

# **Williams et al. v. Covert Canyon**

**PDS2015-AA-15-003**

## **Index of Exhibits**

**Exhibit 1:** Impacts of Noise on Wildlife – National Park Service (August 2011)

The proposed firearms training facility at Covert Canyon will result in significantly more and louder noise than historically experienced in the sub-region. Such noise can negatively impact wildlife and nearby residents. No site specific noise studies have been conducted to identify the extent of such impacts at Covert Canyon for either temporary or permanent training uses proposed.

**Exhibit 2:** Chabot Gun Club Noise Study (September 3, 2015)

Outdoor shooting ranges result in increased noise impacts. No site specific noise studies have been conducted to identify the extent of such impacts at Covert Canyon for either temporary or permanent training uses proposed.

**Exhibit 3:** Draft Environmental Assessment for Big Falls Shooting Range, Chippewa County, Wisconsin (February 2015)

Outdoor shooting ranges can result in impacts to habitat, biological resources, noise, land use, recreation, and can result in cumulative impacts.

**Exhibit 4:** Environmental Aspects of Construction and Management of Outdoor Shooting Ranges (1997)

Numerous environmental impacts may result from outdoor shooting ranges. Mitigation measures exist to lessen such impacts. Analysis of potential impacts and proposals for mitigation measures as reflected in this document are required prior to approval of the SAEO.

**Exhibit 5:** Army Environmental Policy Institute: Environmental Impacts of Military Range Use (May 18, 2010)

Whether outdoor shooting ranges are used by civilians, or are limited to just military uses, they can and do result in environmental impacts. Significant environmental analysis and mitigation measure are necessary to avoid and minimize such impacts.

**Exhibit 6:** US EPA: Best Management Practices for Lead at Outdoor Shooting Ranges (rev June 2005)

Lead pollution from outdoor shooting ranges is a likely environmental impact of Covert Canyon. The record reflects both drinking water and natural habitat water resources exist on Covert Canyon and adjacent properties. Ground and surface water studies are required before commercial shooting activities can be approved. Best Management Practices and reasonable and feasible mitigation measures must be imposed.

**Exhibit 7:** The Effects of Firing Ranges in Vermont: How Lead and Noise Impact Communities (May 15, 2011)

Outdoor shooting ranges result in environmental impacts from lead and noise. Covert Canyon's outdoor range may have similar impacts as those studies in Vermont.

**Exhibit 8:** Corrective Action at Outdoor Shooting Ranges Guidance Document – Colorado Department of Public Health and Environment (May 2012)

Different firearms have the potential to result in different impacts to soil and water at outdoor shooting ranges. Post-use remediation obligations should be firmly established, and cleanup funds bonded, before commercial outdoor shooting range activities are approved.

**Exhibit 9:** Los Altos Rod and Gun Club: Shooting Noise Assessment (2012); Los Altos Rod and Gun Club: Shooting Noise Mitigation Measures Assessment (2012)

The proposed firearms training facility at Covert Canyon will result in significantly more and louder noise than historically experienced in the sub-region. Such noise can negatively impact wildlife and nearby residents. No site specific noise studies have been conducted to identify the extent of such impacts at Covert Canyon for either temporary or permanent training uses proposed.

**Exhibit 10:** Lead Mobility at Shooting Ranges – Sporting Arms and Ammunition Manufacturers’ Institute, Inc. (January 5, 1996)

The presence of significant quantities of lead at outdoor shooting ranges is a foregone conclusion. Lead can migrate through soil into groundwater, and with soil as stormwater runoff to pollute downstream properties and resources. Covert Canyon’s lead production and management must be studied and mitigated to ensure appropriate containment before commercial shooting is permitted.

**Exhibit 11:** Environmental Management at Operating Outdoor Small Arms Firing Ranges – Interstate Technology & Regulatory Council (February 2005)

Numerous environmental impacts may result from outdoor shooting ranges. Mitigation measures exist to lessen such impacts. Analysis of potential impacts and proposals for mitigation measures as reflected in this document are required prior to approval of the SAEO.

**Exhibit 12:** Management of the Environmental Impact of Shooting Ranges – Finnish Ministry of the Environment (April 2014)

The potential pollution and other environmental impacts from outdoor shooting ranges is widely known throughout the world. Operational, siting, equipment, and other aspects of ranges may be adapted to avoid or minimize environmental impacts. Analysis of potential impacts and proposals for mitigation measures as reflected in this document are required prior to approval of the SAEO.

**Exhibit 13:** Photographs: Aerials of Covert Canyon, including facility, generally

Recent and historic photographs of the Covert Canyon property show the extent of illegal and unpermitted grading that has occurred, both with respect to the long range and the short range facilities. The photographs clearly show the trespass onto Cleveland National Forest land at the end of the runway where the long-range berm has been created. The photographs further show the historic presence of water resource on site, include well before Halcon purchased his properties. Halcon has been fond of saying he dredged out one or more springs on his property and brought water back to an area where it had dried up. The photographs show Halcon’s story is a fabrication. The photographs depict the secluded nature of the properties.

**Exhibit 14:** Photographs of training activities at Covert Canyon

Photographs were taken during timeframes when commercial activity was expressly forbidden at Covert Canyon. Photographs show the military-style weapons purportedly used by civilians on the runway/long range facility. Photographs clearly depict uniformed military or law enforcement officers training during periods where Covert Canyon asserted commercial training did not occur.

**Exhibit 15:** Photographs of impacts to wetland resources

Photographs depict Halcon's ranch hand operating heavy machinery to dig out one of the onsite ponds. No permits were obtained prior to the grading activities. Photographs show denuded pond floor and significant scraping and hauling of sediments. Photographs show destruction of wetland vegetation, as well as re-emergence of the same following dredging activities.

**Exhibit 16:** Photographs of unpermitted road improvements

Photographs show Halcon's contractors seeking to improve access to the Covert Canyon facility in light of fire safety concerns expressed by numerous officials. Road work, including vegetation removal, road widening, and redirection of water flows was conducted without County or U.S. Forest Service authorization or environmental review. Photographs depict haphazard nature of work performed, as well as absence of storm water best management practices.

**Exhibit 17:** Evidence of commercial activity

While supposedly precluded from promoting or conducting commercial activity at Covert Canyon, Halcon solicited various groups to use Covert Canyon for large "shooting parties." The business "CCW USA Firearms Training" continued to conduct commercial activities at Covert Canyon. Photographs depict CCW's facebook promotion of a Suberbowl Sunday shooting party, and included photographs of military illegally training at Covert Canyon. CCW also facilitated shooting parties with the Sonrise Community Church's "On Target With Jesus Shooting Ministry." These large gatherings were so frequent, and so unlike typical shooting at private properties throughout the backcountry, that they should be treated like commercial activity. A printout from the "Got Ammo" website describes a commercial "Carbine Class" that took place at Covert Canyon. A photograph from Gina Ruby Puterbaugh's facebook page thanks CCW for firearms training that took place at Covert Canyon. Printouts from website "The Loadout Room" tell the story of a long rifle product test illegally conducted at Covert Canyon.

**Exhibit 18:** Evidence of wetland resources

Pre-Halcon purchase of Covert Canyon photographs depict the extent to which water resources extended to the Williams property. Significant wetland vegetation is visible. Sales materials for what would become the Covert Canyon property advertise the "numerous seasonal ponds and stream" as an amenity of the site. Sales photographs further depict recreational activities in the ponds. Photographs depict the re-emergence of wetland vegetation after grading activities have ceased.

**Exhibit 19:** Mira Costa College High Threat Protection Services class

During a period when Halcon was precluded from conducting commercial activity, he nonetheless allowed Mira Costa College to hold classes for its High Threat Protection Specialist Training program. These documents and photographs depict course materials and program

components occurring at Covert Canyon without permits. This course is the subject of a copyright lawsuit between Halcon, a former employee, and Mira Costa College.

**Exhibit 20:** Photograph of redirection of water across Williams easement

Photograph depicts the re-direction of storm water flows through a new channel dug by Halcon's ranch hand. For decades water flowed through a culvert under the easement until a new channel was intentionally created to harass the Williamses.

**Exhibit 21:** Photograph of Halcon's gate across Williams easement

In violation of the Williamses' easement rights, Halcon maintains an unnecessary and duplicative locked gate near his homestead. While Halcon has an alternative means for ingress and egress from his property, this fence is intended simply to harass Robin and Clark Williams.

**Exhibit 22:** Photograph of code enforcement getting cozy with Halcon

Photo is as it appears.

**Exhibit 23:** City of El Cajon letter (February 23, 2010)

El Cajon Police Chief confirms it was not informed that his staff was training at a facility that was not permitted and the subject of significant opposition. Letter reflects discontinuation of use of site.

**Exhibit 24:** Request and denial re: training activities

Documents depict Halcon's attempt to clarify allowable activities at Covert Canyon during period where commercial activities were restricted absent a MUP. County confirms all firearms training requires discretionary permit.

**Exhibit 25:** Forest Service trespass and resolution, dated February 6, 2007

When Halcon illegally constructed his berms at the end of the airstrip, he trespassed approximately 1.3 acres onto Forest Service land. Following up on the notice to cease and desist, Halcon's consultant proposed, and the County accepted, a revegetation plan. Requiring five years of effort and monitoring to restore the property. Halcon did not conduct the revegetation as required, and the County did not follow up on the requirements until notified years later by the Williamses' attorney.

**Exhibit 26:** 2010 MUP staff report and minutes

The document supports the appeal contention that the Major Impact Services and Utilities use classification is most appropriate, and that significant environmental and fire safety impacts will result from the SAE0.

**Exhibit 27:** Website printout from the Recce Group

Halcon owns and runs the Recce Group, a separate business that trains mercenaries and private security forces for international protection services.