of appeal being filed pursuant to 36 CFR 215.14 – must be filed within 45 days from the day after the date of publication of legal notice of this decision in the Albuquerque Journal. The publication date in the Albuquerque Journal, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.



Individuals or organizations who submitted comments during the 30-day comment period specified at 215.6 may appeal this decision. Interest expressed or comments provided on this project to or after the close of the comment period do not have standing for appeal purposes. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. Names and addresses of appellants will become part of the public record.

The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. An appeal must be filed (regular mail, fax, e-mail, hand delivery, or express delivery) with the Appeal Deciding Officer. Written appeal must be submitted to:

**Regional Forester, Southwest Region
Appeal Deciding Officer
333 Broadway Blvd., SE
Albuquerque, NM 87102
FAX: (505) 842-3173**

The office business hours for those submitting hand-delivered appeals are: 8 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Electronic comments must be submitted in a format such as an e-mail message, plain text (.txt), rich text format (.rtf), Adobe (.pdf) and Word (.doc) to appeals-southwestern-regional-office@fs.fed.us. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

IMPLEMENTATION DATE

If an appeal is filed within the 45-day time period, implementation may begin on, but not before, the 15th business day following the date of the last appeal disposition. If no appeal is filed within the 45-day time period, implementation of this decision may begin on, but not before, the 5th business day following the close of the appeal filing period.

**CONTACT**

For additional information concerning this decision, contact: Steve F. Romero at 505-757-6121 or write to P.O. Box 429, Pecos, New Mexico 87522.

Maria T. Garcia

Date

Forest Supervisor

Santa Fe National Forest

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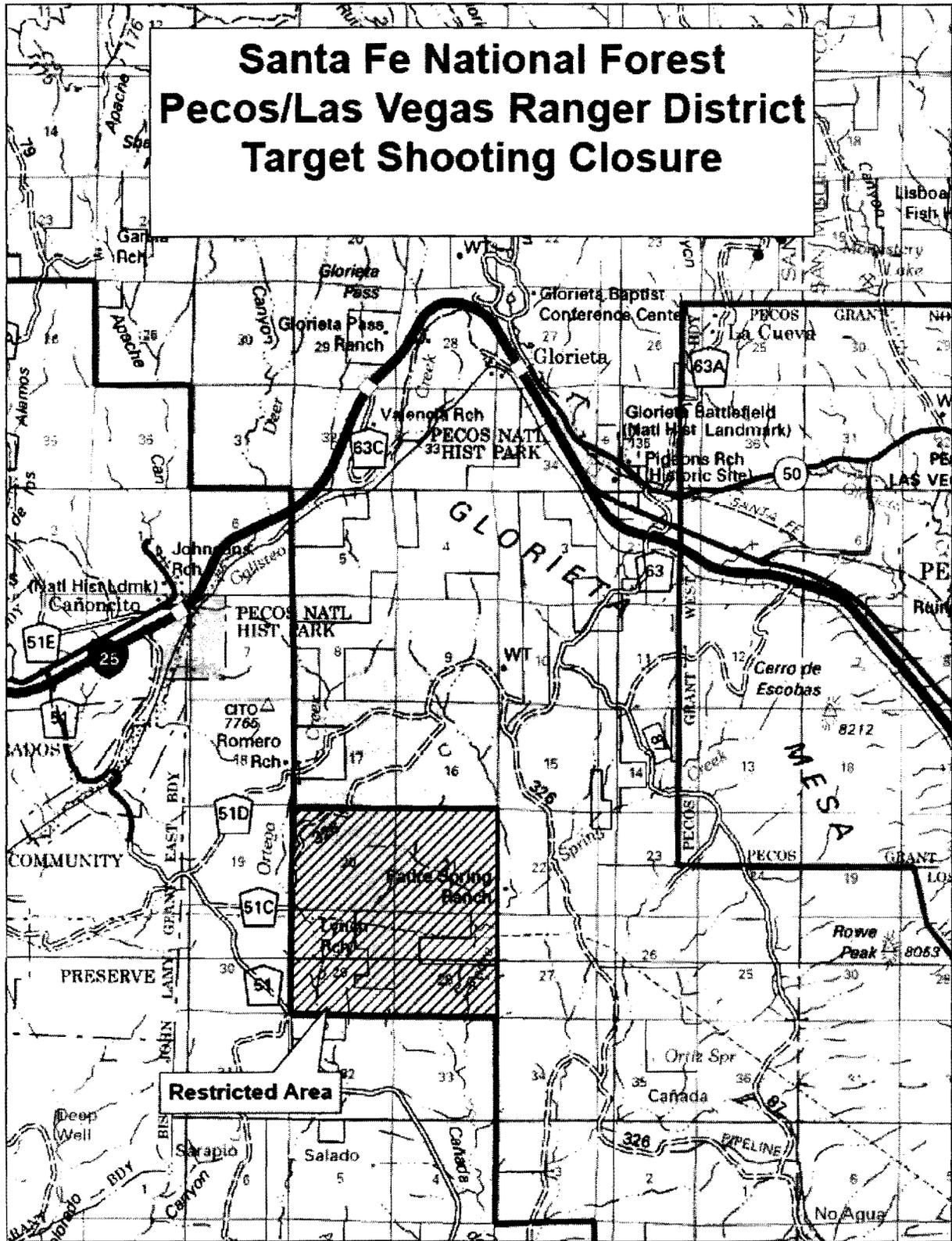


Figure 1. Target Shooting Area Closure

APPENDIX A

Glorieta Mesa Gun Closure
Pecos Ranger District
Response to Comments

The Glorieta Mesa Gun Closure Proposed Action was sent to 49 people and organizations that 1) participated in the planning process or 2) requested to be informed of planning processes related to all subjects, all recreation topics, dispersed recreation, or lands projects. The 30-day comment period began September 11, 2009 with the publication of the legal notice in the Albuquerque Journal, the newspaper of record.

Twelve comment emails or phone calls were received during the public comment period. Three of these were either supportive or requested a copy of the proposed action. The remaining nine comments are presented here with a summary of the original comments (in bold type) followed by the Forest Service response (in italicized type). The original comment letters can be found in the project record.

Marvin Romero, Phone call

Supportive of closure but would also like the FS to consider signage on wells, water tanks, water drinkers and water holes because people have moved further into the mesa.

Response: The signage suggested is outside the scope of the project.

Marvin Romero, Email

Would like to see the Forest Service consider putting “no shooting” signs by roads leading to private lands on Glorieta Mesa (i.e., 326 U). Firing of guns is a concern for the safety of landowners and privacy of surrounding land. Areas used for firearm shooting should be moved away from land owner property to designated areas.

Response: Signage, closure of other areas on Glorieta Mesa to target shooting, and designation of specific areas for target shooting are outside the scope of this project. New Mexico state law forbids the discharge of a firearm within 150 yard of a dwelling or building (Section30-7-4).

Chris and Elizabeth Burke, Email

Ban the use of firearms on all of Glorieta Mesa to keep it safe for those who like to walk, hike, ride horses, and for livestock.

Response: The purpose and need for this action is to protect public health and safety and resource degradation of a specific area where there is a documented threat to public health and safety. A ban on the entire Mesa is outside the scope of this project.

Bill Verzino, former Sheriff of Los Alamos County, Email

Suggests a designated area for shooting instead of “randomized shooting over a much

wider area”.

Response: Designating specific areas for target shooting does not meet the projects' purpose and need and is outside the scope of this project.

Dave and Lil, Email

Rather than a “blanket” ban over a large area, instead suggest an increase of ban from 150 yards to 1,000 yards away from dwellings.

Response: New Mexico state law, not Forest Service bans, forbid the discharge of a firearm within 150 yard of a dwelling or building (Section 30-7-4). The proposed closure order closes specific areas of the forest where target shooting would be a threat to private property instead of modifying the state law for discharging a weapon in a specific area. At the farthest distance the closure area extends 1 mile north, or about 1,760 yards, beyond two pieces of private property.

The temporary closure has shown to not completely eliminate shooting. Instead of a ban, increased law enforcement patrols and enforcement of law would serve the purpose better.

Response: The area was open to target shooting until the first temporary closure order was issued on April 30, 2008. Since the closure order was issued, target shooting in the area has been reduced.

Kendall Fischer, Email

The 2500 acre northwest quadrant of Glorietta Mesa is one of the few locations left in the greater Santa Fe area on which target practice can be enjoyed and there are many sites within this area where target shooting can be practiced safely and without threat to populated areas.

Response: The closure order affects about 2,500 acres of Glorietta Mesa to target shooting. Given that the mesa is comprised of approximately 80,000 acres of Forest Service land, this closure only affects 3% of the Mesa's available acres. Therefore, the proposed closure order does not substantially limit the area available for shooting and target practice.

A handful of ranchers should know that target shooting is a permissible activity on public lands and not dictate the uses of public lands.

Response: The Forest Service has legal authority to close or restrict the use of areas over which we have jurisdiction. Title 36 of the Code of Federal Regulations (CFR), Section 261.58(m) allows the Forest Service to issue an order to prohibit “(d)ischarging a firearm, air rifle, or gas gun” on any location on the national forest where such a prohibition is deemed necessary. As stated in the purpose and need of the project, shooting in the area was contributing to threats to public health and safety and resource degradation in the area.

The livestock and homes of the ranchers contiguous to the proposed ban area are in no way imperiled by target practice.

Response: As stated in the proposed action, residents in the area were within established lines of fire and there was a litter and resource destruction problem associated with target shooting. These problems diminished after temporary gun closures for the area were implemented beginning in 2008.

Dan Gershon, Email

The 2500 acres northwest quadrant of Glorieta Mesa is one of the few locations left in the area on which target practice can be enjoyed. Because of the current ban we must drive 45 minutes one-way south to the Caja del Rio area south of Santa Fe.

Response: Although the ban covers an area adjacent to the Forest Service boundary, driving to the area outside the ban takes less than 10 minutes when averaging a slow speed of 10 mph. Areas outside the 2500 acre ban are still open to target shooting. Another alternative that looked at a smaller area for the closure was considered, but eliminated from detailed analysis.

Stephen Fleming, Email

What is the justification that the situation is ‘dangerous’ or a ‘safety hazard’. The project mentions ‘complaints’ yet no documented cases of unsafe activity are claimed nor presented as justification of the closure. I would like to know what public education/contact/enforcement actions have been taken by the USFS in advance of deeming a closure necessary.

Response: An area homeowner reported concerns for public safety and resource degradation related to target shooting in the area for several years, although they had failed to formally file any complaints with the local, county, state or Forest Service law enforcement. Forest Service law enforcement did follow-up visits. The situation was not formally investigated until 2008 when acting District Ranger, Dolores Maese, and District Ranger, Steve Romero, initiated a formal process to gather internal and external comments to define the nature and the scope of the problem. A field trip on March 18, 2008 documented that at least one private residence was in the established line of fire and that there was a chronic litter problem. Santa Fe County Sheriff's Office was in support of the closure and have documented a local individual being shot in the area by a target shooter. [PR#03, 06] Consultation with NM Game and Fish (February 23, 2009) and the Santa Fe Sheriff's Office (February 17, 2009) resulted in both office's full support of the closure. Finally, communication with a resident on January 13, 2009, after a temporary one-year closure was initiated, indicated that shooting in the area had diminished and as a result there was a big improvement to the resident's safety.

Law enforcers should be handling problems within the area.

Response: The area was open to target shooting until the first temporary closure order was issued on April 30, 2008. Since the closure order was issued, target shooting in the area has been reduced.

Since the mesa is sparsely populated it is hard to understand how there is a hazard associated with target shooting.

Response: The gun closure area is specifically designated to protect private residences in the area. At least one private residence was in the established line of fire.

Since hunting with a valid license will still occur, the urgency and need for a closure is called into question.

Response: This proposed closure is only for target shooting, so hunting with a valid license is beyond the scope of the proposed action. However, hunting is a more dispersed activity across the forest unlike target shooting which had become concentrated in the area. In addition, state laws that prohibit the discharge of a firearm within 150 yards of a residence will still apply.

Bill Davis, Phone Call

This project will force people to drive more than 1 to 1.5 hour to get to an area where they can shoot.

Response: Although the ban covers an area adjacent to the Forest Service boundary, driving to the area beyond the ban takes less than 10 minutes averaging a slow speed of 10 mph. Areas outside the 2500 acre ban are still open to target shooting. Another alternative that looked at a smaller area for the closure was considered, but eliminated from detailed analysis

The area is not currently posted so it is difficult to know where it ends.

Response: The closure area is posted on CR 51 and identified in the Closure Order at the Pecos Ranger Station.

Response: A notice of the closure order is posted along access points to the restricted area, at known target shooting locations within the restricted area, and at both the Santa Fe National Forest Supervisor's Office and the Pecos/Las Vegas Ranger District Offices.

If protecting residences, should post where residences are located in areas instead of banning shooting on the entire 2,600 acres.

Response: The proposed closure order closes specific areas of the forest where target shooting would be a threat to private property. At the farthest distance the closure area extends 1 mile north, or about 1,760 yards, beyond two pieces of private property.

COMMENTS NOT ANALYZED (supportive or requesting copies of PA)

Warren Watson, Email
Supportive comments

Response

Antonio Gonzales, Phone Call

As a resident of the area, has found that the current closure has been effective.

Stephen Flemming, Email
Requested copy of the proposal.

Response: Copy of the proposal sent via email.