

DECISION RECORD

Temporary Closure to Target Shooting at Konnowac Pass

DOI-BLM-OR-134-2013-0012

Bureau of Land Management

Wenatchee Field Office

915 Walla Walla Avenue

Wenatchee, Washington

1. Background

The Konnowac Pass area (T. 12 N., R. 20 E., Section 30, Unnumbered lot in NW1/4NW1/4, Unnumbered lot in SW1/4NW1/4, Unnumbered lot in NW1/4SW1/4, E1/2NW1/4 and NE1/4SW1/4), is located in the Rattlesnake Hills, near Moxee, Washington. The approximately 200 acre parcel managed by Bureau of Land Management (BLM) has been casually used for target shooting by the public for a number of years, although access to this property is not available via public land. Visitors target shoot from several points on BLM. In one area, target shooters are close to nearby residential homes. Among the homes near the shooting area, the closest home is 900 feet (1/17 of a mile) away, three homes are within 1300 feet (1/4 mile), and 28 homes are within a mile radius of the shooting area. Bullets from many of the guns used by target shooters are capable of traveling distances of over a mile. When visitors are shooting on BLM land near the entrance to the dirt access road, bullets may not be adequately blocked by surrounding hills.

The BLM has received written complaints from residents in the surrounding neighborhood documenting un-safe shooting practices, constant noise from the gunfire, and a general feeling of being unsafe in their own yards because of the proximity to target shooting happening on BLM land. The close proximity to the residential neighborhood with the resultant safety and quality of life issues creates the need for the BLM to address target shooting use.

In addition, target-shooters are not removing debris from shooting activities and spent rounds and targets are often brought to and left in the area.

2. Decision

It is my decision to implement the Proposed Action.

For the Proposed Action, the BLM will issue a temporary closure order which would prohibit recreational shooting and target practice, for two years, on the approximately 200 acres of public land in the Konnowac Pass area. Hunting would still be allowed on all federal lands in the vicinity, in accordance with State hunting regulations. The BLM would install signs and a kiosk to inform visitors of the new rule.

3. Authority

The following sources provide direct authority for the BLM to temporarily close lands managed by the BLM:

- National Environmental Policy Act of 1969 (42 U.S.C. 4321-47; 83 Stat. 852; P.L. 91-190).
- The Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1733(a)), 43 CFR 8364.1

4. Rationale

The EA for the Project included to alternatives, the No Action Alternative and the Proposed Action Alternative. Under the No Action Alternative, BLM would not issue a closure for recreational shooting and target practice at Konnowac Pass. Under this alternative, target shooting would continue and surrounding residents would continue to feel unsafe and be subjected to constant noise from gunfire.

The decision to approve the Proposed Action is based on the concern of public safety to: 1) the visitors on BLM land, and 2) surrounding residents. The Proposed Action meets the Purpose and Need for this action. The Proposed Action would not result in significant impacts to the environment, as documented in the attached Finding of No Significant Impacts (FONSI).

7. Protest and Appeal

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. To appeal you must file a notice of appeal at the BLM Wenatchee Field Office, 915 N. Walla Walla Ave., Wenatchee, Washington 98801, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Wenatchee Field Office as noted above. *The BLM does not accept appeals by facsimile or email.* The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards: (a) The relative harm to the parties if the stay is granted or denied, (b) The likelihood of the appellant's success on the merits, (c) The likelihood of immediate and irreparable harm if the stay is not granted, and (d) Whether the public interest favors granting the stay.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR 4.413); Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, Lloyd 500 Building, Suite 607, 500 N.E. Multnomah Street, Portland, OR 97232; at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

/s/ Linda Coates-Markle

8/19/13

Linda Coates-Markle
Field Manager

Date

FINDING OF NO SIGNIFICANT IMPACT

For the

Temporary Closure to Target Shooting at Konnowac Pass Environmental Assessment
DOI-BLM-OR-134-2013-0012

Bureau of Land Management
Wenatchee Field Office
915 Walla Walla Avenue
Wenatchee, WA 98801-1521

Background:

The Konnowac Pass area (T. 12 N., R. 20 E., Section 30, Unnumbered lot in NW1/4NW1/4, Unnumbered lot in SW1/4NW1/4, Unnumbered lot in NW1/4SW1/4, E1/2NW1/4 and NE1/4SW1/4), is located in the Rattlesnake Hills, near Moxee, Washington. The approximately 200 acre parcel managed by Bureau of Land Management (BLM) has been casually used for target shooting by the public for a number of years, although access to this property is not available via public land. Visitors target shoot from several points on BLM. In one area, target shooters are close to nearby residential homes. Among the homes near the shooting area, the closest home is 900 feet (1/17 of a mile) away, three homes are within 1300 feet (1/4 mile), and 28 homes are within a mile radius of the shooting area. Bullets from many of the guns used by target shooters are capable of traveling distances of over a mile. When visitors are shooting on BLM land near the entrance to the dirt access road, bullets may not be adequately blocked by surrounding hills.

The BLM has received written complaints from residents in the surrounding neighborhood documenting un-safe shooting practices, constant noise from the gunfire, and a general feeling of being unsafe in their own yards because of the proximity to target shooting happening on BLM land. The close proximity to the residential neighborhood with the resultant safety and quality of life issues creates the need for the BLM to address target shooting use.

In addition, target-shooters are not removing debris from shooting activities and spent rounds and targets are often brought to and left in the area.

Finding of No Significant Impact (FONSI):

I have reviewed this Environmental Assessment DOI-BLM-OR-134-2013-0012 including the explanation and resolution of any potentially significant impacts. I have determined that closing the 200-acre parcel of public land to target shooting will not have any significant impacts on the human environment and that an Environmental Impact Statement is not required.

Implementing regulations for National Environmental Policy Act (NEPA) (40CFR 1508.27) provide criteria for determining the significance of effects. *Significantly*, as used in NEPA requires consideration of both context and intensity. The text below cites 40CFR 1508.27, with an explanation following each, stating how the proposed action conforms to this regulation.

Pursuant to 40 CFR 1508.13 and 1508.27, the potential “significance” of all reasonable alternatives was evaluated and it was concluded that there will be no significant effect on the human environment (including the natural and physical environment and the relationship of people with that environment). No significant irreversible or irretrievable resource commitments have been made, and long-term productivity has not been sacrificed in order to meet the project objectives, therefore, an Environmental Impact Statement is not needed. This determination is based on:

a) Context: This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant:

The disclosure of effects in the EA found the actions limited in context. The project area is limited in size and the activities are limited in duration. Effects are local in nature and are not likely to significantly affect regional or national resources.

b) Intensity: This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity:

1. *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effects will be beneficial.*

Impacts associated with the project are discussed in Affected Environment and Environmental Effects of the EA. The closure will result in both beneficial and negative impacts to the Konnowac Pass parcel. For example, the range of recreation activities visitors can partake in at the site will be diminished, but public safety at the area will increase. While the overall impacts of this proposal are expected to be beneficial to some resources and negative for others, the impact on any resource is not expected to be significant.

2. *The degree to which the proposed action affects public health or safety*

The Proposed Action is not expected to have any impacts related to public health. It will have beneficial impacts to public safety in and adjacent to the analysis area (EA p. 4-6).

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no unique ecologically critical areas associated with the project area. The project area lies within ceded lands of Confederated Tribes and Bands of the Yakama Nation which retains gathering, hunting and fishing rights (Yakima Treaty of 1855). The BLM initiated consultations regarding the closure to target shooting. The Yakama Nation and the Washington Department of Archaeology & Historic Preservation (DAHP) were consulted (EA p. 9) and concur that no adverse impacts to cultural resources are expected.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The degree of the effects to the human environment is not highly controversial.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The Selected Action does not contain any unique or unknown risks to the human environment.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The Selected Action does not set a precedent or alter existing management for the analysis area. The decisions being made are site specific and needed as a result of the public safety issue at this site.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

A review of the cumulative impacts associated with the Proposed Action and reasonably foreseeable future actions found there would be no significant cumulative effects on the environment. The Proposed Action's direct and indirect effects on resources in the project area are minor and generally benign, with some exceptions. The incremental contribution of this project's relatively benign effects to the effects of other past, present, and reasonably foreseeable future action is not anticipated to result in any significant cumulative effects.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of*

Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

There would be no adverse impacts to cultural resources identified in the analysis area. Consultation with the State Historical Preservation Organization concurs with this determination.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

The Action Area directly affected by the Proposed Action does not contain suitable or potential habitat for federally threatened or endangered animal or plant species.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The Selected Action does not violate any Federal, State, or local laws or requirements imposed for the protection of the environment.

Based upon the review of the test for significance and the environmental analyses conducted, we have determined that the actions analyzed for the Temporary Closure to Target Shooting at Konnowac Pass does not constitute a major federal action and that its implementation will not significantly affect the quality of the human environment. Accordingly, we have determined that an Environmental Impact Statement need not be prepared for this project.

/s/ Linda Coates-Markle

8/19/13

Linda Coates-Markle
Field Manager

Date