
From: Pettingill, William L <William.Pettingill@sdcounty.ca.gov>
Sent: Friday, December 28, 2018 1:57 PM
To: Pettingill, William L
Subject: FW: BLM SAIC BARRIOS EMAIL 12.13.18

> From: Barrios, Kynan <kbarrios@blm.gov>
> Sent: Thursday, December 13, 2018 1:23 PM
> To: Blankenbaker, Damon <Damon.Blankenbaker@sdsheriff.org>
> Subject: Re: [EXTERNAL] Shooting ordinance follow-up

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>

> Dear Lt. Blankenbaker,

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> Regarding recently enacted San Diego County Ordinance 33.104.1 that prohibits target shooting on two portions of BLM administered public land in the Dulzura area, our Solicitor's Office (counsel) and our Washington Office have reviewed the Ordinance. Based on that review, it is the BLM's position that the Ordinance closing the area to target shooting year round is unconstitutional (field and/or conflict preempted by federal law under the Supremacy Clause) and therefore unenforceable by both BLM and the County. The BLM is in the process of drafting a letter to San Diego County further explaining its position on the Ordinance.

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> The BLM plans to lift recreational shooting restriction orders in San Diego County on Monday (Dec 17), given the current conditions on the ground. The lifting of these orders creates immediate conflict between the Ordinance and BLM allowable use on the two portions of BLM administered public land subject to the County target shooting restriction.

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> While the constitutionality of the Ordinance is further discussed between the BLM and San Diego County, I recommend we pause enforcement of the subject Ordinance to prevent confusion among our respective officers and the public.

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> I would like the opportunity to meet with the Sheriff or his designee to further elaborate on the BLM position and work collaboratively to develop short and long term solutions for this popular target shooting area. BLM strives to be a good neighbor.

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> Sincerely,

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> Kynan Barrios

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> -- ...

> Kynan Barrios

> Special Agent-in-Charge, Region 1 (CA) U.S. Department of the Interior

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