



## **Draft Informational Report Chabot Gun Club and Facility Operations at Anthony Chabot Marksmanship Range Revised October 8, 2015**

### **I. Introduction**

The Board of Directors (“Board”) has requested information relating to facility operations at the Anthony Chabot Marksmanship Range (“Chabot Gun Range” or “gun range”), including estimated capital and operation and maintenance costs required for continued operation of the gun range. As discussed below, District staff has gathered information regarding environmental compliance, facility conditions and deferred maintenance, sound impacts and mitigation options, and information related to use, revenue, and operational costs of the gun range.

### **II. CEQA Compliance**

No action by the Board is being requested at this time, and therefore no action is necessary to comply with CEQA for purposes of this Board item. However, a decision by the Board to consider entry into a long term extension of the Chabot Gun Club’s lease would first require environmental review under CEQA, most likely the preparation of an environmental impact report (EIR).

### **III. History of the Chabot Gun Range**

In 1963, the Anthony Chabot Marksmanship Range was developed in cooperation with the Oakland Pistol Club, which had previously leased a site in Knowland Park, Oakland, California. The original 1962 lease was a partnership between the District and the Oakland Pistol Club to construct, develop, operate and maintain a marksmanship range in Anthony Chabot Regional Park. In 1964, the original lease was amended to finalize the schedule and define the cost-share for construction of the Chabot Gun Range.

In 1967, the District entered into a new long-term lease with Chabot Gun Club, Inc. (“Chabot Gun Club” or “Gun Club”) to supersede the lease with the Oakland Pistol Club. The next long-term lease with the Chabot Gun Club was initiated on May 8, 1989, and included one 25-year term with an option to negotiate an extension at the conclusion of the initial term. This lease was amended on January 1, 1995, to include specific use by District Public Safety for training purposes.

As the initial term of the 1989 lease with the Gun Club was set to expire on January 1, 2015, the Gun Club notified the District of its interest in negotiating an extension of their lease. The District and the Gun Club negotiated a one-year lease extension through December 31, 2015, in an effort to allow time to evaluate the operations, maintenance, current site conditions and environmental compliance requirements for future operation of the Chabot Gun Range.

#### **IV. Current Operations at Anthony Chabot Marksmanship Range**

The Chabot Gun Club leases approximately 85.88 acres of land from the Park District, near Marciel Road in a small enclosed valley in Anthony Chabot Regional Park, as reference on the vicinity map **Attachment A**. The gun range facilities include a main office, classrooms, restrooms, storage containers, security residence, and ranges. The gun range provides a total of eight individual shooting ranges at the site, including ranges for trap shooting, long range shooting, law enforcement training, and competitions or demonstration events. A list of the individual shooting ranges on site is provided as **Attachment B** to this report, and the current fee schedule is provided as **Attachment C**. Information on use of the gun range is provided below.

Under the current lease, the Gun Club provides operations, management, and security of the gun range. Additional responsibilities for the Gun Club include the general maintenance at its own expense of the buildings and grounds, landscaping, pest control, and signage; payment of utilities except water and sewage; payment of County possessory tax; a concession fee payment to the District of 5% of the Gun Club's gross monthly income for purposes of a maintenance fund, plus 5% of gross monthly income for the District's general fund, and compliance at its own expense with all applicable laws, rules and regulations.

#### **V. Overview of Usage of the Anthony Chabot Marksmanship Range**

The Board has requested information on how widely the gun range is used, and what groups use the gun range most frequently. As outlined below, the gun range is used by a variety of individuals, groups, and local and federal law enforcement agencies. Based on figures provided by the Gun Club, the largest user group in terms of number of visits is individual members of the public, followed by federal contractors and federal and local law enforcement agencies, then groups renting the ranges for competitions or events.

##### **a. Use of the Gun Range by Members of the Public**

According to the Gun Club's figures, the gun range sees approximately 35,000 visits by public participants each year. This is an average of approximately 168 visits per day for the approximately 208 days the range is open to the public (four days per week, Friday through Monday). This is an average based on data for the years 2012, 2013 and 2014. It is assumed that many of these daily public participants are repeat customers, but specific data on the actual number of unique individuals using the range is not available.

##### **b. Use of the Gun Range by Military and Local Law Enforcement**

The second largest user group in terms of participants is military and local law enforcement, with an average of 6,000 visits by these participants each year based on use data for years 2012, 2013, and 2014. There are four local law enforcement agencies and five federal military and law enforcement agencies that use the range. Of these, federal military personnel, and specifically federal contractors, are the largest user group in terms of the numbers of days of use per year. As shown in the table below, of the approximately 254 days that the range was rented by military and local law enforcement in 2013, less than one quarter of those days were used by either the Park District or one of the four local law enforcement agencies who use the range.

**Table I: Use by Federal and Local Law Enforcement - 2013**

<b><u>Agency</u></b>	<b><u>Annual Use Days</u></b>
Moraga Police Department	5
Berkeley Police Department	7
Piedmont Police Department	10
Emeryville Police Department	12
East Bay Regional Park District	27
Military Sealift Command (MSC)	5
Federal Correction Institute	14
US Department of Justice (DEA)	18
US Coast Guard	61
<u>Paragon Security (Gov't Contracts)</u>	<u>95</u>
<b>Total</b>	<b>254</b>

Park District law enforcement uses the Chabot Gun Range approximately two to three times per month. The range facility is used as part of the department's quarterly firearms qualification program and yearly winter training focus. In addition to these scheduled trainings, the gun range is used by the District in connection with three to four police department retiree qualification activities a year, as well as qualification of new hires and remedial training activities. By using the gun range at Anthony Chabot, the District avoids paying rental fees to other gun ranges in the area which charge approximately \$150 to \$300 per hour for range time. The Chabot Gun Range also provides the District police department with storage space for range equipment, targets and ammunition.

The US Department of Justice (DEA) has been using the Chabot Gun Range for training and qualifications for almost ten years. The DEA's use averages once a month, but several times a year the DEA has "specialized" training that requires use the Chabot Gun Range for two or three consecutive days.

The DEA's secondary range within the Bay Area is the Santa Clara Metcalf Range at Field Sports County Park. According to DEA representatives, the Chabot Gun Range offers advantages to DEA that they cannot find at other training venues. These advantages include a centralized location among the DEA's major offices and affordable usage fees.

**c. Group Rentals of Gun Range**

There are an average of 28 separate groups that rent the range for match activities and training rentals. Most weekends and occasionally during the week, there are several matches of various types that are open to public participation. The average number of participants in these events is 3,350 per year. According to the Gun Club's figures, there are approximately 260 group shooting events per year. A complete list of the groups renting the gun range is provided in **Attachment D** to this report.

**d. Other Public Gun Ranges in the Area**

There are nine similar outdoor ranges within 100 miles of the Chabot range. Of those nine ranges, three are similar in size to the Chabot Gun Range. All of the nine other ranges are available for use by members of the public, and all are open either every day of the week or Thursday through Monday. All of the nine ranges have use fees that are comparable to the Chabot Gun Range. A complete list of these ranges is provided as **Attachment E**.

Other similar outdoor range options available for military, law enforcement, and federal contractors that currently use the Chabot Gun Range include the Camp Parks Reserve Forces Training Area (PRFTA), a United States Army facility located in Dublin that is a training center for U.S. Army Reserve personnel. This facility and other local facilities, such as the Alameda County Santa Rita range in Dublin, are currently in high demand and the range time is heavily scheduled.

In addition to these outdoor ranges, there are seven indoor ranges available within 50 miles of the Chabot range. These ranges provide a much different experience for users than an outdoor range. A list of these indoor ranges is provided as **Attachment F**.

**VI. Budget and Financial Information**

To determine the ability of the Chabot Gun Club to offset future facility maintenance and environmental compliance costs, District staff requested financial information from the Gun Club. The documents provided by the Gun Club were reviewed by the District's Internal Audit staff. The Gun Club's gross sales were in excess of \$800,000 per year in 2012, 2013, and 2014. The Gun Club reported a net profit of \$66,623 in 2012, and a smaller net profit of \$18,232 in 2013. The Gun Club reported a net loss of (\$121,479) in 2014.

**Table 2: Profit and Loss of Chabot Gun Club, 2012 - 2014**

<b>Profit &amp; Loss</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Adjusted Income	\$808,064	\$872,991	\$800,539
Less Cost of Goods Sold	\$(105,091)	\$(142,687)	\$(126,042)
Less Expenditures	\$(636,349)	\$(712,072)	\$(795,976)
<b>Net Income</b>	<b>\$66,623</b>	<b>\$18,232</b>	<b>\$(121,479)</b>

According to staff's review, the Gun Club's loss in 2014 was mainly due to increased expenditures of personnel costs, and also professional fees, environmental compliance expenses, utility costs, insurance, and record storage expenses. As shown in the table below, based on information provided by the Gun Club, personnel costs increased significantly over the three year period.

**Table 3: Personnel Costs for Chabot Gun Club 2012 - 2014**

	<b>2012</b>	<b>2013</b>	<b>2014</b>
Salaries & Compensation	\$290,194	\$342,075	\$358,157

The Gun Club's lease requires a concession fee payment of 5% of the Gun Club's gross monthly income to the District, plus an additional 5% of gross monthly income for a maintenance and improvement fund to be used with District approval for "upkeep, maintenance and improvement of the Premises." The Gun Club's payments to the District for the past three years are shown below.

**Table 4: Chabot Gun Club Lease Payments to District 2012 - 2014**

	<b>2012</b>	<b>2013</b>	<b>2014</b>
5% for General Fund	\$40,126	\$43,700	\$40,046
5% for Maintenance Fund	\$40,126	\$43,700	\$40,046
<b>Totals</b>	<b>\$80,252</b>	<b>\$87,400</b>	<b>\$80,092</b>

The concession maintenance fund for the gun range currently has a positive balance of approximately \$234,000.

## **VII. Environmental Compliance**

### ***a. Environmental Regulation of Pollutants in Stormwater***

As with many gun ranges, the Chabot Gun Range poses a risk of lead being carried off the site through stormwater runoff. The Chabot Gun Range site is subject to the State Water Board's general permit for industrial sources of pollutants to stormwater, including a site specific plan to control the potential for pollutants in runoff (the "Storm Water Pollution Prevention Plan" or "SWPPP"). The Chabot Gun Range has been subject to stormwater permitting requirements since 2009 and is currently in compliance. However, stormwater data is limited due to several years of rain events characterized by infrequent large storms with little to no rain in between. The new general stormwater permit effective in 2015 imposes additional requirements on all facilities that are subject to the permit and is expected to substantially increase the costs of operating the Chabot Gun Range.

California's regulation of stormwater uses an adaptive management approach where initial measures are implemented to control polluted runoff, and the site is monitored to determine whether additional measures are needed to meet regulatory thresholds. Thus the District's current SWPPP requires implementation of best management practices along with monitoring. If after one to two years, monitoring shows that runoff from the site is exceeding baseline levels, then additional, more costly measures would be required to stay in compliance with the permit. These measures could include structural controls to either contain runoff onsite or divert it away from sources of lead, or treatments to remove pollutants from runoff before it leaves the site. All stormwater measures for the Chabot Gun Range are based on EPA's guidance for best management practices to control lead from outdoor gun ranges.<sup>1</sup>

In anticipation that additional stormwater control measures to maintain compliance may be required, the District retained Geosyntec Consultants ("Geosyntec") to evaluate the cost and feasibility of various source control, treatment control, and flow segregation measures that could be taken at the site. Geosyntec is still completing a final written report, but is recommending both of the following measures in the event that additional stormwater controls are required to maintain compliance at the site:

- I. Treating runoff from the gun ranges with engineered media filled devices installed in vaults and catch basins.

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<sup>1</sup> USEPA, 2005. (USEPA Region 2) Best Management Practices for Lead at Outdoor Shooting Ranges. EPA-902-B-01-001. Revised June 2005.

Geosyntec estimates that the total cost of implementing the media filters would be approximately \$265,000, plus a yearly maintenance cost of approximately \$10,000.

2. Performing lead source removal and soil amendment and stabilization at the backstops in each shooting range.

Geosyntec estimates that the one-time cost of removing lead from the berms would be \$1,140,000. Assuming continuing use of lead bullets, regular cleaning of the berms would be required for this measure to be effective, at an annual cost of approximately \$58,000. Even with this regular maintenance, a full cleaning of the berms would need to be repeated approximately every ten years to remove lead embedded in the soil.

3. Ongoing Compliance with the Industrial Stormwater Permit.

A total average annual cost of \$141,000 is estimated for monitoring, testing, reporting, and oversight to maintain compliance with the industrial stormwater permit for ongoing operation of the Chabot Gun Range.

The Chabot Gun Club has hired an environmental consultant, Golder Associates, who has provided conceptual recommendations for additional near-term measures that could be taken to contain and treat stormwater onsite. District staff is currently reviewing and verifying these recommendations and associated cost estimates. While the Gun Club's recommendations may be helpful in reducing lead run off from the site in the short-term, Geosyntec believes that the more engineered source removal and filtration measures that provide a higher level of certainty would ultimately be required to maintain compliance with the stormwater permit.

In addition, regardless of whether the gun range continues operations, cleanout and repair of a roadside ditch is required along the maintenance road leading to a water tank on the site. This ditch repair work is estimated to cost of \$210,000, with possible increased costs depending on soil conditions.

In sum, based on the information gathered to date, continued operation of the range is estimated to cost \$2.5M for stormwater compliance over the next five years, including capital projects (reconditioning and lead removal from the berms, filter systems in drain basins, and roadside ditch cleaning) and annual operation and maintenance costs. A longer term would require additional costs to maintain compliance.

**b. Environmental Cleanup and Remediation of Lead at Chabot Gun Range**

The primary purpose of this Board report is to provide information on the process and estimated costs for compliance assuming ongoing operation of the Chabot Gun Range. However, members of the public have also raised concerns regarding the costs to restore the site should the range operations cease. Preliminary estimates based on the size of the range, its known uses and data review of other ranges, put cleanup costs in the range of between \$2.5M and \$20M depending on the clean-up process utilized.

It is possible that that future cleanup costs could be somewhat reduced by removing lead from the berms in the near term. This action could benefit future cleanup efforts only if the berms are cleaned and maintained on an ongoing basis, at an estimated cost of \$58,000 each year (described

above). In addition, because this annual maintenance would remove only larger particles of lead, a full reclamation and reconstitution of the berms (at an additional cost of \$1,140,000 in 2015 dollars) would need to be repeatedly performed at least every ten years to remove smaller lead particles that become embedded in the soil over time.

Continued operation of gun range should explore converting to non-lead ammunition as mitigation for lead pollution and this would need to be analyzed in an environmental review document. This could allow for removal activities to address existing sources of lead from the site, without contributing additional lead from ongoing operations into the future.

Use of non-lead ammunition has increased in California in recent years. A state-wide ban on wildlife hunting with lead bullets was adopted in 2008 (to be fully effective in 2019). Non-lead ammunition is readily available in stores and online. However, non-lead ammunition tends to be more expensive, and premium non-lead bullets can cost up to 30% more than a similar caliber and weight premium lead option. Also, many law enforcement agencies prefer to train with lead ammunition to better simulate actual conditions.

With respect to environmental impacts, non-lead ammunition does not contain any known toxins, and is less prone to fragmenting and therefore easier to reclaim than the softer lead ammunition which creates many smaller particles on impact.

## **VIII. Sound Study and Noise Mitigation**

In 2015, the District engaged Illingworth & Rodkin, Inc. (“Illingworth”), an acoustics and air quality engineering firm, to conduct a Noise Mitigation Feasibility Study. The objectives of the noise study were to document and assess existing ambient noise levels, with and without noise generated by activities at the gun range, and outline possible mitigation measures to reduce noise impacts from the gun range on park users and adjacent residential neighborhoods.

### ***a. Gun Range Noise in Nearby Neighborhoods***

Noise measurements were taken to determine the noise generated by the different types of guns typically used at the range. Measurements were also taken to determine gunshot noise experienced at several trail and campground locations within the park, as well as in the nearby residential neighborhoods. Representative measurements were taken from seven different locations within the neighborhood west of the range. In addition, measurements were taken over several day periods to monitor a variety of sounds emanating from the gun range throughout the week and weekends.

In general, the results found that noise levels vary based on the type of guns, the time of day, the receiver background noise level, and meteorological conditions. The results also found that the highest noise levels occur on Saturday and Sunday. However, Illingworth’s results show that even with these variations, the sound of gunshots at all neighborhood measurement locations fell well below the City of Oakland’s residential noise standards for acceptable noise levels in a residential neighborhood. The results also found that for many of the residential locations the gunshot levels fell below other background noises, and were not audible at all over airplanes flying over the neighborhood.

While the noise generated by gunshots was less than other background noises and below acceptable residential noise standards, Illingworth reported that the unique sound of the gunshots

was still often distinguishable from other background noises. Thus, even though residents experience other ambient sounds that are louder, noise from the gun range is still detectible within the neighborhood and can be identified as gunshots.

Illingworth's noise measurements also showed that gunshot sounds were below threshold noise standards at the campground and all trail locations except those uphill (north) or close to the gun range. However, similar to the residential neighborhood, gunshot sounds were distinguishable from other ambient noises at these other locations.

### ***b. Mitigation Options for Gun Range Noise***

Several typical gun range noise abatement techniques were evaluated for potential use at the Chabot Gun Range. Of these, the most promising was the enclosure of the back and sides of ranges 1 through 5. The initial cost estimate is \$125,000, with actual costs dependent on final design. Although sound barrier walls would not eliminate the gun fire noise, they would reduce the level of noise propagating west and south of the range where a majority of park facilities, including the campground, are located, and where a majority of the closest residential neighborhoods are located. Computer modeling indicates a potential reduction in sound levels of 9 to 19 dB in the neighborhoods west of the range with the use of the barrier walls.

Another noise abatement strategy is the restriction of certain types of guns. Large caliber, long range guns are already restricted at the range and can be used only on Monday afternoons due to their higher noise levels. If complaints or high estimated noise levels can be associated with these guns and their time of use, other measures could be considered such as allowing these guns to use Range 8 only, which is already enclosed.

Another option for reducing noise impacts to park users and adjacent neighbors would be the restriction of gun range use days and/or hours. For example, since most of the use in the park by campers and trail users is on weekends, the range could be closed from 2:00 pm Friday afternoon to 12:00 noon on Sundays. This restriction would not only reduce noise impacts during high visitation days of the week, it would also reduce gunshot sounds in the residential areas for the majority of the weekend hours when many people are off work and at home. However, the weekends are also the days of highest public use and revenue for the gun range. Based on the revenue and use data received from the Gun Club it appears that Saturday and Sunday use accounts for 46% of annual revenues. While this reduction in hours would also equate to a reduction in staffing costs, these reductions would significantly reduce revenues required for operating and maintaining the range.

It should be noted that shooting ranges are generally protected in matters alleging noise if the range is operating in compliance with all ordinances in effect at the time the range was constructed, per *California Code § 3482.1* as referenced in **Attachment G**.

## **IX. Facility Conditions and Capital Maintenance**

The facilities at the gun range are nearing the end of their service life without additional significant capital investment. In determining the potential costs for continued operation of the gun range, District staff evaluated facility maintenance costs to keep the range facilities in a safe and serviceable condition.

**a. Renovation and Replacement Costs Based on VFA Evaluation**

In 2015, the gun range was evaluated by VFA, a third party vendor contracted by the District to develop a web-based Capital Planning and Management Software database that provides an assessed value for District facility and a current condition evaluation based on the expected service life of each asset. All assets at the Chabot Gun Range were evaluated to the component level (e.g. roof, electrical, HVAC, etc.). In addition to VFA’s assessments, District Maintenance and Skilled Trades (MAST) staff provided estimates for repairs and renovations to several sub-systems such as roofs, electrical system and sewer system.

In general, all of the assets evaluated at the gun range are in fair to poor condition, with several at or near the end of their projected useful service life. In determining a capital maintenance program for the gun range, staff utilized the VFA data for determining cost data for four primary range structures and then added additional cost data for the sewer system, and replacement of the roofs on all of the five shooting range structures.

The table below provides cost data from the VFA evaluation for four primary structures, in addition to cost estimates for repair or replacement of the sewer system and roofs on all five of the shooting range structures. The table provides a condition rating for each structure called the Facility Condition Index (FCI), which indicates as a percentage the remaining service life for the structure. A new building would have an FCI of 0% and a building at the very end of its useful service life would have an FCI of 100%, meaning that it has exhausted 100% of its useful service life and that the most cost effective action is full replacement.

**Table 4: Facility Condition Index, Renovation and Replacement Costs**

<b>Structure</b>	<b>FCI</b>	<b>Renovation</b>	<b>Replacement</b>
Office/Restroom	94%	\$377,261	\$408,106
Residence	101%	\$354,936	\$358,066
Restroom/Storage	80%	\$104,044	\$130,740
Trap Building	92%	\$310,819	\$340,719
Sewer System	n/a	\$51,000	\$125,000
5 Range Roofs	n/a	\$150,000	\$150,000
<b>Total</b>		<b>\$1,348,060</b>	<b>\$1,512,631</b>

As shown in the table, the renovation costs for each structure are nearly the same as the full replacement costs. This is due to the overall poor condition of the structures. A full replacement approach would be the most cost effective course of action for a facility that is intended to provide service for an extended term.

**b. Cost Estimates Based on Asset Preservation Approach**

An alternative approach to the VFA or Asset Replacement approach would be to just focus on specific structural sub-systems in order to extend the useful service life of primary structures at the Gun Range. The following table outlines costs related to this “Asset Preservation” approach.

**Table 5: Chabot Gun Range Facilities: Asset Preservation Cost Estimates**

<b>Structure</b>	<b>Cost Estimate</b>
Roof Replacement - All Structures	\$288,203
Repair Sewer System	\$51,000
Demolish and Replace Residence	\$378,866
Electrical System Repairs	\$88,850
Renovate 3 Public Restrooms	\$90,000
	<b>\$896,919</b>

This Asset Preservation approach is similar to the approach the District has taken at the Redwood Canyon Golf Course facility. Preserving and maintaining the facilities structural capital assets would decrease costs by \$615,000 compared to full replacement costs, and would extend the service life of the range facility overall by at least 10 year or more, while providing higher quality facilities and meeting current ADA access standards. Costs could be reduced to approximately \$500,000 by eliminating the security residence on site.

If the District were to consider a shorter service term for the range, then most of these range facilities could be allowed to continue to deteriorate, and any repairs critical to health and safety would be addressed on an individual demand basis.

**X. Summary**

Continued operation of the Chabot Gun Club would provide ongoing recreational opportunities for many members of the public, and would continue to provide a popular training facility for federal contractors, military, and federal and local law enforcement agencies, including the District's own public safety department. While there are other gun ranges in the area, the Chabot Gun Club appears to serve many long-time, repeat individual users and groups.

Based on the information available to date, it appears that a significant capital investment would be required for the Chabot Gun Range to continue operating into the future. As outlined above, these costs are estimated to include approximately \$2.4M \$3.4M in capital projects and an average of \$190,000 in annual operating and maintenance costs.

As indicated above, the term of operation significantly affects the total capital and operational costs for continuing operation of the range. The estimated costs do not take into account the ongoing commitment of staff resources required because of increased regulatory requirements. If the District were to elect for a shorter term of operation (i.e. less than two years), then some capital investment costs may be avoided or eliminated, and ongoing operation and maintenance costs would be reduced as referenced in the Operational Cost Plans, **Attachment H**.

It appears that under the current operational model, net revenues could not offset the capital costs or future annual costs related to ongoing operation and maintenance of the gun range, although District staff is still meeting with the Chabot Gun Club staff to explore options for the gun range to be self-supporting. **Attachment H** includes a cost analysis for full cost recovery of capital, operations, and maintenance costs based on the use of a daily surcharge in addition to normal daily range use fees. These cost recovery scenarios include annual costs for repeat users who visit the range once or twice per month and are intended to provide a user's perspective in comparison with current annual costs for similar usage based on the existing fee structure.

Staff presented the September 17, 2015 draft informational report to the Board Operations Committee at its September 24, 2015 meeting. Committee and public comments were received and responses are provided as **Attachment I**.

Staff also presented the draft informational report to the Park Advisory Committee at its September 28, 2015 meeting. Committee and public comments were received and are provided as **Attachment J**.

# ATTACHMENT A Vicinity Map



**ATTACHMENT B**  
**Description of individual shooting ranges on-site**

- Range 1 & Range 2:  
*20 yd., 50yd., 75 yd., 100 yd., public use, rifles, pistols, shotguns using slugs*
- Range 3:  
*7 yd., 15 yd., 25 yd., public use, pistols only*
- Range 4:  
*multi-purpose use by event or reservation for classes, matches, and law enforcement training*
- Range 5a &5b :  
*multi-purpose use by event or reservation for classes, matches, and law enforcement training*
- Range 6:  
*restricted practice range for Club demonstration or special training*
- Trap:  
*shotguns only with trap loads*
- Range 8 & pit:  
*200 yd., rifles and long range handguns*

**ATTACHMENT C**  
**2015 Fee Schedule for Chabot Gun Range**

The 2015 fee schedule, shown below, includes public day use rates per person, rates for classes and matches per person, and rates for private gun range rentals per day.

**Table I: 2015 Fee Schedule**

Type	Pistol & Rifle	Public Trap
Juniors - Under 18	\$4.50 day	\$5.50 round (25 clay birds)
Members	\$7.75 day	\$8.00 round (25 clay birds)
Guests	\$8.00 day	\$8.00 round (25 clay birds)
Non-Members - 18 & up	\$15.50 day	\$10.00 round (25 clay birds)
Classes and Matches	\$7.00 - \$125.00 per person	
Private Range Rental	\$300.00 - \$350.00 per day	

**ATTACHMENT D**  
**Group Rentals**

The following list shows groups that rented the gun range in 2013:

<u>Group</u>	<u>Annual Use</u>
Electronic Arts	1
Garand Match	1
Jerry's Kids	1
LMS	1
PFV/High Combat	1
Poise Pistol Matches	1
Safari Club	1
Defense Pistol	2
Military Bolt Rifle	2
Redback	2
Sharpshooter	2
Shotspotter	2
Holster	4
Old West	6
Tactical Rifle	8
Team 3 TAC	9
PPC	10
Silhouette	11
Appleseed	12
Benchrest	12
Black Powder	12
Tactical Handgun	12
High Power	13
3-Gun	16
Tuesday Action Shoot Club	23
Hand Gun Silhouette	24
Lite Rifle	24
HP Maint	50
<b>Total</b>	<b>263</b>

**ATTACHMENT E**  
**Other Public Gun Ranges within 100 miles of Chabot Gun Club**

The following is a list of public ranges located within 100 miles of the Chabot Range with comparable amenities:

1. Richmond Rod & Gun Club, Richmond, CA, 17 miles  
*25 yd., 50 yd., 100 yd. outdoor ranges, trap & skeet, muzzle loading*
2. United Sportsmen, Inc., Concord, CA, 17 miles  
*50 yd., 200 yd. outdoor ranges, trap & skeet, muzzle loading, silhouette, archery*
3. Livermore/Pleasanton Gun Club, Livermore, CA, 26 miles  
*10 yd., 25 yd., 200 yd. outdoor ranges, trap & skeet*
4. Los Altos Rod and Gun Club, Los Gatos, CA, 39 miles  
*7 yd., 15 yd., 25 yd., 50 yd., 100 yd. outdoor ranges, trap, muzzle loading*
5. The Field Sports County Park, Coyote, CA, 46 miles  
*7 yd., 15 yd., 25 yd., 50 yd., 100 yd., 200 yd. outdoor ranges, trap, trap & skeet, muzzle loading*
6. San Joaquin Pistol Range, Linden, CA, 63 miles  
*25 yd., 100 yd., 200 yd. outdoor ranges, clays*
7. Sacramento Valley Shooting Center, Sloughouse, CA, 76 miles  
*50 yd., 100 yd., 200 yd., 300 yd., 1000 yd. outdoor ranges, trap & skeet & clays, muzzle loading, silhouette*
8. Cordova Shooting Center, Rancho Cordova, CA, 78 miles  
*Outdoor ranges, trap & skeet*
9. Laguna Seca Rifle & Pistol Range, Salinas, CA, 85 miles  
*15 yd., 25 yd., 50 yd., 100 yd., 200 yd. outdoor ranges, muzzle loading, silhouette*

**ATTACHMENT F**  
**Indoor Public Ranges with 50 miles of Chabot Gun Club**

The following is a list of public ranges located within 50 miles of the Chabot Range with comparable amenities:

1. San Leandro Rifle & Pistol Range , San Leandro , CA  
Facilities Include: Outdoor Pistol(25yds, 50yds), Indoor Pistol(25yds), Outdoor Rifle(25,50,100yds)
2. Jackson Arms , South San Francisco , CA  
Facilities Include: Indoor Pistol(25 & 50 yds), Indoor Rifle(25 & 50 yds)
3. The Shooting Gallery, Inc. , Vacaville , CA  
Facilities Include: Indoor Pistol(50 ft, 75 yds), Indoor Rifle(50 ft, 75 yds), Silhouette Pistol
4. Milpitas Shooting Range/Target Masters West , Milpitas , CA  
Facilities Include: Indoor Pistol(6-25 yds.), Silhouette Pistol
5. Reed's Indoor Range , Santa Clara , CA  
Facilities Include: Indoor Pistol(25 yds), Silhouette Pistol
6. National Shooting Club. Inc , Santa Clara , CA  
Facilities Include: Indoor Pistol(25 yards), Muzzle Loading
7. San Jose Municipal Pistol Range , San Jose , CA  
Facilities Include: Indoor Pistol(50 ft), Indoor Rifle(50 ft), Archery

**ATTACHMENT G**  
**California Civil Code**

§ 3482. 1. Operation or use of sport shooting ranges; civil liability or criminal prosecution; noise or noise pollution nuisance

(a) As used in this section:

(1) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity.

(2) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport or law enforcement training purpose.

(3) "Indoor shooting range" means a totally enclosed facility designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.

(4) "Nighttime" means between the hours of 10 p.m. and 7 a.m.

(b)(1) Except as provided in subdivision (f), a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local public entity having jurisdiction in the matter, or if there were no such laws or ordinances that applied to the range and its operation at that time.

(2) Except as provided in subdivision (f), a person who operates or uses a sport shooting range or law enforcement training range is not subject to an action for nuisance, and a court shall not enjoin the use or operation of a range, on the basis of noise or noise pollution if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local public entity having jurisdiction in the matter, or if there were no such laws or ordinances that applied to the range and its operation at that time.

(3) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this section.

(c) A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved sport shooting range may not maintain a nuisance action with respect to noise or noise pollution against the person who owns the range to restrain, enjoin, or impede the use of the range where there has been no substantial change in the nature or use of the range. This section does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

## ATTACHMENT H Operational Costs Plans and Cost Recovery Plans

### Anthony Chabot Marksmanship Range – Operational Cost Plans

Option #1 Immediate Closure	One-time	Annual <sup>1</sup>	Total Cost
Stormwater Permit Compliance (prior to remediation)	210,500	405,000	615,500
Sound Mitigation	0	0	0
Facility Capital Maintenance	0	0	0
Remediation	6,500,000	0	6,500,000
<b>Option #1 Total Costs</b>	<b>6,710,500</b>	<b>405,000</b>	<b>7,115,500</b>

1 - Assumes 5 years of maintenance until remediation is completed

Option #2 Short-term Operation Plan (< 2 years)	One-time	Annual <sup>2</sup>	Total Cost
Stormwater Permit Compliance (prior to remediation)	210,500	567,000	777,500
Sound Mitigation	0	0	0
Facility Capital Maintenance	0	80,000	80,000
Remediation	6,500,000	0	6,500,000
<b>Option #2 Total Costs</b>	<b>6,710,500</b>	<b>647,000</b>	<b>7,357,500</b>

2 - Assumes 7 years of maintenance until remediation is completed

Option #3 10-year Operation Plan (lead ammunition)	One-time	Annual	Total Cost
CEQA Process - EIR	200,000	0	200,000
Stormwater Permit Compliance (prior to remediation)	1,615,500	1,900,000	3,515,500
Sound Mitigation	125,000	0	125,000
Facility Capital Maintenance	141,000	400,000	541,000
Remediation	6,500,000	0	6,500,000
<b>Option #3 Total Costs</b>	<b>8,581,500</b>	<b>2,300,000</b>	<b>10,881,500</b>

Option #4 10-year Operation Plan (non-lead ammunition)	One-time	Annual	Total Cost
CEQA Process - EIR	200,000	0	200,000
Stormwater Permit Compliance (prior to remediation)	1,350,500	1,500,000*	2,850,500
Sound Mitigation	125,000	0	125,000
Facility Capital Maintenance	141,000	400,000	541,000
Remediation	6,500,000	0	6,500,000
<b>Option #4 Total Costs</b>	<b>8,316,500</b>	<b>1,900,000</b>	<b>10,216,500</b>

3 - Annual O&M reduced to \$30,000 per year instead of \$70,000 due to reduced raking of berms using non-lead ammunition

**Anthony Chabot Marksmanship Range – Cost Recovery Plans**

Option #2 – Full Cost Recovery	One-time	Annual <sup>1</sup>	Total Cost	Without Surcharge
<b>Option #2 Total Costs</b>	<b>6,710,500</b>	<b>647,000</b>	<b>7,357,500</b>	
A. Fee Surcharge (100% - user base = 44,350 annual visits)			83	
Average User Annual Cost - 1X month (\$72 membership + \$93 Range Fees + Surcharge)			1,161	165
Average User Annual Cost - 2X month (\$72 membership + \$186 Range Fees + Surcharge)			2,250	258
B. Fee Surcharge (60% user base = 26,610 annual visits)			138	
Average User Annual Cost - 1X month (\$72 membership + \$93 Range Fees + Surcharge)			1,821	165
Average User Annual Cost - 2X month (\$72 membership + \$186 Range Fees + Surcharge)			3,570	258

Option #3 – Full Cost Recovery	One-time	Annual <sup>1</sup>	Total Cost	Without Surcharge
<b>Option #3 Total Costs</b>	<b>8,581,500</b>	<b>2,300,000</b>	<b>10,881,500</b>	
A. Fee Surcharge (100% - user base = 44,350 annual visits)			25	
Average User Annual Cost - 1X month (\$72 membership + \$93 Range Fees + Surcharge)			465	165
Average User Annual Cost - 2X month (\$72 membership + \$186 Range Fees + Surcharge)			558	258
B. Fee Surcharge (60% user base = 26,610 annual visits)			41	
Average User Annual Cost - 1X month (\$72 membership + \$93 Range Fees + Surcharge)			657	165
Average User Annual Cost - 2X month (\$72 membership + \$186 Range Fees + Surcharge)			1,242	258

Option #4 – Full Cost Recovery	One-time	Annual <sup>1</sup>	Total Cost	Without Surcharge
<b>Option #4 Total Costs</b>	<b>8,316,500</b>	<b>1,900,000</b>	<b>10,216,500</b>	
A. Fee Surcharge (100% - user base = 44,350 annual visits)			23	
Average User Annual Cost - 1X month (\$72 membership + \$93 Range Fees + Surcharge)			441	165
Average User Annual Cost - 2X month (\$72 membership + \$186 Range Fees + Surcharge)			810	258
B. Fee Surcharge (60% user base = 26,610 annual visits)			39	
Average User Annual Cost - 1X month (\$72 membership + \$93 Range Fees + Surcharge)			633	165
Average User Annual Cost - 2X month (\$72 membership + \$186 Range Fees + Surcharge)			1,194	258

**ATTACHMENT I**  
**September 24, 2015 Board Operations Committee**  
**Committee and Public Comments**

**Director John Sutter**

1. Have we ever exceeded best management practices (BMP's) at the Chabot Gun Club (CGC)?

*Response: per Matt Graul, Chief of Stewardship, Yes, we have exceeded the EPA benchmark values.*

2. Were the BMP's exceeded in 2014 December storm?

*Response: per Matt Graul, Yes*

3. What are the structural control options?

*Response: Per Matt Graul, Geosyntec Consultants recommend:*

Option 1- Treat runoff from the gun ranges with cartridge filter devices installed in drainage inlets

Option 2- Performing lead source Recondition berm, clean, rework berms – capital investment 620,000 to 1,660,000

4. What is a treatment unit?

*Response: Per Matt Graul, the large box in the drain – size will vary, physically remove and treat lead.*

5. Was Lake Chabot tested?

*Response: Per Matt Graul, yes, no impact found*

6. Were the fish tested?

*Response: Per Matt Graul, yes, no impact found*

7. If closed, what is the cost to clean up?

*Response: Per Carol Victor, District Counsel, the cost estimate at this time is between \$2.5 – 6.5 million to cap onsite*

8. Why is there no staff recommendation at this time?

*Response: Per Jim O'Connor, AGM Operations, information is being used to complete research for negotiation*

*Response: Per Carol Victor, this process is to elicit public comments, Committee comments, identify any issues, not asking for a final decision, will then go to full Board for decision.*

**Comments:**

- Prefers to have full Board input in public setting and Park Advisory Committee (PAC) should be encouraged to express their views
- Appreciated the amount of work involved in producing the staff report
- Thanked the Chabot Gun Club Rangemaster for tours and providing information to Board and staff

- Basic issue - is this a legitimate function of the District and does this activity fit
- The range provides an opportunity for users to practice and use in a safe manner – then yes, this is a legitimate recreation activity
- Also service to law enforcement is a plus, however, law enforcement not really using the facility much, and other larger cities in two counties are not using this range
- Acknowledged that this is an existing use, and to take away would be hard but we need to look at the reality of how it effect neighbors, costs to keep up and maintain facility, which means sometimes have to say sorry can't relocate or fund
- Examples of other facilities no longer with District - Model airplanes at Pt. Pinole, Bruener Marsh and Pony ride at Tilden partly due to manure management alongside the creek
- The noise issue had much more public input at past meetings, understands it takes time to personally attend a meeting
- Why do people go to parks – relaxation, quiet, rest from noisy world – gunshot noise is disturbing
- Interested in staff's opinion who work at Anthony Chabot Campground and what their comments
- Regarding the noise mitigation - the computer projection mitigation is speculative
- Pluses and minuses for this use need to be addressed:
  - A lot of open land for this type of use
  - In 2015 would we start this type of activity?
  - Is this activity consistent with goals, philosophy with Park District
  - What else are we doing in the park – expansion of campground then have gunshot noise in campground
- Cost factor considerations – prepared cost sheet for continued operation of range with median costs for comparison

### **Director Doug Siden**

#### Comments:

- Appreciated the work and team effort that went into producing the informational report.
- In the past several neighbors have attended Board and Committee meetings commenting and expressing concerns regarding gunshot noise in neighborhoods, on the trails, and in campground.
- Also, supporters and users of the Chabot Gun Club have attended meetings advocating for continued recreation of this type at this facility.
- Supports allowing additional time for continued review and comments by Club, neighbors, and users.

#### **Public comments:**

#### **John Maunder, Rangemaster and Treasurer, Chabot Gun Club**

Comment: Received the Board Operations Committee packet late Friday afternoon, which was not enough time to review, 3 and a half days before this meeting, as rangemaster and treasurer, need more time to review. Request more time to review and comment.

#### **Dennis Staats, President, Chabot Gun Club**

Comment: In order to have time for a meaningful response to the informational report need more time. Suggest moving to come back to BOC allowing opportunity to review report, asking for a month extension.

### **Frank Burton**

1. When will the Final Geosyntec report be available?

*Response: The Final Geosyntec report will be available after staff completes review and comment.*

2. Why was the Sound Study just issued today?

*Response: Sound Study was made available upon completion of staff comment and review.*

### Comments:

- The review timeline is not reasonable. Suggest extending the review period.
- The subject of nature and impact on “sounds” vs. “gunshot noise” impacts to neighbors should be considered.
- Suggests the Board of Directors visit the site and experience for themselves the level of noise on the trails, in the neighborhood, and in the campground.

### **Peter Rauch**

1. Regarding the other range information provided, questioned chart and wanted to know what ranges were open to public, a municipal range, park district range, or private range.

*Response: The ranges listed in Attachment D are all public ranges. The municipal ranges are the Field Sports County Park range owned by Santa Clara County and Laguna Seca Rifle & Pistol Range owned by Monterey County. The list was provided to show alternatives for users of the Chabot range.*

2. Why is the District providing this type of service as opposed to a private commercial provider?

*Response: The marksmanship range was approved as a recreational use in Anthony Chabot Regional Park in a lease agreement in 1962 and further identified as a site use in the Land Use Plan adopted in 1984.*

3. What services are provided?

*Response: The Chabot Gun Club provides operations, management, and security of the gun range. Provides security and safety classes, public use firing lines, law enforcement practice training, and private group range rentals.*

4. Why does District provide this service?

*Response: The District leases this facility per Board approved recreational use.*

5. Why weren't the patterns of sounds addressed?

*Response: The purpose of the 2015 Noise Study was to compare the current noise levels of the two previous studies and for developing and evaluating potential noise abatement approaches.*

6. The City of Oakland has two ordinances related to nuisance noise – one does not address nuisance but more of an “annoyance level” rather than measure of decibel level. Why was the annoyance level not studied?

*Response: The level of annoyance is subjective and had no bearing on the noise abatement approach.*

7. What are EBRPD Ord. 38 restrictions on noise?

*Response: Please refer to EBRPD Ord. 38 Section 908 as follow.*

## SECTION 908. DECLARATION OF NOISE POLICY.

It is hereby declared to be the policy of the District to prohibit unnecessary, excessive, annoying noises from all sources subject to its police power. At certain levels, noises are detrimental to the health and welfare of East Bay Regional Park District users, and it is in the public interest to systematically prescribe such noises.

### Comment:

Regarding best management practices (BMPs), suggest looking at District practices – 2009 process and regulations, address the problem, and look at your own method of adaptive management.

**ATTACHMENT J**  
**September 28, 2015 Park Advisory Committee**  
**Committee and Public Comments**

**Committee comments:**

**Gun range users and budget sections**

1. Revenue received and percent of gun range budget (revenue) from law enforcement/military organization users (LE).

Year	2010	2011	2012	2013	2014	Jan – Aug 2015
LE Range Rental	61,989	71,541	82,388	93,371	88,616	54,883
Gun Range Revenue	560,915	661,743	810,693	890,427	814,316	573,027
Percent of Revenue	11.05%	10.81%	10.16%	10.49%	10.88%	9.58%

2. In addition to public ranges, identify private ranges within 100 mile radius currently available for use by local, state and federal law enforcement officers, e.g. San Quentin, Chevron Richmond.

*Response: Incomplete, continued research in progress.*

3. Number of gun range members. *Response: 903 memberships as of 09/24/15*

4. Total expenses that District has incurred to administrate gun club concession agreement over the past two year (staff time, study consultants, etc.)

*Response: Agreement administration is included as part of staff's general responsibilities. Consultant cost for Sound Mitigation study and Environmental Compliance are \$145,860. Stormwater permit and sampling fees were \$4,514.*

5. Full annual District costs to be incurred if lease is renewed, including staff payroll, health and retirement benefits, annualized costs of CEQA compliance for lease renewal, facility repair & maintenance, removal of lead from berms, noise mitigation, stormwater compliance, etc. Show revenues and costs with and without use of lead ammunition.

*Response: See attached chart of Operational Cost Plans. Additional personnel and revenue detail provided below.*

Category	Annual Low Cost	Annual High Cost	Total Low Cost	Total High Cost
Personnel	0	0	41,360	41,360
District Revenue 40% decrease w/surcharge (lead ammunition)	33,000	52,200	33,000	52,200

Category	Annual Low Cost	Annual High Cost	Total Low Cost	Total High Cost
Personnel	0	0	41,360	41,360
District Revenue 60% decrease w/surcharge (non-lead ammunition)	26,400	41,760	26,400	41,760

6. Express the above full District costs as a percent of gun club revenues, and also for a scenario considering effects of requiring non-lead ammunition on gun range revenues.
7. *Response: District costs would depend on operating period and other factors to be determined in the future.* Number of District staff hires and costs required to monitor, maintain and support the gun range.

Position	Average Hours per year	Cost
Park Supervisor	48	2,959
Park Unit Manager	48	4,008
Park Ranger II	60	2,704
Park Craft Specialist	84	4,193
Water Utilities Maintenance Supervisor	24	1,559
Sanitation Driver	108	5,447
Water Management Supervisor	104	7,154
Water Management Tech	41.6	2,263
Chief Stewardship	104	9,550
Ops Business Services	25	1,523
Total	646.6	41,360

Reports environmental compliance section

8. Clarify that the District is the holder / responsible party under the State Water Board's storm water general permit and ultimately responsible for compliance, cleanup and remediation.  
  
*Response: East Bay Regional Park District is the permit holder.*
9. State and Federal grant funding that likely would need to be available to offset the District's costs for environmental compliance, cleanup, and/or remediation at the gun range.  
  
*Response: Incomplete, research in progress.*
10. Other than lead, could there be other environmental issues that are not known at this point until further environmental study, such as Polycyclic Aromatic Hydrocarbons (PAH's) from the range use of clay pigeons.

*Response: There are not sufficient numbers exposed at this time. Need further investigation and will be included in the remediation plan for the range.*

11. With regard to the reference of the use of non-lead ammunition, it should be noted that copper is a regulated material by the State Water Board, and could become an issue in its use as well.

*Response: Comment noted.*

### Report Summary

12. Further analysis is suggested to present the different cost implications and the financial feasibility and impact on the District in continuing to operate the range for less than two years, ten years, or for complete closure. In addition to providing estimated total costs for each operation/cleanup scenario, the analysis should include all District costs on an annualized basis, including staff time and consultants that may be required due to increased regulatory compliance.

*Response: Summary chart of Operational Cost Plans provided in **Attachment I**. Future cost of consultants to be determined.*

13. In addition, the analysis should include the two years or less and ten year options, the implications of the use of non-lead ammunition, and how it could affect use of the range and financial feasibility. It is appropriate to continue to present estimated capital and cleanup costs as a *range* of costs, since much is yet unknown. The estimated costs should be organized into a clear summary and total for each scenario under consideration (as was done for the Facilities costs), i.e.:

*Response: Refer to summary chart of Operational Cost Plans provided.*

Report format: Include a vicinity map showing the gun range in relation to other park facilities and residences

*Response: A map will be included, **ATTACHMENT A***