

# OPEN SPACE ADVISORY COMMITTEE

## STAFF REPORT

**MEETING DATE:** November 16, 2015

**AGENDA ITEM NUMBER:** 3C

**STAFF:** Ann Bollinger, Open Space Administrator

**REQUEST:** **For Possible Action:** To approve hunting per State of Nevada regulations on certain properties managed by the Open Space Division.

### GENERAL DISCUSSION:

Throughout recent years and during development of the Management Plan for the Carson River Area and revisions to Carson City Municipal Code (CCMC) 13.06 – Open Space, there are been discussions regarding rules and regulations pertaining to shooting on properties acquired and managed by the Open Space Division. The purposes of this agenda item are to distinguish between target shooting versus hunting and to clearly identify the Committee’s recommendation whether hunting may be allowed on certain properties.

Attached, please find the draft pages of the Management Plan which provide further discussion of the subject. In CCMC 13.06 – Open Space, the ordinances state that open space land will generally be open for passive recreation. The act of shooting is not considered a passive activity; therefore, target shooting would not be considered a compatible activity on open space land. Additionally, Carson City has two facilities which are open to the public for target shooting. Hunting, on the other hand, requires further discussion due to the greater complexity of land management. Hunting is regulated by the Nevada Department of Wildlife (NDOW) and according to NDOW, all areas are open to hunting unless posted as closed. Hunting is allowed on U.S. Forest Service lands and certain areas of Lake Tahoe Nevada State Park which surround three open space acquisitions – the Horsecreek fee title purchase and Hutchinson purchase in Kings Canyon and the Wilson purchase in Ash Canyon. Considering the small size of each property, a hunting prohibition would be extremely difficult to enforce.

Another area under consideration is Carson River Canyon Open Space. There has been a request to consider waterfowl hunting along this section of the Carson River, which is the only possible location for waterfowl hunting in Carson City. The season of use is September through January and the firearm use could be limited to shotguns, with a short shooting range up to 100 yards.

Existing ordinances and other requirements (such as the Conservation Easement for Silver Saddle Ranch and Carson River Area as authorized by the Omnibus Public Land Management Act of 2009), restrict firearm use and hunting in most other areas. Also attached, please find a draft map which will aid the public in finding appropriate areas for relevant activities.

**RECOMMENDED ACTION:** I move to approve hunting per State of Nevada regulations on certain properties managed by the Open Space Division.

### **5.3.14 Shooting**

Throughout Carson City, there are facilities to accommodate different shooting interests. The Capitol City Gun Club provides a skeet and trap range, the John D Winters Centennial Park Complex offers an archery range, and a rifle and pistol range is located near the sanitary landfill. The Carson City Parks Division manages the latter two locations and conducts regular trash

clean-up, fuels management, and weed control. Although designated areas are available, illegal target shooting remains a common activity in the Management Area.

There are several concerns associated with illegal and indiscriminate target shooting. In addition to the concerns of public safety, there is litter from shell casings, garbage and hazardous waste from targets (i.e. appliances, furniture, propane bottles, and vehicles), and the possible risk of wildfire from sparks and ricochets.

In general, shooting is the act or process of firing firearms or other projectile weapons such as bows or crossbows. Neither slingshots nor paintball guns are considered a firearm; however, both require a shooting action and have the potential to harm people and animals.

The regulations in the Carson City Municipal Code are applicable throughout Carson City. After the land transfer is complete, the same regulations will apply to the Ambrose Carson River Natural Area, Prison Hill Recreation Area, and Silver Saddle Ranch.

CCMC 8.12.010 Public Peace, Safety and Morals – Firearms – Discharge of firearms unlawful:

- 1 It is unlawful for any person to fire off or discharge:
  - a) Any gun, rifle, pistol or other firearm, with the exception of shotguns, air rifles and B-B guns, within five thousand feet (5,000&prime) of any dwelling, building or other place of public resort within Carson City;
  - b) Any shotgun, air rifle or B-B gun within one thousand feet (1,000&prime) of any dwelling, building or any other place of public resort within Carson City;
  - c) Any gun, pistol, rifle, shotgun, air rifle, B-B gun or other firearm in, on or across any public road or highway;
  - d) Any gun, rifle, pistol, shotgun, air rifle or other firearm, without exception, within five thousand feet (5,000& prime) of the Carson River in the area between Deer Run Road Bridge and the McTarnahan Bridge site;
  - e) Any gun, rifle, pistol or other firearm, with the exception of shotguns, air rifles and B-B guns, within five thousand feet (5,000&prime) of the Carson River in the area between the McTarnahan Bridge site and the Douglas County line; provided, however, that the other limitations of subsections (a) and (b) shall apply to discharge of firearms within this area.
- 2 It is unlawful for any person to discharge slugs from a shotgun within five thousand feet (5,000&prime) of any dwelling, building or other place of public resort within Carson City.
- 3 This section does not apply to peace officers or to persons shooting in any regularly established and lawfully authorized and licensed rifle range, gun club or shooting gallery or to any person lawfully discharging a firearm in protection of life or property.

Recent public comments have expressed concern and confusion with the regulations as they relate to the different firearm use, distances, and locations. Regarding the term “place of public resort,” Carson City Deputy District Attorney Randy Munn provided the following comment to staff (Email communication, 2014):

Clearly, 8.12.010 does not make discharge of a gun in all locations of “Open Space” unlawful....Based upon the following law, it cannot be said that all “Open Space” is a “place of public resort.” Based upon the context of its usage in both the City’s ordinance and the NRS criminal code, a “place of public resort” would likely be construed by a Court to be a physically improved place (or space) designed or designated as a place where the public congregates relatively close together for various purposes. For example, a picnic area with tables in a congregated area. Discharging a firearm in an area where the public congregates is inherently dangerous. Clearly, there may be physically improved areas of “Open Space,” where it is designed to promote the relatively close congregation of the public in one or more areas...these areas would likely be construed as a “place of public resort.”

Hunting is a related subject and regulated by the Nevada Department of Wildlife (NDOW). According to NDOW, all areas are open to hunting unless posted as closed. The Conservation Easement expressly prohibits hunting at the Ambrose Carson River Natural Area, Prison Hill Recreation Area, and Silver Saddle Ranch.

Hunting opportunities on other lands are generally restricted per the CCMC regulations related to firearm use. As previously stated, it is unclear whether the regulations are applicable to public lands located east of the Deer Run Road Bridge. There has been a request to consider waterfowl hunting on the Carson River Canyon Open Space, which is the only possible location for waterfowl hunting in Carson City. The season of use is October through January and the firearm use could be limited to shotguns, with a short shooting range up to 100 yards.

Hunting and related regulations on Open Space properties should be reviewed in a larger context, including those properties located on the west side of town. In the Carson Range, open space properties are surrounded by state and federal lands on which hunting is allowed.

**RECOMMENDED ACTION(S)**\_\_\_\_\_

The following actions are recommended regarding shooting:

- ✓ Develop a municipal code specific to open space properties, providing public awareness and enforcement capability.
- ✓ If hunting is allowed, post notices to inform all users. The notices should include restrictions and seasons of use.

Wilson Acquisition

Carson River Canyon Open Space

Ash Canyon Road

Waterfall Road

Horsecreek Ranch Fee Title Acquisition

Kings Canyon Road

Voltaire Canyon Road

Hutchinson Acquisition

**West Side Open Space Opportunities For Carson City, Nevada**

ID	APN	OWNER	ACRES	ID	APN	OWNER	ACRES
1	007-031-19	HIGH CANYON TAHOE LLC	80	21	007-091-29	GLENN, MADELINE & SKARAKIS, G	40
2	007-031-20	HIGH CANYON TAHOE LLC	80	22	007-091-59	EAGLE VALLEY CONSTRUCTION CO	40
3	007-031-25	HERTZ FAMILY LIVING TRUST	50	23	007-091-60	EAGLE VALLEY CONSTRUCTION CO	77
4	007-031-31	WEST PEAK-HCT LLC	81	24	007-091-61	WILLOW HILLS I LLC	40
5	007-031-32	HIGH CANYON TAHOE LLC	81	25	007-091-62	EAGLE VALLEY CONSTRUCTION CO	80
6	007-051-09	SCHULZ INVESTMENTS	81	26	007-091-63	EAGLE VALLEY CONSTRUCTION CO	60
7	007-051-12	THE OLD WOODS RANCH LLC	80	27	007-091-66	HAMM, GERALD & LUANNA	187
8	007-051-25	SCHULZ INVESTMENTS	48	28	007-091-91	COMBS CANYON LLC	57
9	007-051-70	SCHULZ INVESTMENTS	275	29	007-092-07	COMBS CANYON LLC	25
10	007-051-79	THE OLD WOODS RANCH LLC	50	30	007-092-10	WEISE 1985 MINOR TRUST	97
11	007-051-81	FAGEN, WILLIAM MICHAEL 2005 TR	20	31	007-092-11	WEISE 1985 MINOR TRUST	25
12	007-061-02	LONG, WILLIAM H JR	200	32	007-092-12	SUAREZ REVOCABLE FAM TR 4/2/09	60
13	007-061-05	DARLING SUR TR & DARLING MAR TR	37	33	007-092-13	WEISE 1985 MINOR TRUST	23
14	007-061-06	SCHULZ LIVING TRUST DTD 6/2/80	14	34	007-131-16	PEDERSON, GLADYS TRUST ET AL	25
15	007-061-13	JOOST LAND & CATTLE CO, INC	70	35	007-293-29	HAMM, GERALD & LUANNA	19
16	007-061-22	HAMILTON, WESLEY F	27	36	009-021-02	C C TREAS - TRUSTEE (STANTON PARK DEVELOPMENT INC)	249
17	007-061-61	ADAMS, MAE B TRUST	12	37	009-031-01	C C TREAS - TRUSTEE (STANTON PARK DEVELOPMENT INC)	146
18	007-082-01	HAMILTON, WESLEY F	19	38	009-031-29	WELLS FARGO BANK, NATIONAL ASSC	73
19	007-091-15	BENNA, BRUNO FAM TR 1/2 ET AL	46	39	009-151-01	C C TREAS - TRUSTEE (STANTON PARK DEVELOPMENT INC)	73
20	007-091-28	CARSON LODGE #1	82				

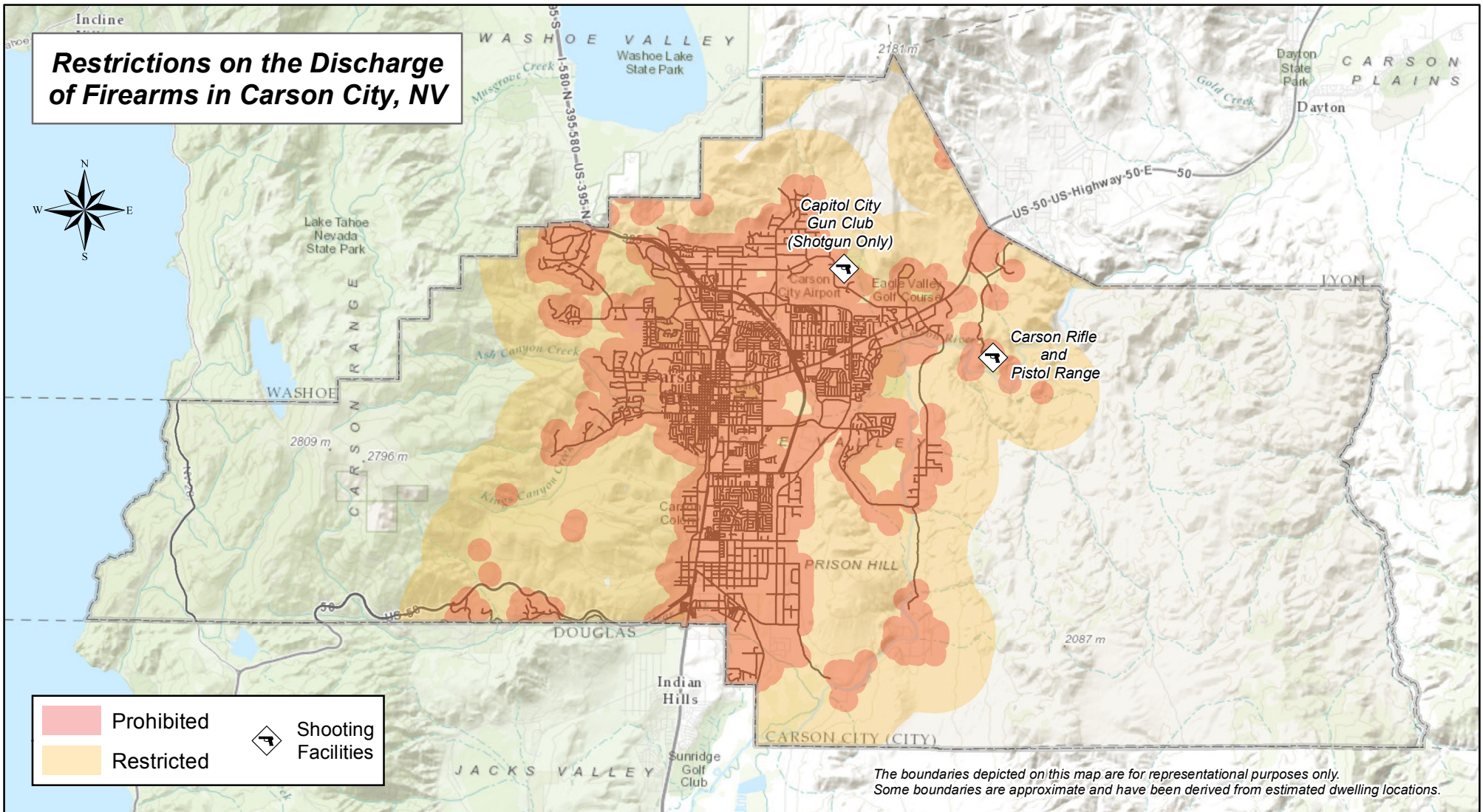
**Legend**

- Trails
- Proposed Freeway
- Open Space Opportunities
- Bureau of Indian Affairs
- Bureau of Land Management
- City of Carson City
- Indian Tribal land
- State of Nevada
- U.S. Forest Services

Photos Flown: 2010

0 500 1000 2000 3000 ft.

# Restrictions on the Discharge of Firearms in Carson City, NV



## Carson City, Nevada - Code of Ordinances 8.12.010 - Discharge of firearms unlawful.

1. It is unlawful for any person to fire off or discharge:

- ... a. Any gun, rifle, pistol or other firearm, with the exception of shotguns, air rifles and B-B guns, within five thousand feet (5,000') of any dwelling, building or other place of public resort within Carson City;
- ... b. Any shotgun, air rifle or B-B gun within one thousand feet (1,000') of any dwelling, building or any other place of public resort within Carson City;
- ... c. Any gun, pistol, rifle, shotgun, air rifle, B-B gun or other firearm in, on or across any public road or highway;
- ... d. Any gun, rifle, pistol, shotgun, air rifle or other firearm, without exception, within five thousand feet (5,000') of the Carson River in the area between Deer Run Road Bridge and the McTarnahan Bridge site;
- ... e. Any gun, rifle, pistol or other firearm, with the exception of shotguns, air rifles and B-B guns, within five thousand feet (5,000') of the Carson River in the area between the McTarnahan Bridge site and the Douglas County line; provided, however, that the other limitations of subsections (a) and (b) shall apply to discharge of firearms within this area.

2. It is unlawful for any person to discharge rifled slugs from a shotgun within five thousand feet (5,000') of any dwelling, building or other place of public resort within Carson City.

3. This section does not apply to peace officers or to persons shooting in any regularly established and lawfully authorized and licensed rifle range, gun club or shooting gallery or to any person lawfully discharging a firearm in protection of life or property.

(Ord. 1995-44 § 1, 1995: Ord. 1993-31 § 1, 1993: Ord. 1993-2 § 1, 1993: Ord. 1985-8 § 1, 1985: Ord. 1973-37 (part), 1973).

