

**SUBJECT: FIRING RANGE LEASING
POLICY**



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Approval: **Original Signed by W. David Ferguson,**
Deputy Minister, July 7, 2003

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1.0 PURPOSE

The purpose of this policy is to establish standards and criteria for:

- reviewing and approving new firing range lease applications on Crown land; and
 - reviewing and approving lease renewal applications for existing firing ranges.
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2.0 BACKGROUND

2.1 Recent Developments

In 1995, a new Federal *Firearms Act* was introduced to address risk management concerns associated with the use and ownership of firearms in Canada and with the establishment and operation of firing ranges and gun clubs.

Phased implementation of the *Firearms Act* in New Brunswick began in 1999 with the Federal Department of Justice entering into an agreement with the Province to transfer administrative and regulatory authority for firing ranges and shooting clubs to the Dept. of Public Safety. One of the first tasks undertaken by the Dept. of Public Safety under its new role was to develop and adopt firing range design and construction standards for New Brunswick. These standards are modeled after the Federal design guidelines and reflect New Brunswick's concerns.

In 2001, the Dept. of Public Safety undertook a province-wide inspection of firing ranges using these standards. An array of improvements was identified at that time and firing range operators were given until December 31, 2002 to comply with the new standards.

Also in 2001, the Department of Natural Resources (DNR) placed a moratorium on leasing Crown land for new firing ranges. This was done so that DNR could review its leasing policy and procedures for firing ranges. It also gave the Dept. of Public Safety time to complete inspections of existing firing ranges on Crown land prior to spending time on new firing ranges.

2.2 Need For Firing ranges

Properly designed, constructed and operated firing range facilities are essential to continued public safety at ranges. This is especially important with hunting and recreational shooting being significant outdoor activities in New Brunswick. Firing ranges serve a variety of functions, including:

- hunter education;
- firearm safety training;
- training and firearm qualifications;
- general target practicing;
- sighting-in firearms;
- shooting competitions; and
- outdoor recreation.

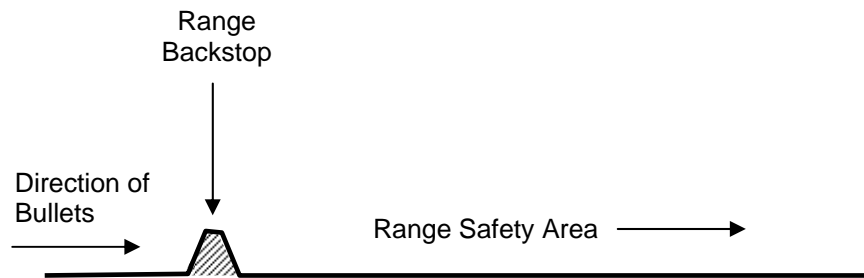
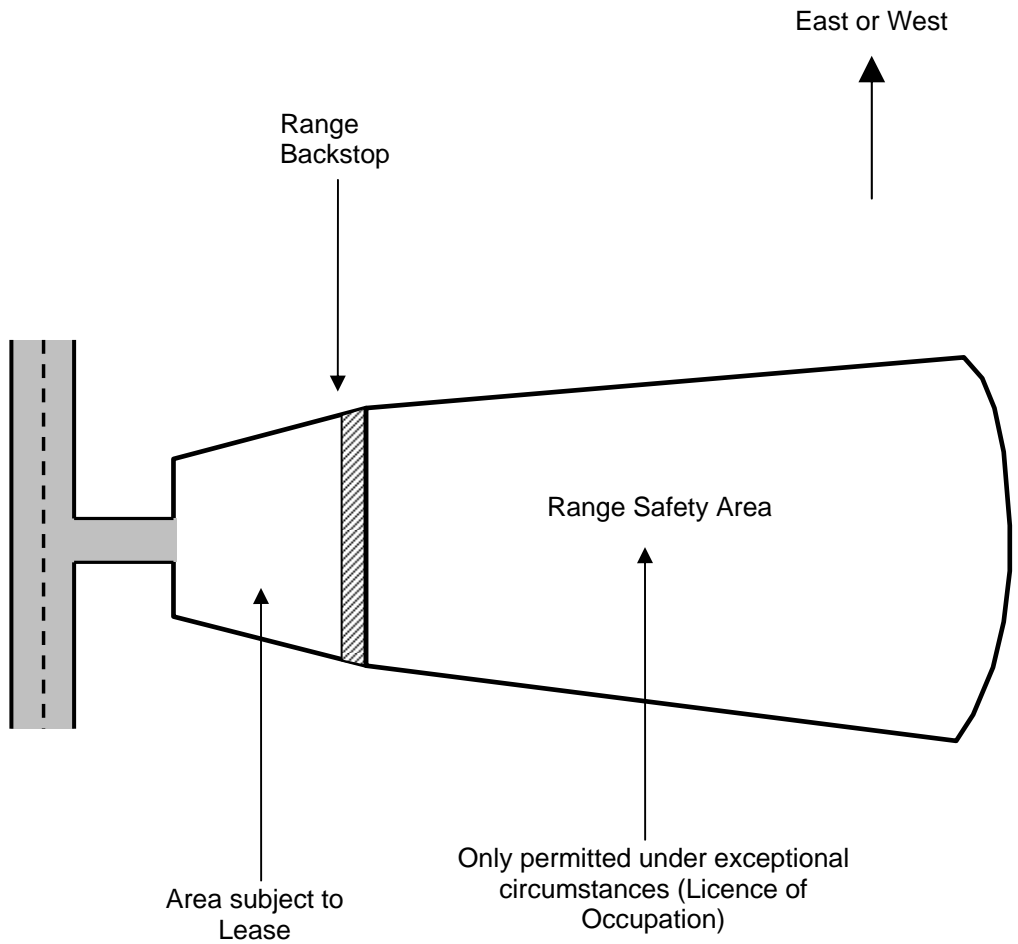
Suitable locations for firing ranges are more readily found on Crown lands than on freehold lands due to the need to locate ranges away from developed areas.

3.0 EXAMPLE OF A FIRING RANGE

3.1 Sample Firing range Layout

Outdoor firing ranges can be designed in two ways. One design, as shown on the next page, is a range consisting of two areas, including the developed part of the range from where firearms are discharged at a backstop and the range safety area where bullets that overshoot the range backstop land. A second type of outdoor range is one that does not require a range safety area. This type of range would have an extra high backstop and shall be the type of range design required for Crown land leases.

FIRING RANGE SCHEMATIC



Side Profile of Firing range

4.0 POLICY STATEMENTS

4.1 Objective The objective of this policy is to minimize land use conflicts and public safety risks associated with firing ranges on Crown land.

4.2 Policy Statements

- Crown land may be leased for firing ranges provided that there are no other ranges within the area that can meet the demand. In this regard, Crown land will not be leased for a firing range if there is another firing range on Crown land or freehold land of the type proposed within 40 km of the intended site unless it can be demonstrated that existing ranges in the area cannot meet the demand.
- Firing ranges on Crown land must comply with all standards and regulations that are administered by the Dept. of Public Safety.
- Where standards differ between this policy and those administered by the Dept. of Public Safety, the more stringent standards shall apply.
- All existing and proposed firing ranges on Crown land must meet the Dept. of Public Safety standards for range backstops such that a range safety area is not needed. Exceptions to this may be made if an applicant can demonstrate that constructing the proper backstop is not feasible, and that establishing a range safety area will not compromise public safety on lands that would be needed for the range safety area.
- Authorization for firing ranges on Crown land shall be via a lease for the firing range portion, and via a license of occupation for the range safety area.
- Crown land may be leased for firing ranges only to Clubs whose membership is open to the general public.

**4.2 Policy
Statements
Cont'd**

- Crown land shall not be available for a range safety area if a firing range is proposed on freehold and Crown land is required for the range safety area.
- If a firing range is proposed on Crown land and adjacent freehold is required for the range safety area, the applicant must provide DNR with written consent from the affected landowner(s) stating that such use is authorized on his or her land for the lease duration before a lease will be considered.

5.0 RANGE LOCATION CRITERIA

**5.1 Setbacks
From Other
Uses**

In addition to firing range standards administered by the Dept. of Public Safety, the following minimum separation distances shall be required between firing ranges on Crown land and land uses that would be sensitive to gunshot noise:

- 1 kilometer from schools, residences, camps, hospitals, parks, playgrounds, churches and other institutions, and known habitat of rare, threatened or endangered animal species;
- 1 kilometer from undeveloped lands that are designated in a plan approved under the *Community Planning Act* for the above purposes or on Crown lands designated by DNR for camps and public use areas;
- 500 meters from national wildlife refuges, migratory bird sanctuaries, protected natural areas designated under legislation, deer wintering areas, recreational trails, shopping centers and industrial areas.

The above setbacks apply only to new ranges and not to firing ranges in existence at the time this policy came into effect. They do not apply to lease renewals for pre-existing ranges.

5.2 Areas to be Avoided

In addition to the foregoing, the leased area for firing ranges shall not contain:

- floodplains;
 - lakes, rivers, wetlands or other waterbodies;
 - lands that will be needed for resource extraction or development over the next 10 years;
 - an operational aggregate quarry or mine site;
 - rare, threatened or endangered plant species;
 - archaeologically and culturally significant areas;
 - well-field and groundwater protection areas that are designated or proposed for designation under the *Clean Water Act*; or
 - lands within 75 meters of the shore of watercourses located in Municipal Water Supply Watersheds as designated under the *Clean Water Act*.
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6.0 SITE DEVELOPMENT REQUIREMENTS

6.1 Parking

Sufficient on-site parking must be provided at a range to meet the existing and future needs of shooters and visitors.

Parking requirements shall be calculated on the basis of the average number of shooters and visitors that would be at the range at any one time.

The range access road, a timber haul road, a service road, or a public highway cannot be used to substitute for parking areas.

Parking areas do not have to be paved but may be graveled or grass covered.

6.2 Toilet Facilities

Toilet facilities must be provided, with an outhouse being the minimum requirement. Facilities must comply with all health and environmental regulations.

6.3 Accessory Buildings Accessory buildings may be permitted at a firing range provided they are used for purposes incidental to the firing range such as:

- firearm safety training;
- hunter education;
- fundraising and social activities that support the Shooting Club; and
- sale of items for the convenience of range users, such as snack foods.

6.4 Alcoholic Beverages Alcoholic beverages are not to be sold or consumed at firing ranges.

6.5 Direction of Fire The direction of fire and orientation of ranges approved after this policy came into effect must be north-south and must not be toward a public highway, road, trail, developed area or public use area.

6.6 Fencing The lessee shall be responsible for the installation, inspection, maintenance and repair of fencing if DNR or the Dept. of Public Safety deems that this is necessary at a particular firing range for public safety reasons.

6.7 Site Plan A comprehensive site plan must accompany the lease application for a proposed firing range. At a minimum, this plan shall show the following:

- range layout, total land area, location plan;
- to scale dimensions for every component of the development;
- location and dimensions of firing line and range backstop;
- existing and proposed land uses within and adjacent to the proposed firing range, including roads, trails, etc.;
- location and condition of proposed access road;
- specifics on any access road upgrading or construction that may be required;
- the location, intended use and size of all accessory buildings to be established at the range, e.g. a clubhouse, storage building;
- the location and type of toilet facilities proposed;
- details on how surface water runoff is to be handled;
- the location and number of proposed parking spaces;
- type, size and location of any proposed fencing/berms; and
- type, size and location of signage and gating.

The site plan does not have to be prepared by a professional but should accurately depict what is being proposed. Boundary lines do not have to be surveyed in order to submit a site plan. Once a site plan is approved, it shall form part of the lease terms and conditions.

7.0 OPERATIONAL REQUIREMENTS

7.1 Cutting Permits A cutting permit must be obtained by the lessee before any trees are harvested from a site and the requirements of policy TM-002, *Issuing of Permits Under Section 56 of the Crown Lands and Forests Act*, must be met.

7.2 Storage of Firearms Firearms and ammunition are not to be stored at a firing range when the range is not in use.

7.3 Range Closure - Forest Fires A firing range operator shall shut down range operations if DNR deems that this is necessary for safety in fighting a forest fire that is in the vicinity of a firing range.

8.0 Range Safety Areas (RSA)

8.1 RSA Evaluation Criteria

All Crown land sites being leased for firing ranges will have a backstop of sufficient size to eliminate the need for a Range Safety Area. In the event that an exception to this requirement is imperative, the RSA must meet the following criteria:

- there are no leases, licenses of occupation, agreements or other Crown land commitments, other than Crown Timber Licenses;
- there are no applications under consideration for leases, licenses of occupation, agreements, and/or other commitments;
- there are no utility corridors, airstrips or aircraft landing flight paths;
- there are no roads that cannot readily be closed off to through traffic; and
- there are no lakes, rivers, wetlands, National Wildlife Refuges, Migratory Bird Sanctuaries, Protected Natural Areas, habitat of rare, threatened or endangered animal species, deer wintering areas or other significant wildlife areas.

8.2 Other Uses of RSAs

Those who hold rights to Crown land that may be affected by a Range Safety Area shall notify the Regional Director responsible for the area where the range is situated, should they wish to exercise their rights. The notice shall be provided at least five weeks in advance of the rights holder wanting to exercise his or her rights. Rights holders shall be notified of this in writing if a range safety area is approved.

Where DNR has been notified that a rights holder wishes to exercise his or her rights within the RSA, DNR shall give the range lessee at least three weeks notice to temporarily close the range, to limit the hours of operation and/or to restrict activities occurring on the range.

9.0 ARCHERY RANGES

9.1 General Requirements Authorization to establish an Archery Range on Crown land may be issued to an incorporated Archery Club provided that:

- range design and construction standards meet the Dept. of Public Safety's standards for handgun ranges without an RSA;
- the proposal conforms to the site development requirements as identified in Section 6;
- the direction of fire is in a north/south orientation;
- the firing line is directed away from roads, residences, public spaces and any other places that may be used by the public; and
- there is no potential for endangering public safety involving adjacent land uses.

9.2 Archery at Gun Ranges Archery may occur on gun ranges given that standards for handgun, shotgun and rifle ranges are generally recognized as surpassing the requirements for an archery range.

Discharging guns shall be prohibited at ranges that are approved only for archery.

9.3 3-D Archery Ranges Three dimensional archery facilities are not considered an archery range in the context of this policy. Special approval would have to be obtained to establish this type of facility on Crown land.

9.4 Additional Backstop An archery club may choose to provide supplementary materials in front of the range backstop to catch arrows, e.g. 10 test fabric, foam, hay or straw bales. If hay or straw bales are used, these must be placed several meters away from forest vegetation to minimize a fire hazard.

10.0 SURVEYS and REGISTRATION

10.1 Boundary Line Surveys The lessee shall be responsible for having a boundary line survey of a proposed firing range site undertaken once all required approvals have been obtained. This must be done prior to the issuance of a lease. This survey shall be:

- prepared by a registered New Brunswick Land Surveyor; and
- submitted to, approved and recorded by the Crown Lands Branch;

Where required by DNR, the survey shall be:

- in compliance with land subdivision requirements of the *Community Planning Act* unless it is exempted;
- approved for registration by a Development Officer; and
- registered under the *Land Titles Act* within three weeks of the lease being issued.

10.2 RSA Boundary Line Surveys The lessee shall be responsible for ensuring that a plan of survey is prepared for a Range Safety Area (RSA) and that this area is marked on the ground. This plan must be prepared by a registered N.B. land surveyor but does not have to be registered at a N.B. Registry office.

10.3 Boundary Line Maintenance The lessee shall be responsible for boundary line maintenance and shall ensure that:

- this is undertaken annually; and
 - survey pins and other boundary line evidence are not disturbed or altered when undertaking boundary line maintenance and inspections.
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11.0 SIGNAGE

11.0 Sign Maintenance - Inspections

The lessee shall:

- comply with all Dept. of Public Safety signage requirements for firing ranges and, where applicable, for RSAs; and
 - undertake sign inspections and, where necessary, undertake sign maintenance and sign replacements to the Dept. of Public Safety's satisfaction.
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12.0 PUBLIC NOTIFICATION

12.1 Public Input & Consultations

DNR shall undertake, at the applicant's expense, public notification and consultation with respect to proposed new gun firing ranges. This shall include:

- placing two notifications over a three week period in a French and English newspaper that serves the area in which a firing range is being proposed. The notification shall:
 - show the location of the proposed range;
 - indicate that comments are to be forwarded to the Crown Lands Branch; and
 - identify a deadline for submitting comments.
 - sending a letter to adjacent landowners within a one kilometer distance of the site on which a firing range is being proposed (including the range safety area) and inviting them to respond back with any comments and concerns to the Crown Lands Branch.
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12.2 Public Hearings

If major legitimate objections exist and the applicant still wishes to pursue the establishment of the firing range, DNR may hold a public hearing at the applicant's expense to assist in making a decision on whether or not to issue authorization. Public hearings are not required for lease renewals or lease transfers.

12.3 Confidentiality

The names of individuals who have concerns with a firing range proposal shall be kept confidential, although DNR may share with an applicant the concerns that were identified.

13.0 LEASE RENEWALS & TRANSFERS

13.1 Lease Renewals

DNR may renew leases for firing ranges provided that:

- all Dept. of Public Safety range design, construction and operational standards are met;
- all fees have been paid; and
- there are no major legitimate public objections or complaints.

If legitimate public complaints have been made against an existing firing range, the lessee may be required to address these. If this proves unsuccessful, a lease renewal may not be approved.

Ranges existing at the time of the adoption of this policy will not have to comply with location criteria identified in Section 5 and subsections 6.5 and 6.7, provided that no legitimate public complaints or objections have been made about the firing range.

Nuisance complaints that come from people who have commenced to use lands near a firing range after the range was established will not be considered as major legitimate complaints.

13.2 Lease Transfers

Leases for firing ranges may be transferred provided that:

- the firing range is being transferred to an incorporated shooting club;
- the firing range is already developed and complies with Dept. of Public Safety firing range standards and regulations; and
- the new lessee agrees to abide by the lease terms and conditions.

14.0 USE OF RANGES BY OTHERS

14.1 DNR, RCMP, DPS & Public

Private firing ranges located on Crown land shall be made available, on a fee for service basis, to DNR, the RCMP and the Dept. of Public Safety for safety training and firearm qualifications at mutually agreed-upon times.

Lessees must make their firing ranges available to the general public at times acceptable to the Club holding the lease, on a first come first served basis, and may set and charge a fee for use of their facilities.

Lessees can require those responsible for damage done to their range to pay for all applicable site rehabilitation costs.

Lessees may prohibit anyone from entering and using their range if they refuse to:

- follow range rules and procedures;
 - pay the required user fee; or
 - pay for any damage that they may have caused to the range in the past.
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15.0 INSURANCE

15.1 Liability Insurance The lessee must carry liability insurance in the amount of \$2,000,000.00 per incident.

“Her Majesty the Queen in Right of the Province of New Brunswick” must be named as an “additional-insured” in the policy.

A copy of the insurance policy must be forwarded to DNR and a certificate of insurance must be provided every year.

16.0 LEASE CANCELLATIONS

16.1 Lease May Be Cancelled A lease may be cancelled within 30 days of the lessee and/or range operator being notified about failure to comply with:

- any provision of N.B. Regulation 89-32, a *Leasing Regulation* under the *Crown Lands and Forests Act*;
- any term and condition set out in the lease agreement;
- any term and condition set out in the license of occupation;
- Dept. of Public Safety firing range requirements; and
- Standards for the safe operation of the range

An extension to the 30 day time limit may be granted if major work is required that will take longer. However, range operations must cease until this work is satisfactorily completed.

The Dept. of Public Safety shall inform DNR if any firing ranges on Crown land do not meet design, construction, operational or safety standards. Those who fail to meet the standards shall be required to cease operations until deficiencies are corrected.

17.0 APPLICATION

17.1 Policy Application

This policy applies to:

- new leases for handgun, shotgun, rifle, and archery ranges;
 - lease renewals and any other agreements that apply to existing firing ranges except for sections 5 and subsections 6.5 and 6.7; and,
 - licenses of occupation for range safety areas.
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18.0 AUTHORITY FOR POLICY

The [Crown Lands and Forests Act](#) provides that:

Section 23

The Minister may lease Crown lands.

Section 24(1)

A lease of Crown lands shall

- not exceed 10 years unless otherwise prescribed by regulation;
 - be at a rental rate established in regulation;
 - be subject to terms and conditions as deemed reasonable;
 - be assignable with the Minister’s consent;
 - permit the lessee to sublet with the Minister’s consent; and
 - be subject to cancellation if the Minister deems this necessary.
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Section 24(3)

A lease of Crown land may be renewed for a period equal to the original period if the same terms and conditions apply.

Regulation 89-32 The [*Leasing Regulation – Crown Lands and Forests Act*](#) identifies that recreational leases can be issued on Crown land and lists the rental fees and terms and conditions that apply to leases.

19.0 SELECTED REFERENCES

- *Standards For the Design and Construction of Shooting Ranges in New Brunswick*, Dept. of Public Safety, June 2001.
 - Firearms Act, *Statutes of Canada 1995*, c. 39.
 - Shooting Clubs and Shooting Ranges Regulations – Firearms Act, *Consolidated Index of Statutory Instruments 1998*, c. 212.
 - *Shooting Ranges and Sound*, John Swallow Associates Limited for the Canadian Firearms Centre of the Federal Department of Justice, March 1999.
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20.0 INQUIRIES

20.1 Written Inquiries Inquiries concerning this policy may be made in writing to:
Director, Crown Lands Branch or Manager of Upland and Planning Section
Department of Natural Resources
P.O. Box 6000
Fredericton, N.B. E3B 5H1

20.2 Phone Inquiries Inquiries may be made by phone by calling the Land Use Application Service Centre at 1-888-312-5600.
