

Appeal of Administrative Decision of Knik River Public Use Area – Maud Road Extension Rifle Range Reservation of Public Easement ADL230693 In Accordance with SOA 11 AAC 02 by Butte Area Residents Civic Organization Inc. (BARCO)

DNR: Pg. 2, Par. 3: “The department identified two locations for this development, one site along the Maud Road Extension Trail (ADL – 206989) and another site in the vicinity of Jim Creek.

- 1) **We continue to maintain that the locations for either range were not “thoroughly vetted.” (See enclosed email exchange (***)). Comments by those opposed to the range were disregarded throughout the process.** Both locations were repeatedly opposed by residents and long-time users of the area. DNR never received consensus. (See KRPUA management process record). Throughout the Maud Road Rifle Range Easement and ACMP comment process, extensive TV, radio and newspaper coverage was broadcast demonstrating opposition by residents and others).
The public process was violated specifically in that:
 - a) No alternative locations were provided by DNR initially nor throughout the 2-year process.
 - b) No alternative locations for consideration by the public were added during the process.
 - c) No suggestions for alternative locations were solicited from the public for alternative sites.
 - d) No option was provided for “No shooting range in KRPUA.”
 - e) The “DNR Notice of Administrative Decision of June 14, 2010” failed to mention the petition (88 signatures) opposing the range and submitted to DNR. The petition was signed primarily by residents of Maud Road area and several recreational users .
 - f) KRPUA manager David Griffin refused to listen and talk to the public at an agency on-site meeting between Mat-Su Borough and DNR, to which the public was invited by Mat-Su Assembly woman Lynne. Ms. Woods had invited our organization by email to come to this meeting with “protest signs” against the rifle range. The members/supporters of our group who came did not carry protest signs but expected to get answers to their repeatedly expressed concerns and be treated with respect. (I) [Download video](#) – a DVD will be sent to you in the mail). (II) See email exchange (***)).
 - g) “Commercial Forestry” is not a designated use within the KRPUA. DNR had the site cleared prior to sending out a notice regarding the rifle range easement and the ACMP review. According to the Management Plan, only trees with a canopy may be cut for camping purposes if they are 6” or less in diameter.
- 2) **The Final Decision failed to mention the close proximity in distance units to private lands.** DNR states that the closest occupied residence is 2.5 miles from the range. While most of the close-by private lands are currently not developed, the close proximity of a shooting range severely limits the further development for residential use of the adjoining private lands and will therefore have an adverse impact on the future economic development of this area. Distance from Shooting range to Eklutna Inc Lands: Starting at ¼ mi.; to Mat-Su Borough Lands starting at 1.6 miles; to private platted and subdivided lands starting at less than 2 miles. (See Map).
- 3) **The final decision failed to address the intent of the KRPUA legislation, i.e. to enhance non-motorized recreation opportunities,** in that a shooting range at this site will further displace a large contingent of quiet and non-motorized user groups from dedicated public lands and waters
- 4) **The final decision failed to adequately address site drainage and discharge of waste (lead) into the soils, wetlands and a tributary to Jim Creek.** Although DNR may not be liable for the unauthorized actions of third parties, the reasonably-foreseeable results of authorized activities at a developed facility such as this will add a large burden of risk to the people of the State of Alaska. Even under a best case scenario, DNR will be responsible for preventing and remediating any environmental impacts. No testing or baseline survey for lead and other toxins has been performed by DNR or DEC at the adjoining user-created shooting range, nor in the soils and waters below. (See text of email
- 5) **The final decision failed to remedy the perceived bias during the public process for this project,** starting with the

Coastal Consistency Determination, where not only a single agency, but a single individual within that agency was both the applicant and reviewer and final decision maker.

- 6) We disagree with Item 7, Appendix A – Issue Response Summary, ***“There are not any anadromous streams in the direct vicinity of the proposed project....” for the following reasons:***

The Maud Road site is poorly suited for a range location. At a pH of 5.8, the soils are too acidic (high cation exchange capacity will mitigate this to some degree, except that DNR will be excavating most of the soil to construct the berms). The Kidazqeni and Niklason soils are pretty well drained, but your groundwater is too shallow and the drainage is to the wetlands and lakes. Water falls and springs flowing across this hillside shooting range will wash toxins and debris along with the thawing snow into the wetland habitat and anadromous Jim Creek below.

The Final Decision failed to mention the close proximity in distance units to Jim and Mud Lakes as shown on a map submitted by BARCO to DNR and failed to mention that it is located below a National Waterfowl Flyway and in an Audubon “IBA” (Important Birding Area). The range is located ¼ mile from Jim Lake, ½ mile from Mud Lake and very close to a mountain stream flowing into the anadromous waters of Jim Creek and the lake system below. While this stream runs through the long-used unofficial shooting range it winds northwest below the new site, ready to catch whatever flows downhill. (See Map).

- 7) *Item 8, Appendix A – Issue Response Summary to BARCO statement: “DNR failed to address potential threats of lead poisoning, noise pollution and diminished quality of life for local residents.” We continue to maintain that DNR failed to address these issues for the following and other reasons, including the overwhelming opposition by local residents and users who are intimately familiar with the ecology, habitat and soils of the area.*

a) DNR states, “The department has utilized the National Rifle Association’s Range Source Book to develop several designs intended to reduce gunfire noise and facilitate the removal of lead..” It was BARCO who submitted the NRA source book to **. DNR seems to have chosen the very minimal requirements for safety and noise mitigation and has not addressed the NRA requirement for adequate facilities including handicapped access, nor has DNR addressed the method of lead removal. While DNR envisions that lead is intended to be concentrated in the earthen berms, rain, seasonal springs and mountain runoff along with thawing snow and ice, will help leach the lead deposits downhill into the soil -in prime habitat -and toward the little tributary of Jim Creek, the wetlands and lakes, right along with the accumulation of human waste.

b) Please note that the NRA Source Book was not written for Alaska conditions. While we agree that berms and covered benches will dampen the noise somewhat, we found the northern deciduous trees that surround this tract – which have their leaves for 5 ½ months only -to be a poor noise barrier. 10’ high side-berms are useless and will not compensate for the poor vegetative noise barrier. In order for the berms to be at their intended height, they would need to be built a good 5’ higher to prevent them from settling at a lesser height than 10’-20’. There is no example in the NRA library of building a range on an uphill slope shooting toward a mountain populated by Dall Sheep. Shooting uphill is not conducive to using the range for “sighting in the rifle except maybe for sheep hunting.) Everyone who lives in the area is aware of the amphitheatre effect of shooting near the mountains surrounding the Knik River Valley. Residents living along Knik River Road (across the Knik River from the user-created “shooting gallery next to the new easement) reported that they can hear gun fire from that site.

c) “The department believes the range will actually improve the quality of life for area users and local residents”: If that statement was valid, numerous residents and users would not have been opposed to this location throughout the KRPWA planning process. DNR wrongly assumes that because the State of Alaska allowed dangerous and reckless target shooting throughout the Knik River Valley to become the seemingly accepted norm by agency personnel, residents should now be grateful for having a “legitimate” gun range in that same area where they wanted to have such activity shut down in the first place due to the negative impact on their lives, their community, their recreation and their valuable natural resources close to critical habitat, an Audubon National “IBA” (Important Birding Area), a National Migratory Flyway, and Dall Sheep and Moose calving areas.

In fact, The Maud Road Extension location is in conflict with a number of KRPUA "Approved Revisions – Knik River Public Use Area Management Plan –including the Fish & Wildlife Habitat Guidelines," in regard to acoustical disturbance of waterfowl and calving areas.

In fact, the KRPUA Management Guidelines states *that "DNR will explore the possibility of developing areas for recreational shooting...at the existing user created shooting area at Maud Road." This does not require DNR to actually develop the site.* The vocal opposition to both DNR-suggested locations for 2 separate gun ranges in the Draft Plan should have encouraged DNR to look for alternate sites rather than force either or both sites (Maud Road and Pavilion/Sullivan Area) on the adjoining land owners, residents and, in the case of the Sullivan/Caudill/Jim Creek site, nearby school children as well. There are several privately operated shooting ranges already in the area which are well developed and easily accessible to the public. 1 – Matanuska Sportsmens Range a mile from Palmer; 2 – Birchwood Range; 3 – Grouse Ridge Range in Wasilla.

- 8) Cost to the State of Alaska for building and operating the Maud Road Rifle Range and to Butte area property owners:**
- a) The legislation establishing the KRPUA allows DNR to charge user and gate fees. DNR should charge for operating any rifle range and for providing sanitary facilities in order to not burden other users nor the environment with contamination of public lands from accumulated human waste, nor with the cost to the State of Alaska to operate, maintain and provide security to such a gun range. While it may be the good intent of private organizations and individual volunteers to monitor and maintain such a facility so the public may use it free of charge, we believe that users should pay all the expenses incurred by the State of Alaska and the Mat-Su Borough at any recreational facility in the KRPUA for providing support and services, including law enforcement, ambulance and rescue and the assurance of compliance with all Mat-Su Borough laws.
 - b) DNR did not address the cost to the local property tax payers, for increased maintenance and improvement of the one-lane dirt access road nor for emergency services costs, costs which are being paid from local service area fees.
 - c) Today, July 4, is a prime example why law enforcement is already stretched too thin in the KRPUA. Most of the infractions caused by illegal shooting, fireworks throughout the KRPUA went unpunished; speeding cars and ATVs, whether along Maud Road or on the non-motorized pathway along the Old Glenn and on the highway itself, have left no quality of life for locals on this Fourth of July Weekend who are living at the edge, en-route or in the vicinity of the KRPUA.

For the above reasons, we oppose the establishment of the Maud Road Extension Rifle Range -and for the record, as this site was also mentioned in this Decision Document, continue to oppose the location of a rifle range in what's been called the "Jim Creek, Sullivan/Caudill" area, due to its even closer proximity to residential development than the Maud Road Range -and respectfully appeal the Final Administrative Decision.

We trust that our appeal will be taken seriously and that an impartial hearing officer of your department will be tasked with the review of our Appeal Letter.

Thank you,

/s
Butte Area Residents Civic Organization (BARCO)
PO Box 34 – Palmer AK 99645

Enclosures

NOTE TO READER: Names were omitted from this copy.

*Our mission is to protect and improve the quality of life and economic opportunities for residents in the Community of Butte,
Alaska*