

The Proposed Frailey Mountain Shooting Range
A Chronological History
By Dennis Katte

- Jan. 1996: DEIS for Coyote Ridge Shooting Range at Lake McMurray published. After public outcry from neighbors, in particular Camp Brotherhood, the County planners with the assistance of the SSTA moved up the Lake Cavanaugh Road and located the “Bald Mountain” site across the road from the Frailey Mountain site. The search focus was for a location large enough for world class shooting range and isolated from people. (SDEIS page 26)
- June 1996: SSTA conducts noise test at Bald Mountain proposed site. SSTA representatives present the concept of a shooting range to the Lake Cavanaugh Improvement Association.
- Summer 1996 Bald Mountain site abandoned because of wetland issues. County planners and SSTA advisors move across the Lake Cavanaugh road to the present Frailey Mountain site—located adjacent to (1) the Lake Cavanaugh Road and (2) the Pilchuck Creek, a tributary of the Stillaquamish River. The FMSR site is located in a temperate rain forest with annual rainfall of 132 inches during the past year. (*Attachment 1*)
- Sept. 1996 County passes Ordinance 16291 mandated by WWGMHB Case 95-2-0075 which stated Ordinance 15841 was not in compliance with requirements of GMA. The very design of the FMSR was made non compliant with the adoption of 16291. The county makes no mention of this ordinance in any of the future hearings, and avoids answering direct queries relating to codes in EIS hearings by stating that land use issues are not in the scope of the EIS hearings. Discovery of this “secreted” ordinance was made by CSPC in 2002.***
- Paramount in this ordinance is the fact that it was adopted prior to the county applying for permit applications PL97-0205,6, and 7 thereby rendering the planned range noncompliant and illegal under the counties’ own laws!***
- Dec. 1996 County issues Supplemental Draft Environmental Impact Statement (SDEIS) proposing the Coyote Ridge Shooting Range and the Frailey Mountain Shooting Range as alternatives, but with a preference for FMSR because of noise complaints from Lake McMurray property owners, particularly Camp Brotherhood.
- Dec. 1996: Meeting at Big Lake School. Skagit County Planning Dept. consultant presents to Lake Cavanaugh and Finn Settlement residents. Over 200 show up on the Saturday after Christmas. Speaker after speaker denounce the proposal on grounds of environment, safety, and property values degradation.

- Spring. 1997 Representatives of Lake Cavanaugh and Finn Settlement meet with each of the Commissioners to ask how the FMSR is to be funded and how the safety/environmental concerns can be met. The responses are to the effect “We’ll worry about that after the permits are obtained.” “The Shooting Range will be built with volunteer labor.” “We’ll just run an old railroad flatbed across Pilchuck Creek and use it as a bridge.”
- May 1997: The County Planning Department publishes the Final EIS for FMSR, eliminating the Coyote Ridge Site because of noise considerations. Skagit County Parks and Recreation files land use applications to allow construction and operation for FMSR. “After obtaining development permits, Skagit County would enter into a contract with a private entity to develop and operate the facility as a County concession...[T]he County may contract development and operation of the range to the SSTA, a non-profit organization formed to develop and operate the proposed range as a concession....**Actual development costs for the shooting range are unknown at this time and cannot be evaluated until final site planning and engineering are complete.**” (*Attachment 1, p. 28*)
- July 1997: The first of three hearings on the Final EIS before the Skagit County Hearing Examiner. Skagit Valley Herald editorializes in favor of the FMSR on the condition that no County funds are used to develop and operate the Shooting Range.
- Fall 1997: Skagit County Hearing Examiner approves FMSR EIS with conditions. CSPC appeals Hearing Examiner's decision to the County Commissioners. Commissioners deny appeal without comment. CSPC files lawsuit in Snohomish County Superior Court to review the matter.
- Fall 1997 Snohomish County holds three public meetings to discuss the top two recommended sites for a Snohomish County Shooting Range. Unlike Skagit County, it was recognized at the outset of the original Snohomish County (shooting range) Feasibility Study in 1994 that costs were important—whether the project was Snohomish County funded and operated or developed by private concessionaires. Conducting a detailed feasibility and needs study also follows the National Rifle Association Range Manual (1998 edition) recommendations to any range planner to make a comprehensive cost analysis and adopt a sound funding program. The NRA Range Manual states, “Cost estimates [are] one of the most important parts of the project.”
- Jan. 1998 County Resolution 16825 authorizes RFPs for development and operations of the Frailey Mountain Firearms Range, stating in pertinent part, “Cost of the design, building permits, access, construction, and operations shall be at the developer’s expense.” In SVH article dated 1-9-98, Jon Aarstad, then director of the Parks and Recreation Department states “there is yet no cost estimate.”

- Feb. 1998 The Skagit Sportsmen and Training Association (SSTA) submit the only response to the County's RFP. The SSTA's proposal is understandably vague on the promises and details. For example, "All construction will utilize the NRA best practices and recommendations. Structural drawings for any structures as budgets allow. The SSTA proposes the following sequence of development if supported by survey of topography: Phase 1 Development of access road and bridge to range site. All construction is contingent upon available funding and other factors which may be unforeseen at this time."
- The SSTA response also requests waiver of the County requirement for that the FMSR developer carry \$3 million in liability coverage, no aggregate limit and \$5 million environmental coverage. According to the County, general liability coverage is available for \$2238 to \$3100 annually. The SSTA says that with only 150 members it can only afford \$1 million broad coverage costing \$1150.00 "once operations commence." The \$3 million coverage "appears to be far beyond the levels of monetary ability for a non-profit gun club to afford." The SSTA urges that the County fund the premiums beyond the \$1 million coverage.
- Feb. 1998 Letter from Parks Department to SSTA telling SSTA that insurance issue not subject to alteration. The letter goes on, "All other facets of your proposal were acceptable and would result in commencing the contract negotiations for the operations and development of the FMSR once reconveyance of the land occurs."
- Feb. 1998 Snohomish County publishes its 1998 Addendum and Final Report, recommending a 400 acre Sultan Basin Road site. The Cost Estimate is \$4,322,000 for the design and development of the site virtually identical in size to the proposed FMSR.
- Spring 1998 CSPC appeals to the Washington State Shorelines Hearing Board (SHB) based on the inadequacy of the EIS and environmental/safety deficiencies. The County decides to put FMSR project on hold until appeal is resolved.
- Nov.1998 Five days of hearings start before the Shorelines Hearing Board in Mount Vernon and Lacey, Washington..
- March 1999 SHB issues ruling in favor of CSPC appeal, invalidating the permits and sending the project back to the County planners for a supplemental EIS and studies. SHB concludes that the EIS did not adequately address prevention of stray bullets and the safe use of LC road and Pilchuck Creek. SHB also ruled that there needed to be site plans for the access bridge across the Pilchuck. (*Attachment 4*)
- April 1999: County Commissioners approve \$30 thousand for FMSR Site Survey to include proposed road and bridge to the site.

May 1999 The FMSR Site Survey expands the Project from 273 acres to approximately 400 acres of timberland lost for revenue purposes.

Summer 1999 CSPC Board Members meet with David Fair, newly appointed Parks & Recreation Director, to brief him on the facts underlying the opposition to FMSR. Representative members of CSPC Board also meet with SSTA to propose enlarging the Plantation Firearms Range near the Whatcom-Skagit Counties border to accommodate shootists from both Counties. This follows a meeting with the range director of Plantation, who enthusiastically endorsed the potential for a land trade with an adjacent property owner to provide the necessary acreage for an expansion. The SSTA rejects this proposed alternative out of hand.

October 1999 CSPC sends letter to David Fair with copies to the Commissioners. The letter opposes the proposed \$60 thousand preliminarily budgeted for 2000 for land acquisition and consultancy fees. CSPC criticizes the County for never conducting a feasibility and needs study for the project promising to take \$98,000 annually out of timber production. CSPC attaches documentation itemizing that \$162,596.21 in hard costs had been spent by the County on this project through 1998. (*Attachment 5*) CSPC observes that this is the classic “shoot first and aim second” strategy criticized by the SHB in its evaluation of the adequacy of the original process. CSPC recommends that the Parks Department go back to Square One in evaluating the costs and benefits of this project.

Dec. 1999 \$30 thousand approved for land transfer and survey work in the 2000 County budget.

Nov. 2000: Skagit County Parks Dept. is allocated \$25 thousand in the 2001 County Budget for additional survey and environmental assessment costs.

Status **Over \$200 thousand has been spent to date by the County. No demand, feasibility, or cost study has ever been prepared despite the fact that the FMSR project is almost five years old, The Survey is incomplete. Land has not been reconveyed to the County. Supplemental Draft EIS has not been prepared addressing SHB requirements... SSTA remains a 150 member organization with no funds or resources to design, develop or operate a multi-million dollar shooting range. No other sponsor for the proposed FMSR has been identified—much less a sponsor willing to invest \$4.2 million in an outdoor range located in a temperate rain forest (132 inches per year) with obvious environmental and safety concerns. Further, any State IAC Grants are reportedly limited to \$50 thousand per applicant and are only made on a matching basis for development costs exclusive of road and bridge costs.**
CSPC remains unalterably opposed to the project but is open to participating in a process to determine the need, the cost, and the feasibility of additional recreational shooting facilities in Skagit or adjacent counties.

Footnote: This was written late 2000 and prior to additional \$5400 expended in 2001 for survey requirements and untold legal expenses connected with Public Hearing(s) scheduled November 2001 subsequently cancelled through Skagit County Hearing Examiner ruling. It was given to Commissioner Dahlstedt prior to his taking office.

- October 2001 Hearing Examiner schedules public hearing to review adequacy of additional detail required by the Shoreline Hearings Board SHB No. 98-004 relating to Shoreline Substantial Development/Variance permit PL 97-0206 together with appropriate review of the potential safety impacts from operation of the range. Acreage jumps from 273 to 400.
- CSPC attorney Eustis submits that all other issues and permits PL 97-0207 Critical area variance, PL 97-0205 Special Use permit must also be heard.
- Nov. 2001 Hearing scheduled to consider if the supplemental EIS the SHB required of Skagit County addresses satisfactorily safety, bridge, land contour and fill, building dimension, fill quality and source issues (**attachment 6**). This hearing is later cancelled after telephone conference between parties.
- July 2002 Parks Department files motion to set public hearing stating that previously issued and remanded permits had not been invalidated and were vested.
- Aug. 2002 Hearing Examiner issues scheduling order and initiates telephone conference between CSPC attorney Eustis, Skagit County attorney Reilly and himself. Skagit County is to respond to SHB issues by 9-6-02 with subsequent phone conference to be held 9-18-02
- CSPC attorney Eustis submits to HE that an evidentiary hearing for the FMSR should not be set and that the use as a range is not permitted at the proposed site, and that the proposal is not grandfathered or vested to laws in effect at time of application (**attachment 7**).
- Sept. 2002 Hearing Examiner decision published. (**attachment 8**) He states (in part) that the range as proposed could not be allowed because it does not meet current industrial forest land uses because the proposed indoor range, clubhouse, range masters facility, and caretakers house are not allowed
1. The Special use Permit application is denied
 2. The Citizens' motion to terminate review is granted.
 3. The motion to set the public hearing is denied. “
- Oct. 2002 Skagit County attorney Paul Reilly on behalf of Parks Department files an appeal and requests a hearing with the BOCC. Appeal is filed on behalf of the Parks and Recreation Department.

- Nov. 2002 The hearing is scheduled for 9 am, Wednesday, November 20, 2002 and will be a “closed” hearing with no public testimony or comment permitted.
- Nov. 2002 County Commissioners announce they have overruled the Hearing Examiner decision.
- Feb. 2003 CSPC presents motion to Hearing Examiner that special use permit PL 97-0206 be denied on grounds that the proposal is not a permissible use under the zoning that was in effect on the site on the claimed date of application completeness of May 22, 1997.
- Mar. 2003 Hearing Examiner denies motion and states hearing will proceed as per pre-hearing order.
- April 2003 Hearing scheduled to determine if the addenda to the FEIS done by Skagit County in September 2001 meets requirements, and, basically, reschedules hearing of October, 2001. This hearing was cancelled with no reschedule date.
- Skagit County cancels hearing regarding PL 97-0205, 0206, and 0207.
- August 2003 CSPC speaks before DNR board meeting in Mt. Vernon and presents portfolio to each board member documenting why reconveyance should not be approved when the county submits its request.
- October 2003 County sends DNR their request to reconvey 400 acres from DNR management back to the county for the range along with \$5,000 fee and various paperwork but fails to include Ordinance 16291 passed 9-17-96 which disallows the range as proposed, in violation of their own codes.
- Mar. 2004 Skagit County Planning Dept. holds public hearing. Both CSPC and Lake Cavanaugh Improvement Association speak in opposition to the range and request its removal from the comprehensive plan.
- May 2004 County adopts Ordinance 020040007 adopting Parks Department comprehensive plan which includes the shooting range. This allows CSPC to petition WWGMHB since Parks plan now violates the GMA relative to the indoor gun range.
- June 2004 CSPC and LCIA file Petition for Review with WWGMHB since the county’s comprehensive plan violates GMA.
- August 2004 Hearing is scheduled as Case 04-2-0011. WWGMHB later grants LCIA/CSPC motion for summary disposition of the issues and cancels October 19 hearing. No final decision reached at this time.
- Sept. 2004 County reschedules hearing on PL 97-0205, 0206, 0207 for October 25.

- Sept. 2004 WWGMHB rules county not in compliance with GMA, the range is inconsistent with mandate to conserve forest lands, is internally inconsistent with the county comprehensive plan which allows no enclosed structures, and the use is incompatible with adjacent IF lands and sets date of June 3, 2005 for compliance hearing. Case 04-2-0011.
- Oct. 2004 CSPC requests Hearing Examiner to deny special use permits. Examiner issues order denying this request.
- Hearing examiner reschedules 3 day hearing for December 2004.
- Dec. 2004-
Jan. 2005 Hearing held addressing Shorelines Hearing Board ruling mandates to address EIS adequacy regarding critical areas variance permit, shoreline development permit, and special use permit the county issued to itself (PL 97-0205, 0206, 0207). These included range safety issues, bridge location, site contours, and data for baffles, berms, buildings, excavation and fill material. County drops plans for all other buildings and changes rangemaster hut to 12' x 12' structure. They plan 24' berms, eliminated the on-site caretaker residence, part of trap/skeet range, and walk-and-shoot open muzzle loader area . Fencing to be provided around activity areas. The access road to the bridge would be 32' wide, about 1500' long, and on a 12% or less grade. Total development planned for the 400 acre site would be 80 to 85 acres. The county stated this would be the "initial" development, yet never stated that it would be the "entire" development.
- Jan. 2005 DNR writes Hearing Examiner letter stating county has not applied for easement to access site through private property and corrects county contention that camping along Pilchuck Creek is prohibited by DNR (it is not).
- SC proposes deleting two sentences from SCPR's comprehensive plan originally describing the range facilities. Deleted was the sentence "In addition to outdoor facilities an indoor facility containing pistol archery range, classrooms and law enforcement training is proposed. A campground and caretakers residence is slated on the northwest section of the parcel." SC claims this is necessary to maintain consistency.
- County schedules public hearing to correct Parks shooting range plan and bring it into compliance with GMA by removing references to indoor facilities, classrooms, residence, and campgrounds from the range plan.
- Mar. 2005 CTED Doug Peters writes county expressing concern over less than clear and concise policy language regarding conservation of forest resource lands.
- April 2005 County adopts ordinance 020050006 approving new wording in Parks comprehensive plan.

CSPC writes CTED Director Juli Wilkerson in Olympia urging their involvement in WWGMHB compliance hearing scheduled for June 5.

CSPC attorney Eustis presents brief to WWGMHB presenting documentation that SC's revised range plans still noncompliant.

- May 2005 SC Hearing Examiner Wick Dufford rules on remand hearing held December 2004/January 2005. Hearing addressed Shoreline Hearings Board ruling 90-004 mandated issues. Ruling was 22 pages, basically approved the county's revised range plan but also issuing 33 conditions and requirements. The EIS adequacy was confirmed. Sticking points, however, are the rangemasters hut and the sanitary facilities being "enclosed structures" which are prohibited in IF-NRL lands.
- June 2005 WWGMHB compliance hearing held. CSPC prepares brief requesting WWGMHB to rule the range project non-compliant with GMA and invalidate SC's amendment that would designate IF-NRL lands as the range site.
- July 2005 WWGMHB decision rendered. They interpreted the 12' x 12' hut to be allowable through the counties' code, "(k) Shooting clubs (outdoor) with no associated enclosed structures except as needed for emergency communications equipment or conversion of resource land allowed." They found the plan to be in compliance with the GMA with exception that the plan still called the project an indoor/outdoor facility. (indoor facilities by definition require enclosed structures which are not allowed).
- Aug. 2005 CSPC appeals Hearing Examiner decision to CC's in 22 page brief.
- Sept. 2005 SC passes resolution R20050428 denying CSPC's appeal and upholding the Hearing Examiner decision approving the shoreline development, critical areas variance, and special use permits PL97-0205, 0206, 0207. Signed by Munks and Dahlstedt.
- Oct. 2005 Department of Ecology writes letter to SC requiring plans/dimensions of the bridge, clearances, ordinary high water data, cross section data on access road cuts, the actual shoreline permit, fill data and requires it no later than Nov. 30, 2005 or the permit may be returned to the county.
- CSPC appeals to Snohomish County Superior Court and requests it find the SC shoreline variance application incomplete, award allowable costs and fees, order that the special use and critical areas variance is invalid, and that the HE and CC's did engage in unlawful procedure.
- April 2006 Hearing held in Everett in Snohomish County Superior Court. Audio tapes done by SC of Dec. 2004/Jan. 2005 hearings inaudible and non-recoverable by electronic means and therefore unable to be used as evidence so court ruled the

testimony had not been recorded and therefore could not rule on some requests. The court ruled that SC resolution R20050428 and the HE decision approving the permits are vacated and remanded back to the CC's and HE for re-hearing. CSPC was awarded allowable costs/fees.

- July 2006 CSPC member speaks to CC's (as an individual) in open meeting and presents documented proof of county expenditures totaling \$244,130 spent to date on the range project and estimated bridge and access road costs. Data also sent to Gary Rowe, Administrator.
- Sept. 2006 CSPC discovers SC trying to avoid high cost of new access road and bridge by using existing DNR forest road. This would negate requirement for shoreline permits. CSPC writes Fire Marshal Cain, Parks Director Bob Vaux, and Risk Manager Billie Kadrmas regarding safety, cost, and liability issues of using the Crane Creek DNR road for range access.
- Oct. 2006 SCPR Bob Vaux writes DNR Kurowski in Sedro Woolley requesting their consideration of allowing SC to use the road for range access. DNR responds with letter requiring cost benefit analysis, physical road plan with upgrades proposed to conform with county standards, and determination if FEIS supplement is required.
- As of November 20, 2007, SC has yet to respond to this request.
- Nov. 2007 Planning Commission approves Parks budget request for \$250,000 for 2008-2013. Parks Bob Vaux was sent data proving SSTA website portrays incorrect range amenities in attempt to gain range support. CSPC states he and PRAB John Semrau have a duty to contact SSTA requesting correction.
- Spring 2009 CSPC meets individually with CC's Dahlstedt, Dillon and Wesen to explore county's current position on the range since there had been no visible developments since 2006. CC's would not declare project dead but CSPC gleaned from the meeting that the range would be pushed years into the future, if indeed it ever was revived.
- April 2009 CSPC board members consider the range status in view of the economy and future multi-million dollar costs to the county for access bridge and roads and decide the project to be virtually dead. CSPC decides to donate \$5000 of their funds back to LCIA.
- May 2009 CSPC reports at LCIA meeting their opinion that the range project is virtually dead and donates \$5000 to the LCIA general budget.
- June 2009 Parks Director Bob Vaux resigns to accept position with Skagit Valley Community College. He had been a good source of information for CSPC. Later replaced by Brian Adams.

- Fall 2009 CSPC becomes aware of an indoor shooting range project planned in Burlington off I-5 just north of the Harley Davidson store by Skagit Shooting Sports, Inc. Initial plans are for it to be 18,000 square feet with 16 firing lanes and to offer classrooms and on-site sales. A public hearing has been held and a conditional use permit has been approved by the city.
- June 2018 It is currently built and in operation and allows handguns of any caliber and rifles .22 to .762 caliber. No shotguns are permitted. It's located at 1340 Bouslog Road in Burlington.
- June 2010 Meeting held with Commissioner Dillon to discuss range status. She stated that she was strongly against building a range at the current site and that high costs placed the project in an "unaffordable" status.
- Mar. 2012 Parks places FMSR in 2012 their Comprehensive Parks and Recreation Plan listing it as open space and an undeveloped park, describing it as a special use park "which one day will contain a shooting and training range". It is listed as a moderate to high priority (level 2). The plan further states the land was acquired for use as a shooting and training range.
- June 2018 It is unknown what Parks and Recreation will do with the 400 acres they currently own. The county has, though, retained money in Parks' budget allotted to the range as a "placeholder" over the years. The county has budgeted for funds in the Capital Facilities Plan for \$5K in 2011, and \$50K each year in 2012, 2013, 2014, and 2015 (totaling \$205K) from real estate excise taxes and grant funding. We are unable to find any specific plans in the CIP (Capital Improvement Plan) for 2017/2022.

Final
Comments
June 2018

It's hard to believe the original shooting range project started back in 1996! There's no range yet—no gunshot noise and no traffic increases—CSPC has been successful in stopping this project so far. For those "newcomers" to the lake, CSPC was organized in 1998 to oppose development of the shooting range South and West of the Pilchuck Creek bridge and adjacent to Don and Terri Saben's property. Your contributions funded our legal challenges which ultimately reached the Snohomish County Superior Court. The court ruled the range permits Skagit County had issued to itself void and remanded the project back to the county for re-hearing, which has never happened. A separate legal victory awarded the Saben's damages and reissued their building permits which had been rescinded during the range. CSPC transferred its remaining funds to LCIA and has disbanded our organization.

In our opinion, the project is dead and cannot be re-started without a new EIS and means of access across Pilchuck Creek (a \$1M bridge), along with multiple hearings and challenges.

There are written documents regarding this history located in the Community Club.

CSPC members are Jack Cross, Chris Kane, Bill Pugh, Loren West, Becky Brown, Ron Carlson (now deceased) and Dennis Katte.