



C. VARGAS & ASSOCIATES, LTD.  
Consulting Engineers

August 7, 2008

Craig C. Fishbein  
Fishbein Law Firm, LLC  
100 South Main Street  
Wallingford, CT 06492

Subject: Blue Trail Gun Range  
Project No. 08005.09

Dear Mr. Fishbein,

This letter supplements my July 31, 2008 safety report for Blue Trail Range, Wallingford, Connecticut. It is sent in response to the CT DEP's questions about the safety and operation of Blue Trail Range's 50 and 100 yard rifle range (Range 4).

First, the vertical baffles that were in existence at Range 4 at the time of my visit were installed for the purpose of keeping all rounds within the legally-controlled area of the range. I concluded that projectiles appeared to be landing within the range based on the design of the range, its rules, and my observations that the trees behind the backstop were not visibly stressed by projectiles and that the upper portion of the 100 yard backstop also was not noticeably impacted by projectiles both signs of not shooting over.

Since the time of my visit, and upon my recommendation, Blue Trail Range has gone further in its range design, as well as safety and operational rules to ensure that projectiles are now contained within the range area between the firing line and backstop. For example, the range installed and lowered, the now steel-reinforced baffles, installed an intermediary backstop at the 50 yard targets and raised the rear backstop at the Range 4. These new baffles, intermediary backstop and raised backstop are appropriately designed and adjusted to keep projectiles within the range's property lines.

It is my opinion that the 100 yard range is properly designed and appropriately operated to contain projectiles in the area between the firing line and the 100 yard backstop and that if operated in accordance with its Safety Rules projectiles from the 100 yard range will not land on property owned by the State of Connecticut. Further, I would never expose my grandchildren to any condition I would consider dangerous. Due to the range's safe configuration and operation, I would be comfortable hiking with my grandchildren on State forest trails to the east of the Blue Trail Range.

My July 31, 2008 Safety Report for Blue Trail Range concludes with my opinion that *"with the construction and implementation of the additional safety features outlined above, public should have a high level of confidence in the safety of operations at Blue Trail Range"* My opinion is based on my training and experience in range safety design, as a competitive shooter, and as a professional engineer. Blue Trail Range has gone beyond meeting the safety standard of the day. It has achieved a high level of safety through its recent operational and physical safety enhancements.

Very truly yours,

C. Vargas and Associates, Ltd.



Clark Vargas, P.E.  
President

Cc: Martha Deati.  
David Lyman.

Commissioner Gina McCarthy

Department of Environmental Protection

79 Elm Street

Hartford, CT 06106-5127

RE: Blue Trail Range

Dear Commissioner McCarthy:

As you are already aware, the undersigned represents Blue Trail Range Corporation. The purpose of this letter is to clear up some issues in advance of reactivation of the 50 and 100 yard rifle range at my client's facility. For the purposes of clarification, "Range 3" is the 25 yard pistol range and "Range 4" is the 50 and 100 yard rifle range, collectively referred to as the "firing line".

1. My client understands that if there is no range officer available to monitor the firing line, the firing line will not be open.
2. There is currently a procedure in place that requires that, upon signing in to use the firing line, a prospective shooter will be given a copy of the safety rules, and will sign off acknowledging receipt of these rules.
3. My client agrees, and the range safety officers have been instructed that, if a shooter steps in front of the baffled firing line and discharges their firearm, they will be ejected from the Blue Trail Range property, and not allowed to return.
4. Following a prone match, during which the steel reinforced baffles will be lowered; before any of those firing positions are used again for bench shooting, the range manager will be responsible for making sure that the baffles are replaced to the required position.
5. As to the number of range officers that are actively monitoring the firing line; of course this will be dictated by the number of firing positions that are actually in use at any given time. In order to assure an appropriate level of safety, my client has committed itself to the following: That there will be one range safety officer for the first forty firing positions that are actually in use. If more than forty firing positions are actually in use, then there

will be two range safety officers monitoring the firing line. If there are more than ninety firing positions actually in use then there will be three range safety officers monitoring the firing line.

6. Understanding the Department of Environmental Protection's concerns over the property to the south of Range 4, as previously discussed with your staff, we are currently in the process of building structure that addresses your concern. It is my understanding that this structure will be completed later today, and available for inspection by department personnel later today or possibly tomorrow. Nonetheless, until there has been ample opportunity to inspect and approve of this structure, following re-activation of Range 4, my client has agreed to temporarily suspend using firing points 100 through 120 on Range 4.
7. As to the 200 yard range, currently it is just being used for bb-guns and airgun target practice. As per your request, my client has agreed that should it intend to resume high powered rifle activities at that location, that it will give the Department of Environmental Protection at least two weeks notice prior to resuming those activities.
8. My client understands that the Department of Environmental Protection reserves the right to hire its own expert to review and evaluate the safety of Range 4. In light of that reservation, my client agrees that should your expert desire to view the physical structures at the range, in person, that they shall have that opportunity given reasonable notice to my client.

At this point I believe that this correspondence has addressed all of the outstanding concerns of the Department of Environmental Protection, prior to our resuming public use of Range 4. My client remains committed to working together with the Department of Environmental Protection to address its concerns. At this point, as I believe that all of those concerns have been addressed, it is my understanding that my client intends to resume rifle activities on Range 4 on Thursday August 14, 2008. Please advise as to your office's position. I look forward to hearing from you on this matter.

CRAIG C. FISHBEIN

cc. David B. Lyman, President, Blue Trail Range Corporation

Attorney Martha A. Dean

Hi Craig,

Thank you and Mr. Lyman for your detailed response to our list of concerns that you sent yesterday. Based on that response, and on behalf of the Department, I would seek the following two clarifications:

In numbered paragraph 7 you discuss your client's plan to use the 200 yard range (Range 2) only for bb-guns and airguns for the foreseeable future. You also commit to providing the DEP at least a two week notice before the commencement of "high powered rifle activities at that location". That language would appear to allow firearm use (that isn't 'high powered') on the range with no additional safety study or physical improvements or notice to the DEP. We would ask that you clarify that Range 2 will not be used for any firearm activity without at least 2 week advanced notice to the Department and the additional safety study discussed in the report.

In regard to the same paragraph (dealing with the 200 yard range) we would ask that you commit to allowing DEP personnel to inspect the range from time to time to ascertain whether Range 2 is, in fact, only used for bb-guns and airguns, that firearm use is not permitted on Range 2, and that the safety rules established are being adhered to.

Please provide this additional clarification at your earliest convenience today.

Thank you

Tom

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Hi Tom,

Please be advised that your additional concerns expressed about the 200 yard range are acceptable to my client. Should you have any other questions or concerns, please do not hesitate to call.

Craig C. Fishbein



## Fishbein Law Firm, LLC

100 South Main Street, P.O. Box 363, Wallingford, Connecticut 06492

Telephone: 203-265-2895 • Fax: 203-294-1396

[www.fishbeinlaw.com](http://www.fishbeinlaw.com)

Norman F. Fishbein  
nff@fishbeinlaw.com

Craig C. Fishbein  
ccf@fishbeinlaw.com

August 12, 2008

Commissioner Gina McCarthy  
Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

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Norman F. Fishbein

nff@fishbeinlaw.com

www.fishbeinlaw.com

Craig C. Fishbein

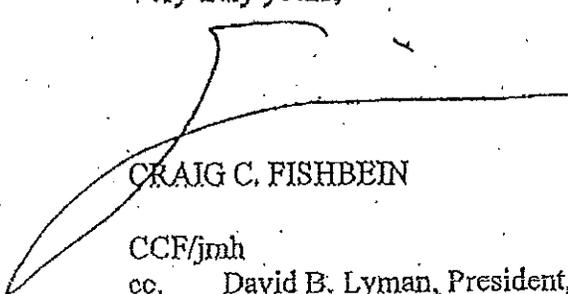
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CRAIG C. FISHBEIN

CCF/jmh

cc. David B. Lyman, President, Blue Trail Range Corporation  
Attorney Martha A. Dean  
Clark Vargas, PE