

Hayes, Kathy

From: Pete Smith <peteishome@yahoo.com>
Sent: Monday, July 23, 2018 11:01 AM
To: Wilson, Mike; Bohn, Rex; Fennell, Estelle; Bass, Virginia; Sundberg, Ryan; Damico, Tracy
Cc: Hayes, Kathy; Sharp, Ryan
Subject: Re: Ban on Shooting Ordinance

Hi.. my name is Pete Smith ... I have already expressed my opposition about the prohibiting target shooting in public places sent to you per Tracy Damico. I just want to add the other places that have been blocked access to mouth of yager creek, mouth of van duzen, mouth of eel river, fernbridge, sage road.... I'm 62 . My whole life these were public access places to go fishing ,swimming shooting or just a walk to enjoy the beautiful areas.. as i'm getting older they are blocked... My friend who is disabled is not able to use these public lands..(ADA).....

People say flying bullets everyware garbage trash etc. One problem i see is that IF we have this problem why doesn't law enforcement patrol these areas... in over 50 years I have not seen one sheriff. in over 50 years nor has any of my friends... Iv'e only seen fish & game 3 times once 3 months ago & 2 times 20+ years ago....Every one likes our tax dollars.But doesn't fix the problems..its easy to punish good people and not stop bad people... Ideas.... gate with key. sign waiver to get key from county. law enforcement...cameras. trail cams..there are laws being broke. your answer is punish good people... wrong...I have contacted NRA & Calif. pistol &rifle ass. there Attorneys have called me... there are many legal questions that need to be addressed. please do not adopted this Ordinance... lets work to find a solution... thank you for your time ...Pete Smith...707 496 2435

On Thursday, July 19, 2018, 2:16:44 PM PDT, Damico, Tracy <TDamico@co.humboldt.ca.us> wrote:

Pete Smith (62) from Fortuna called to express his opposition to the proposed Ordinance brought on July 10, 2018 by the Sherriff.

His main concerns are:

1. It calls out a 20 ft berm for shooting rifles. This is impossible to find and should be a much smaller requirement. Even current legal clubs don't even have this standard.
2. ADA access for people with disabilities. How can a disabled person access an area for target shooting Nowhere in this new ordinance is this addressed. He's willing to take this to ADA lawyer for ruling and possible litigation if passed.
3. Public Land Vs Private land. How can there be limited or restrictive use on public land by private land owners. And if you can hunt on public land, why not target shoot.
4. Don't punish the diligent/clean target shooter at the expense of the criminals who aren't just shooting, but littering, trespassing and other bad behavior. The good steward (such as himself) who pays taxes, registers guns and enjoys target shooting shouldn't lose HIS rights.

Pete has called several Supervisors and has only heard from Supervisor Bohn. He'll just like everyone to be aware of his concerns on this issue before it returns to the Board.

He can be reached at 496-2435 and is included in this email.

Thanks –

Tracy

TRACY DAMICO

Deputy Clerk of the Board

County of Humboldt

(707) 476-2390

Sharp, Ryan

From: Hayes, Kathy
Sent: Tuesday, July 24, 2018 8:14 AM
To: Sharp, Ryan
Subject: FW: Proposed Ordinance to Prohibit Target Shooting on Public Lands in the County
Attachments: Proposed Ordinance to Prohibit Target Shooting on Public Lands in the County.pdf

Kathy Hayes, Clerk of the Board
County of Humboldt
(707) 476-2396
khayes@co.humboldt.ca.us



From: Mariko Plowman <mplowman@crpa.org>
Sent: Monday, July 23, 2018 5:25 PM
To: Hayes, Kathy <KHayes@co.humboldt.ca.us>
Cc: Tiffany Cheuvront <tcheuvront@michellawyers.com>
Subject: RE: Proposed Ordinance to Prohibit Target Shooting on Public Lands in the County

Good afternoon,

Please see this revised version attached on CRPA letterhead of the proposed ordinance to prohibit target shooting on public lands in the county.

Thank you!

Mariko Plowman
Executive Assistant



271 East Imperial Highway, Suite 620 | Fullerton, California 92835
D: (714) 992-2772, ext. 8761 | E: mplowman@crpa.org
Member Services: (800) 305-2772 | W: www.crpa.org



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From: Mariko Plowman
Sent: Monday, July 23, 2018 5:05 PM
To: 'khayes@co.humboldt.ca.us' <khayes@co.humboldt.ca.us>
Cc: Tiffany Cheuvront <tcheuvront@michellawyers.com>
Subject: Proposed Ordinance to Prohibit Target Shooting on Public Lands in the County

Good afternoon,

Please see the attached, signed form regarding the proposed ordinance to prohibit target shooting on public lands in the county.

Thank you!

Mariko Plowman
Executive Assistant



271 East Imperial Highway, Suite 620 | Fullerton, California 92835
D: (714) 992-2772, ext. 8761 | E: mplowman@crpa.org
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Be Safe. Shoot Straight. Fight Back!



July 23, 2018

VIA EMAIL

Kathy Hayes
Clerk of the Board
Humboldt County Board of Supervisors
825 5th Street, Room 111
Eureka, CA 95501
EMAIL: khayes@co.humboldt.ca.us

Re: Proposed Ordinance to Prohibit Target Shooting on Public Lands in the County

Dear Ms. Hayes and Honorable Board Members:

I write to you on behalf of California Rifle & Pistol Association, Incorporated ("CRPA") and the thousands of members across the state, many of whom are located in Humboldt County.

At the July 10, 2018 meeting of the Board of Supervisors, a proposed ordinance to Chapter 5.5 of the Humboldt County Code was introduced that would prohibit target shooting in public places and near highways in the County.

Our members oppose the adoption of this ordinance for the following reasons:

The Real Problem is Irresponsible People, Not Target Shooting

The May 14, 2018 report presented to the Board of Supervisors states that the necessity of this ordinance is "due to some irresponsible shooters." Residences of this area have used the river bars for more than 60 years for target shooting without issue. The problem seems to be an increase in criminal activity (reckless discharge of firearms). Rather than the Sheriff's office eradicating the problem of irresponsible people, they have chosen to eliminate the access for all members of the public to the target shooting area. This is especially confusing, because other lawful firearm activities are still allowed in this same area where target shooting is prohibited. It seems that education of the public and a stronger law enforcement presence is a less invasive solution to the concern.

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There is an Implied Dedication of Access Because the Area Has Been Used for More Than Five Years for Lawful Firearm Activities.

Many of these actions by the Sheriff's Department seem to have come from complaints by those landowners along the river bar that hear the target shooting. Under the doctrine of implied dedication, continued public use of private land for more than five years, without asking or receiving permission, and without objection, gives rise to an easement to navigable waters.¹ In other words, if the public has engaged in "long-continued adverse use" (as is the case here with over 60 years of target shooting in the area), the question of intent shifts from the private owner to that of the public.² If the land is a beach or shoreline area, litigants should show that the land was used as if it were a public recreation area.³ Similarly, if a road is involved, the litigant must show that it was used as if it were a public road.⁴ Once a tract of land has been impliedly dedicated for public purposes, the fee owner is precluded from reasserting an exclusive right over the parcel.⁵

There is No Evidence That Target Shooters Are The Ones Littering the River Bar.

At the July 10, 2018 meeting there was discussion that the river would be cleaner upon limiting access to the first one half-miles from the highways, thus implying that it is the shooters that were dumping waste (including appliances, furniture, etc.) in the river.

The County does not appear to have evidence that it is in fact target shooters who are dumping large amounts of trash. There are limited patrols in the area and limited trail cameras to prove this is what is happening. As mentioned, some of the shooting clubs even have clean up days to help the community handle the dumping at the river.

Limiting Access to Public Lands for Hunting, Fishing, and Shooting Violates the Americans With Disabilities Act of 1990("ADA").

The ADA prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. In California, members of the public have rights to access and use navigable waters for many beneficial uses, including, but not limited to, navigation, fishing, and recreation.⁶ California public officials are called on to address disputes about the public's rights to access and use the state's navigable waters. These disputes may arise between recreational

¹ *Gion v. City of Santa Cruz*, 2 Cal. 3d 29, 38 (1970).

² *Id.* at 38.

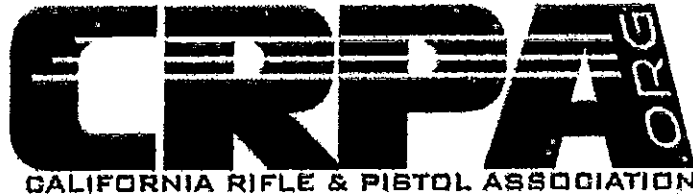
³ *Id.*

⁴ *Id.*

⁵ *Friends of the Trails v. Blasius*, 78 Cal. App. 4th 810, 820 (2000).

⁶ See *Marks v. Whitney*, 6 Cal. 3d 251, 259-60 (1971); *People ex rel. Baker v. Mack*, 19 Cal. App. 3d 1040, 1045, 1050 (1971).

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water users, such as boaters, fishermen, hunters, shoreline and beach users, and adjacent private property owners.

This is the case in Humboldt County.

According to state law, the public is entitled to access and enjoy all state water that are navigable.⁷ And owners of lands underlying or adjacent to navigable waters are prohibited from interfering with the public's right to use such waters.⁸

The government may limit the public right to access such waterways through reasonable time, place, manner restrictions. It is the understanding of our client that over a very short period of time five access points to roadways and trails that would carry the public to these waterways and public spaces have been closed and access denied. With access denied, those members of the public and specifically those members of the public with disabilities are prohibited from their right to access.

CRPA has already been contacted by several disabled persons who use the roads in the area to get to the target shooting areas. If this ordinance is enacted, it will limit his ability and other disabled person from access the water way for target shooting because the ordinance specifically states that no target shooting can take place within one half-mile of any state highway as defined in subsection (c) of the ordinance.

This would completely eliminate disabled persons' access the area where target shooting would be allowed.

Conclusion

We respectfully ask the Board of Supervisors to work to develop solutions that would not penalize lawful firearm owners.

Sincerely,
California Rifle & Pistol Association, Inc.

A handwritten signature in black ink, appearing to read "Rick Travis", is written over the typed name.

Rick Travis
Executive Director

⁷ *Maek*, 19 Cal. App. 3d at 1050

⁸ See *infra* Part III; CAL. CONST. art. X, § 4.