

**SUBJECT: SHOOTING RANGE LEASING
POLICY**



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Jean Finn, Deputy Minister

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1.0 Purpose and Policy Statement

1.1 Purpose The purpose of this policy is to provide guidance and direction to Department of Energy and Resource Development (ERD) staff and to the public, with respect to the administration of shooting range leases on Crown lands.

1.2 Policy Statement It is the policy of the Department that Crown lands may be allocated for shooting ranges in approved locations.

2.0 Background and Definitions

2.1 Background The Federal *Firearms Act* was introduced in 1995 to address risk management concerns associated with the use and ownership of firearms in Canada and with the establishment and operation of shooting ranges and shooting clubs.

After this legislation was enacted, the Government of Canada and the Province of New Brunswick entered into an agreement that effectively transferred the administrative and regulatory authority for shooting ranges and shooting clubs to the Chief Firearms Officer (CFO) of the New Brunswick Department of Justice and Public Safety (DJPS). The CFO then proceeded to develop the Standards for Design and Construction of Shooting Ranges in New Brunswick.

In 2001, ERD placed a moratorium on Crown lands for any new shooting range leases in order to undertake a review of its leasing policy and related procedures. During this moratorium, the CFO conducted a province-wide inspection of shooting ranges. It was determined that ranges needed to be improved or upgraded to meet the design and construction standards. Shooting range operators were advised to complete the required range improvements within a reasonable time frame to comply with the new standards. As a result, a new DJPS policy and relevant procedures were developed in accordance with the standards developed by the CFO.

The designated CFO, Provincial Firearms Office, DJPS, is responsible for the approval or refusal of shooting ranges in the Province of New Brunswick; therefore, any shooting range on Crown lands is subject to all standards and requirements prescribed by the CFO and any updated version of these standards.

2.0 Background and Definitions, Continued

2.2 Need for Shooting Ranges

Properly designed, constructed and operated shooting range facilities are essential for reasons of public safety. This is especially important given the popularity of outdoor activities, like hunting and recreational shooting, in New Brunswick. Shooting ranges serve a variety of functions, including:

- (i) Field days in association with hunter education and firearm safety training;
- (ii) Training and firearm qualifications;
- (iii) General target shooting and sighting-in firearms; and
- (iv) Competitive shooting.

Crown lands are generally more suitable for shooting ranges than freehold properties because of their isolation and the ability to locate ranges a safe distance away from developed areas.

2.3 Definitions

Archery	The art, sport or skill of shooting arrows with long, re-curved, compound and cross bows.
Direction of Fire	An important element in ensuring that the shooting range is oriented to fire in the safest direction possible for reasons of public safety.
Firearm	A device from which a shot, bullet or other missile can be discharged. This may include, but is not limited to, a rifle, shotgun, handgun, pellet gun, air rifle or spring gun.
Firearms Permits	Relevant permits required to own, use and transport firearms.
Lessee	A person or company to whom a Crown lands lease has been issued.
Lessor	The Minister of Energy and Resource Development
Range Backstop	Berms and other structures designed to capture fired bullets and other ammunition, to meet requirements (e.g. cone of fire, firing angles, maximum caliber of ammunition), and to reduce the risk of over-shooting the active range area.
Shooting Range	A place that is designed or intended for the safe discharge of firearms on a regular and structured basis for the purpose of target practice or target shooting competitions.

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3.0 Policy Objectives

3.1 Policy Objectives

The objectives of this policy aim to minimize land use conflicts and public safety risks associated with shooting ranges on Crown lands.

- a) Crown lands may be leased for shooting ranges provided that there are no other ranges within 40 kilometres of the proposed area, unless it is demonstrated that existing ranges cannot meet demand.
 - b) All existing and proposed shooting ranges on Crown lands must comply with CFO standards and may only operate with approval from the CFO.
 - c) Where standards in this policy and those administered by the CFO differ, the more stringent standards shall apply.
 - d) A shooting range on Crown lands would be authorized using a lease.
 - e) Crown lands leases for shooting ranges may only be available to clubs whose membership is open to the general public.
 - f) Crown lands will not be allocated for any down-range safety area associated with shooting ranges located on freehold lands.
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4.0 Scope and Application

4.1 Application

This policy applies to the administration of shooting ranges (handgun, shotgun, and rifle) on Crown lands under the administration and control of the Minister of Energy and Resource Development. This policy does not apply to indoor shooting ranges, field firing ranges and archery ranges.

4.2 Authority

- Sections 23, 24, 25 and 26, *Crown Lands and Forests Act*.
 - Regulation 2009-62, *Lands Administration Regulation – Crown Lands and Forests Act*.
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5.0 Range Location Criteria

5.1 Areas to be Avoided

Shooting ranges on Crown lands may not be located within:

- a) Floodplains;
 - b) Park lands under the administration and control of the Minister of Energy and Resource Development;
 - c) Protected Natural Areas (PNA) or candidate PNAs;
 - d) Any Crown lands required for resource development;
 - e) Any quarry sites or mine sites;
 - f) Sites containing any rare, threatened or endangered plant species;
 - g) Any archaeologically and culturally significant areas; and
 - h) Any areas designated or proposed for designation under the *Clean Water Act*.
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5.2 Minimum Setbacks

In addition to any range standards prescribed by the CFO, ERD will assess proposed shooting range locations and may impose site-specific restrictions and setbacks from:

- a) Any of the areas listed in Subsection 5.1;
- b) Any lakes, watercourses and wetlands, and coastal features (e.g. coastal wetlands, estuaries, beaches and dunes);
- c) Existing recreational, residential and institutional areas, and commercial and industrial developments;
- d) Existing Crown land leases and any Crown lands designated by ERD for camp lots and public use areas;
- e) Telecommunication towers, airports, public highways, roads and streets, and areas designated for the above-noted purposes in a plan adopted under the *Community Planning Act*; and
- f) Endangered species habitat (*Endangered Species Act*), National Wildlife Areas and migratory bird sanctuaries, important migratory bird nesting sites and water-bird breeding colonies, wildlife refuge and deer wintering areas.

Setback distances and site restrictions will be established on a case-by-case basis to ensure public safety, to reduce any impact to wildlife and the environment, to reduce the occurrence of noise or any nuisance, or to satisfy any other relevant approvals.

6.0 Pre-Authorization Requirements

6.1 General Requirement

A shooting range lease may only be issued to an incorporated shooting club in good standing. Any disposition to establish and operate a shooting range on Crown lands shall not be issued to an incorporated shooting club that has outstanding accounts with the Government of New Brunswick.

6.2 CFO Approval

Prior to the issuance of any disposition, the applicant must provide proof that the shooting range complies with the standards adopted by the CFO and any updated version of these standards. Applicants should contact the Provincial Firearms Office for further information regarding standards and approval to operate a shooting range.

6.3 Site Development Plan

Applicants must submit a Site Development Plan (SDP) along with a shooting range lease application that would include, but not be limited to, the following:

- a) Range layout and scale dimensions for each component, including: firing lanes, distance to backstop, backstop design and direction of fire;
- b) Location and dimensions of parking areas, accessory buildings, toilet facilities and any other building or structure incidental to the operation of the shooting range;
- c) Detailed description of development, including a timeline for the completion of construction of all buildings and structures incidental to the operation of the shooting range;
- d) Activities and services to occur within the proposed lease area;
- e) Location and condition of existing access and any required improvements, or a detailed description of any new access;
- f) Details on how surface water runoff is to be managed; and
- g) The type, size and location of any proposed fencing, gates and signs.

A copy would be forwarded to the CFO for review. Once approved, the SDP is considered part of any lease. If the lessee wishes to deviate from any approved activities, a written request must be submitted to ERD for review and approval must be obtained by the lessee in writing before any revisions to the SDP come into effect.

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6.0 Pre-Authorization Requirements, Continued

6.4 Public Consultation

Where it appears that an application for a shooting range may:

- a) Adversely affect public access and recreation, other land uses occurring on adjacent lands or an adjacent landowner;
- b) Pose a threat to public health or safety; or
- c) Create a nuisance or hazard to the environment; then

ERD may require that the applicant undertake public consultation at his or her own expense. This may include:

1. Written notification to landowners within a prescribed distance from the proposed shooting range.
2. Placing notices in both official languages in no less than one weekday and one weekend edition of at least one local and one regional newspaper that serves the area in which the shooting range is proposed. Notification would:
 - a) Include a description of the proposed shooting range;
 - b) Show the location of the proposed shooting range;
 - c) Indicate to whom and where comments are to be forwarded;
 - d) Indicate that the names of individuals with concerns about the proposal will be kept confidential; however, ERD may share the concerns that were identified with the applicant; and
 - e) Prescribe a deadline for submitting comments.
3. Public consultation sessions that outline the shooting range proposal to the community and seek public input.

6.5 Exceptions

Public consultation will not be required for:

- a) Shooting range proposals where public consultation is undertaken as part of another approval process (e.g. amendments to a by-law or regulation enacted under the *Community Planning Act*);
- b) Lease renewals and assignments;
- c) Maintenance and repairs to existing shooting range facilities; and
- d) Improvements undertaken to comply with CFO range standards.

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6.0 Pre-Authorization Requirements, Continued

6.6 Public Concerns

ERD may reject the application if there are no resolutions to the concerns or objections raised during public consultation.

Where it appears that concerns can be addressed, ERD may request that the applicant work with affected parties to seek resolution. If this involves a dispute among landowners, ERD may require the applicant to obtain signed releases from the disputing parties, freeing the Province from any future claims.

If any concerns are not resolved within a reasonable period of time, ERD may reject the application.

6.7 Consultation with First Nations

The Department may require applicants to consult with First Nation communities should there be a need to mitigate any impacts to Aboriginal or Treaty Rights in accordance with the Government of New Brunswick *Duty to Consult Policy*.

6.8 Insurance

Prior to the Department issuing a Shooting Range Lease or any other associated disposition, the applicant shall obtain \$2,000,000.00 public liability insurance. “Her Majesty the Queen in Right of the Province of New Brunswick” must be named as additional-insured and the policy must be maintained over the entire term of the disposition. A copy of the policy and/or a certificate of insurance must be provided to ERD annually.

6.9 Survey

The applicant will be required to provide a Plan of Survey or Subdivision Plan, at their own expense, defining the boundaries of the shooting range prepared by a New Brunswick Land Surveyor:

- a) For all new shooting range leases;
 - b) For any additions or withdrawals of Crown lands from a lease;
 - c) For any licences of occupation deemed necessary by the Department; and
 - d) For any disposition where the original surveyed boundaries have been altered or are no longer visible.
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6.0 Pre-Authorization Requirements, Continued

6.10 Registration After a lease is finalized, ERD may require the holder to register the disposition in the appropriate Registry Office and to submit proof of registration within a specified period of time.

In every circumstance, the holder of the disposition is responsible for bearing all costs associated with the registration of documents and title (e.g. transfer of leased lands from the Land Registry System to the Land Titles System for mortgage purposes).

7.0 Shooting Range Layout

7.1 Range Layout The design and layout of the shooting range, distance between backstops, targets, firing lines and other components are subject to approval by the CFO in accordance with standards and any relevant legislation or updated versions of these.

7.2 Range Backstop Range safety areas are not permitted on Crown lands. All Crown land sites being leased for shooting ranges must have a CFO approved backstop.

7.3 Parking Sufficient on-site parking must be provided within the range lease to accommodate shooters and visitors; also, parking areas must be located a safe distance behind the firing line. The range access road, a forest road, a service road, or a public highway will not be accepted as a suitable alternative for parking. Parking areas must, at the very least, be graveled or grass-covered.

7.4 Access ERD will not guarantee access to a shooting range or be responsible for any road maintenance and repairs, or for access road conditions.

Access roads on Crown lands may be closed or restricted to travel at any time and for any reason if ERD or its agents deem it necessary.

Separate authorization from ERD, in the form of a licence of occupation, may be required if a lessee wishes to construct, repair or maintain a road providing access to the shooting range. If so, an application for a licence of occupation must be submitted to ERD for review and approval.

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7.0 Shooting Range Layout, Continued

7.5 Toilet Facilities

Toilet facilities, at the very least an outhouse, that comply with all health and environmental standards and regulations must be provided.

7.6 Accessory Buildings

Accessory buildings may be located within the lease area provided that they are incidental to the lessee's use of the shooting range:

- a) Field days associated with hunter education and firearm safety training;
- b) Storage;
- c) Fundraising and social activities that support the shooting club; and/or
- d) Sale of items for the convenience of range users, such as snack foods and non-alcoholic beverages.

ERD may, at its own discretion, limit the number, dimensions and height of any building or structure within the lease area and may require lessees to alter, repair or remove any structures it deems non-compliant or unsightly.

Should construction not be completed, the lessee may be required to complete construction within the time frame prescribed by ERD.

7.7 Direction of Fire

The direction of fire of shooting ranges will be considered in terms of its proximity to public highways, roads, established recreational trails, developed areas and public use areas as outlined in Section 5.0. The direction of fire will be assessed on a case-by-case basis and is subject to approval from the CFO and ERD.

7.8 Gates and Fencing

The access to the shooting range may be gated and the range fenced along or within the lease boundaries. The lessee shall be responsible for the installation, inspection, maintenance and repair of fencing if ERD or the CFO deem it necessary for reasons of public safety.

Any modifications or alterations occurring on Crown lands outside the shooting range lease area would require a disposition or prior written approval from ERD.

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7.0 Shooting Range Layout, Continued

7.9 Garbage and Range Debris

The shooting range must be kept clean at all times. The burial or indiscriminate disposal of garbage and other waste on Crown lands is prohibited and lessees must comply with the following requirements:

- a) Garbage containers must be provided and may be temporarily stored on-site provided it is contained in an animal-proof container or securely stored inside a building;
 - b) All garbage and other waste, including shell-casings, must be collected and disposed of on a regular basis (weekly/bi-weekly) at an approved site; and
 - c) The lessee is responsible for all costs associated with the collection and disposal of garbage and other waste.
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8.0 Operational Requirements

8.1 Range Safety Inspections

Shooting ranges are subject to inspections under the CFO and/or ERD to ensure compliance with all policy standards. Failure to pass inspection at any time during the term of the lease may result in range closure until such time as any deficiencies are corrected. ERD reserves the right to cancel the lease if the requirements are not met in a timely fashion.

8.2 Cutting Permits

Before any trees are harvested, the lessee must obtain a cutting permit from ERD and must comply with the requirements of the policy entitled *Issuing of Permits Under Section 56 of the Crown Lands and Forests Act*.

8.3 Storage of Firearms

Firearms and ammunition are not to be stored at a shooting range when the range is not in use.

8.4 Range Closure – Forest Fires

A shooting range operator shall shut down range operations if ERD deems it necessary for fire safety or for fighting forest fires in the vicinity of the range.

8.5 Alcoholic Beverages

Alcoholic beverages are not to be sold or consumed at any shooting range.

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8.0 Operational Requirements, Continued

8.6 Boundary Line Maintenance

The lessee will clear and maintain boundary lines sufficiently throughout the term of the lease in order to delineate the extent of the shooting range lease without disturbing or destroying any survey evidence.

8.7 Signage

The lessee will comply with all signage requirements prescribed by ERD and by the CFO for shooting ranges (e.g. main, status and perimeter signage).

The lessee will also undertake sign inspections, maintenance and replacements to the satisfaction of ERD and the CFO.

8.8 Good Repair

Throughout the term of the lease, the lessee must ensure that the shooting range area and any improvements within the lease boundaries are maintained in good condition and usable working order. ERD may require lessees to clean, restore or remove any unsightly improvements from the lease area as a result of being partially dilapidated or in a state of disrepair or neglect so as to be dangerous, unsightly or unhealthy. This may include, but is not restricted to:

- a) A structure or building that is not maintained and no longer suitable for habitation or use;
 - b) An excessive accumulation of rubbish, debris and discarded materials on a property including wood shavings, sawdust, dry and flammable grass or weeds and other combustible materials; and
 - c) Derelict vehicles or items of equipment or machinery, or bodies and parts of such items.
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8.9 Other Uses of Shooting Ranges

Lessees may make shooting ranges available to DJPS, ERD, the Royal Canadian Mounted Police and other enforcement agencies for both day-time and night-time firearm safety training and firearm qualifications at mutually agreed-upon times and may set and charge a fee for use of the range.

Lessees shall open shooting ranges to the general public at times acceptable to the club holding the lease and may set and charge a fee for use of the range.

Operation of the range must satisfy any CFO requirements (e.g. range officers).

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8.0 Operational Requirements, Continued

8.10 Damages Lessees can require those responsible for any damage to the range to pay all applicable site repair and rehabilitation costs.

8.11 Prohibiting Access Lessees may prohibit any person entry to or use of the range if they refuse to:

- a) Follow range rules and procedures;
- b) Present any required permits or licenses;
- c) Pay the required user fee; or
- d) Pay for any damages they may cause to the range.

8.12 Annual Rental Lessees will be required to pay all property taxes and an annual rental in accordance with the *Lands Administration Regulation – Crown Lands and Forests Act*. However, applicants listed as non-profit or not for profit on Service New Brunswick’s Corporate Affairs Registry and having provided proof (e.g. copy of Letters Patent) may be eligible to pay a reduced rental in accordance with the *Lands Administration Regulation – Crown Lands and Forests Act*.

9.0 Archery Ranges

9.1 General Archery ranges are not authorized on Crown lands as archery is not recognized under the *Firearms Act* and there are no provisions for the CFO to inspect or approve such an activity.

If, in the future, the *Firearms Act* is amended to include archery, ERD may reflect such changes in the context of this policy to include standards for authorizing archery ranges on Crown lands.

9.2 Three Dimensional Archery Three dimensional (3D) archery activities are not permitted on Crown lands, including within existing ranges.

10.0 Lease Renewals and Assignments

10.1 Lease Renewals

Shooting range leases may be renewed with Ministerial approval provided:

- a) The lessee obtains an approval to operate a shooting range from the CFO and all standards are satisfied;
- b) The lease is in good standing, including no outstanding accounts (e.g. payment of rent and all applicable property taxes) or the lessee undertakes to meet any outstanding requirements within the time frame specified by ERD;
- c) The renewal fee has been paid; and
- d) No public objections or complaints have been received by ERD.

Where concerns or objections are raised to which there are no resolutions, ERD may not approve the renewal.

Where it appears that objections or concerns may be addressed, ERD may request that the lessee work with affected parties to seek resolution. If this involves a dispute amongst landowners, ERD may require the lessee to obtain signed releases from the disputing parties, freeing the Province from any future claims.

If any concerns are not resolved within a prescribed timeframe, ERD may not approve the renewal.

10.2 Lease Assignments

Shooting range leases may be assigned with Ministerial approval provided:

- a) The lease is in good standing, including no outstanding accounts (e.g. payment of rent and all applicable property taxes) or the lessee undertakes to meet any outstanding requirements within the time frame specified by ERD;
 - b) The shooting range lease is being assigned to an incorporated shooting club;
 - c) The shooting range is an approved facility that complies with DJPS design standards and requirements; and
 - d) The new lessee agrees to abide by the lease terms and conditions and all assignment fees have been paid.
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11.0 Lease Cancellation and Termination

11.1 Lease Cancellations

A shooting range lease may be cancelled if the lessee breaches any of the following:

- a) Provisions outlined in the *Lands Administration Regulation - Crown Lands and Forests Act*;
- b) Any terms and conditions set out in the lease or in the licence of occupation; and
- c) Shooting range standards or requirements for the safe operation of the range set by the CFO.

In the event there are unresolved issues, the Minister reserves the right to cancel the shooting range lease.

11.2 Lease Terminations

A shooting range lease may be terminated in the event that it expires or is surrendered.

11.3 Non-compliance

The CFO will inform ERD if any shooting ranges on Crown lands do not meet design, construction, operational or safety standards.

Lessees who breach any terms, conditions and requirements, or fail to meet the standards, shall be required to cease operations until all deficiencies are corrected.

Should the lessee fail to correct any deficiencies within the specified time frame, the Minister reserves the right to cancel the lease.

12.0 Inquiries

12.1 Written Inquiries

Written inquiries concerning this policy may be forwarded to:

Director, Crown Lands Branch
Department of Energy and Resource Development
P.O. Box 6000, Fredericton
New Brunswick, Canada
E3B 5H1

12.2 Telephone Inquiries

Telephone inquiries concerning this policy may be directed to the Land Use Application Service Centre (toll-free) at 1-888-312-5600.

12.3 E-mail Inquiries

E-mail inquiries concerning this policy may be forwarded to the Land Use Application Service Centre at CL_TCweb@gnb.ca.
