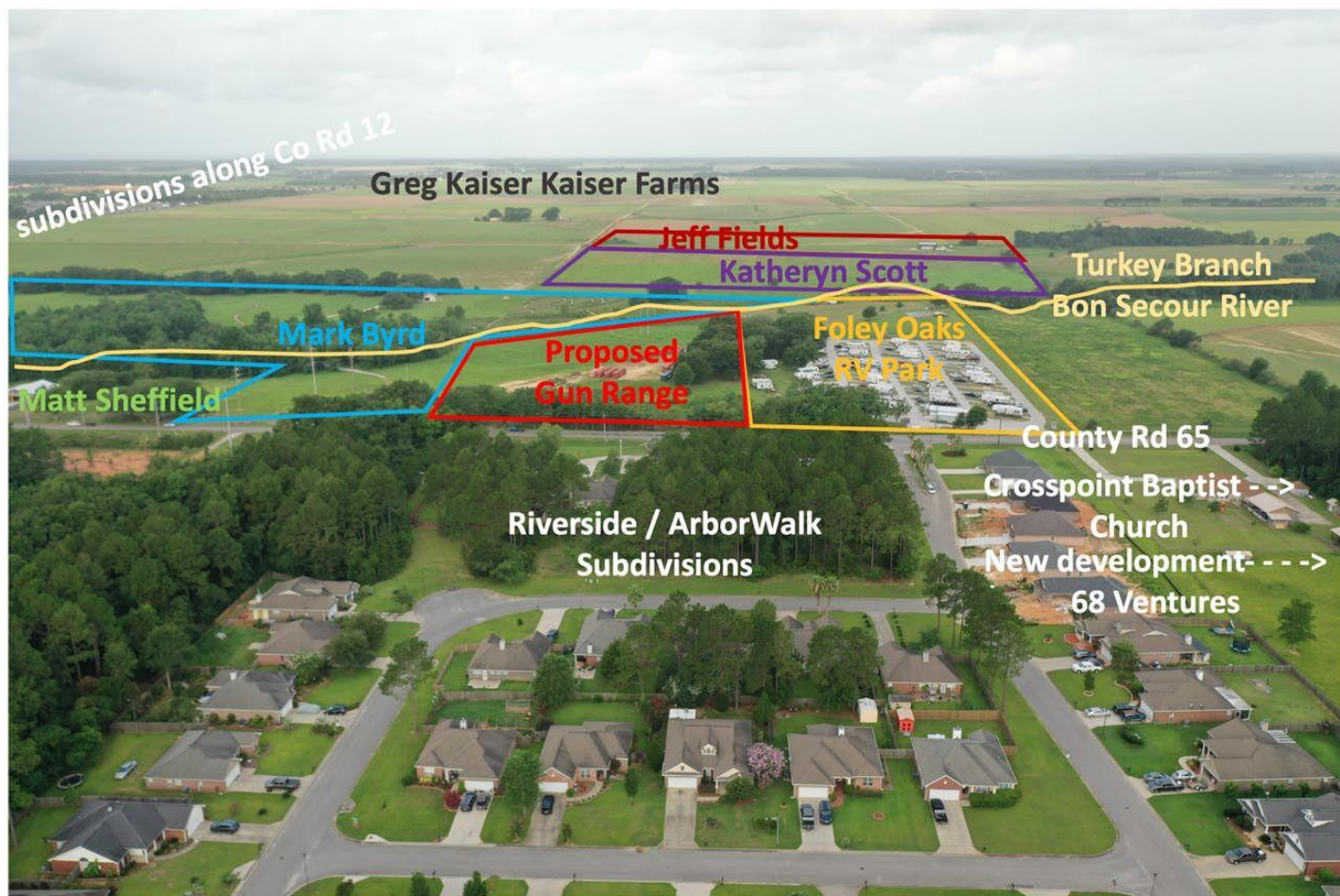


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# Ballistics testing underway at controversial Foley area firing range

By Gabriel Tynes

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Don't be alarmed if you hear volleys of gunfire west of downtown Foley over the next few weekends — it's likely part of court-ordered testing to determine the feasibility of opening a shooting range near a moderately dense residential area.

Last year, residents in and around the Foley Oaks RV Resort on County Road 65 were granted an injunction against Lydia Franz and Kaitlyn Anne Turner, the owners of a 10.3-acre parcel of property where they intend to develop a shooting and sporting club. At the time, Baldwin County Circuit Court Judge Clark Stankoski accepted the plaintiffs' arguments that bullets had rained down on adjacent properties and the defendants had "created a situation where it is unsafe to discharge a firearm as the property is currently used."

Stankoski also determined the defendants "failed to devise or implement a plan to prevent injury to persons and to prevent property damage outside the range" and enjoined them from discharging firearms "in the direction of the plaintiffs." But he did not prevent the continued development of the shooting range and noted, "the ultimate issue for the court to consider at the final trial of this matter is whether the defendants are able to ensure that the projectiles fired on their range are contained within the range property boundaries, and not whether they may construct an outdoor range."

Construction continued and in December, Stankoski amended the order to allow the defendants to host shooting days to test the facilities.

"This will be for determining the safety of the shooting range ONLY, and no pleasure shooting will be done until after a final hearing on this matter has taken place," he wrote.

Still, Stankoski put several conditions in place for the test firings including notifications to the plaintiffs' attorney about when the testing would take place, what type of firearms will be tested, what direction they will be fired in and the names of those who will be present.

Beginning last Saturday and continuing for two more Saturdays through Feb. 20, the defendants notified the plaintiffs' attorney there will be live firing on the range — from .380-, .357- and .38-caliber and 9mm handguns, to an AR-47 rifle and 12-gauge shotguns — "to measure variable sound levels within and outside of containment area and at distances." Reportedly, safety during the test firing is being supervised by John Duke, a

former special agent with the Secret Service and the Bureau of Alcohol, Tobacco, Firearms and Explosives who currently owns South Alabama Firearms Education, while Franz is documenting decibel levels, projectile penetration and materials effectiveness. In August, Franz told Lagniappe the range was “fully engineered, with a really good containment plan, noise abatement, an extensive amount of studying and an environmental stewardship plan that meets [Environmental Protection Agency] guidelines.” A realtor by trade and a gun enthusiast, Franz said she had taken an NRA management and development course in preparation to open the range, but [would not release detailed engineering reports](#) because they contain proprietary data.

In their notice of testing, the defendants disclosed that rounds would be fired in a north-easterly direction — toward the RV park — into 40-foot steel shipping containers backed by an 18-foot sand berm.

Representing the plaintiffs in the case, attorney Steven Hazelwood wrote a scathing letter Feb. 4 opposing the testing, calling it a “classic ‘here, hold my beer’” approach to ballistics.

“Defendants have chosen a most dangerous direction in which to fire and provided no existing safety or engineering,” Hazelwood wrote. “Realtor and self-proclaimed developer Franz has provided no engineering confidence or aptitude and further takes no issue with using humans as the backdrop for her live-round experiment for ballistics collection and containment.”

Hazelwood complained the defendants have continued to withhold most of the discovery he has requested and was unable to answer basic questions of safety or protocol at the proposed range. The same day, 48 hours before the first test was scheduled to begin, the plaintiffs filed a motion to enter the property during the tests and observe them for themselves and with their own firearms expert.

Stankoski hadn't ruled on the request by Tuesday morning and attorneys on both sides did not respond to requests for comment.

Separately, the Baldwin County Commission briefly mentioned the proposed shooting range during its work session Feb. 1, acknowledging the property is in an unzoned area and consequently, free from use restrictions. At the meeting, there was a bit of confusion when a group of residents at The Foley Grove on County Road 65 — a retirement community of manufactured houses about 1,000 feet south of the shooting range — complained about unrelated incidents of bullets crashing through their roofs.

Momentarily, the commission believed the discussion involved the shooting range, but residents eventually clarified the rounds hitting their homes likely originated from undeveloped land surrounding their community.

The commission noted again it was hamstrung by the lack of zoning in the area, but pledged to work with the Baldwin County Sheriff's Office to communicate gun laws and safety to residents and continue to investigate if other incidents are reported.

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