



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Mother Lode Field Office  
5152 Hillside Circle  
El Dorado Hills, CA 95762  
www.blm.gov/ca/folsom

### Temporary Use Restriction of Discharge of Firearms at Kanaka Valley CA-180-10-60 Finding of No Significant Impact September 2010

It is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the Sierra Resource Management Plan (RMP). Thus, the proposed action does not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of CEQ's following criteria for significance (40 CFR 1508.27), regarding the context and intensity of the impacts described in the EA and based on my understanding of the project:

- 1) *Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* Potential impacts include a temporary use restriction which may temporarily recreation and wildlife.
- 2) *The degree of the impact on public health or safety.* No aspects of the proposed action have been identified as having the potential to significantly and adversely impact public health or safety. In fact, the project is designed to enhance public health, safety and public lands.
- 3) *Unique characteristics of the geographic area.* The project area does not contain any unique characteristics.
- 4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to a use." *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). "The term 'highly controversial' refers to instances in which 'a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.'" *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).
- 5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that the proposed action would involve any unique or unknown risks.
- 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 proposed action is not precedent setting.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant site specific or cumulative impacts have been identified. The proposed action is consistent with the Sierra RMP. This is a temporary use restriction and will

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The proposed action would not adversely affect cultural properties listed on or eligible for the National Register of Historic Places.

9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* The proposed project will not adversely impact the isolated occurrences of federally Endangered *Galium californicum* spp *sierrae* (El Dorado Bedstraw) and federally Threatened *Packera layneae* (Layne's butterweed) at Kanaka Valley. No impact is expected due to the location of the populations and the nature of the action.

10) *Whether the action threatens a violation of environmental protection law or requirements.* There is no indication that the proposed action will result in actions that will threaten such a violation.

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William S. Haigh  
Field Manager,  
Mother Lode Field Office

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Date



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**EA Number:** CA-180-10-60

**Proposed Action:** Temporary Use Restriction of Discharge of Firearms at Kanaka Valley

**Location:** NE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of Sec 7. Excepting all that portion described in the boundary line adjustment grant deed recorded May 14, 2002 document no. 2002-35195. S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec 6. N  $\frac{1}{2}$  of SW  $\frac{1}{4}$ , of the SW  $\frac{1}{4}$  of Sec. 5. W  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 5. NE Fractional  $\frac{1}{4}$  s (Lots 1 and 2) S  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of Lot 1 of the SW  $\frac{1}{4}$  of Sec. 6. N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 6. Excepting all that portion described in the boundary line adjustment grant deed recorded November 6, 2002 document no. 2002-85903. T.10 N, R. 9 E, MDM. W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec 31, T.11 N, R. 9 E, MDM. Excepting all that portion described in the boundary line adjustment grant deed recorded May 14, 2002 document no. 2002-35196. NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Sec 8, T. 10 N, R. 9 E. MDM.

Please refer to attached map.

### 1.0 Purpose of and Need for Action

The Bureau of Land Management, Mother Lode Field Office (BLM) proposes to temporarily restrict discharge of firearms at Kanaka Valley, El Dorado County, California to protect human safety, property and public lands.

### 1.1 Need for Action

Kanaka Valley was brought into federal ownership in February 2010 through a cooperative acquisition process with the Bureau of Reclamation, Fish and Wildlife Service, American River Conservancy and BLM. This 695-acre property links existing public and State lands into a continuous corridor. Many of the surrounding public lands are part of the Pine Hill Preserve Area of Critical Environmental Concern (ACEC) which protects special status plants and their habitat.

Kanaka Valley is the only public accessible point along the corridor of public, ACEC and State land. The access point is located on the narrow county road, Kanaka Valley Road. Neither appropriate visitor resources (signage, fencing, parking, trails etc) nor an activity plan to guide these activities have yet been developed for Kanaka Valley. There is high potential for visitors and neighbors to Kanaka Valley to be injured by stray bullets or confusion about the locations of property boundaries, public roads, established trails and other public ways.

### 1.2 Conformance with Applicable Land Use Plans

The proposed action is consistent with the Sierra Resource Management Plan Record of Decision (ROD), approved in February 2008. On page 26-27 of the ROD it states the BLM will “ensure the continued availability of outdoor recreational opportunities while protecting other resources and uses” and ensure “recreation sites ... meet public health and safety standards”. This use restriction would temporarily limit discharge of firearms while continuing to permit other forms of recreation.

## **2.0 Proposed Action and Alternatives**

### **2.1 Proposed Action**

The proposed action is to place a temporary use restriction of “no discharge of firearms” on Kanaka Valley. This restriction order will protect human safety, property and resources from stray bullets, and potential accidents from confusion about established public trails and roads. Upon signing the decision record and the restriction order by the authorized official, the temporary use restriction would go into effect and would be effective for six months.

Herein, “firearm” is defined as it is in the Final Supplementary Rules for Public Lands Managed by the Mother Lode Field Office, California as, “*A device that expels a projectile such as a bullet, dart, or pellet by combustion, air pressure, gas pressure, or other means.*” (Federal Register Vol. 75, No 92, May 13, 2010).

BLM has the authority to restrict the discharge of firearms on BLM-administered public land under the Federal Land Policy and Management Act of 1976 and the federal regulations that promulgate this law in title 43 of the Code of Federal Regulations. Specifically, 43 CFR 8364.1(a) reads “To protect persons, property, and public lands and resources, the authorized officer may issue an order to close or restrict use of designated public lands.” Any person who fails to comply with a closure or restriction order issued under this regulation may be subject to the penalties provided at 43 CFR 8360.0–7.

### **2.2 Project Design Features**

If implemented the proposed action will done in accordance with best practices and will follow all applicable policies and procedures including procedures in the federal regulations at 43 CFR 8364.1(b) to distribute information to the public about the restriction order. Signs will be posted at places near and/or within the area to which the closure or restriction applies, in such manner and location as is reasonable to bring prohibitions to the attention of users. The order and other information will be available on the BLM Mother Lode Field Office website and at the Mother Lode Field Office. The order will also be publish in the *Federal Register*. When the temporary use restriction is lifted, signs will be promptly removed.

### **2.3 No Action**

Under the no action alternative, the temporary use restriction of “no discharge of firearms” will not take place. No action would allow recreation to continue at Kanaka Valley as outlined in the Sierra RMP Record of Decision. Under the RMP, this area would be managed as an extended recreation management area. Recreation management would be largely custodial, with no restrictions on the discharge of firearms. Hunting as well as target shooting would be allowed (both in accordance with California state law).

### **2.4 Alternatives Considered but Eliminated from Detailed Analysis**

None

## **2.0 Affected Environment**

The Kanaka Valley contains 295 acres of white leaf manzanita and chamise chaparral; 107 acres of annual grassland; 104 acres of blue oak woodland; 155 acres of interior live oak; 10 acres of valley oak

woodland; 12 riparian mixed hardwood; and 12 acres of white alder dominated wetland. In total it is 695 acres of public land located near Kanaka Valley Road in Rescue, CA. The terrain includes an open valley to the east and steeply sloping hills to the west. A one-lane public road, Kanaka Valley Road, runs through the property. This road is maintained by El Dorado County. Private residences are located along Kanaka Valley Road to the east of the area. The housing density is moderate, with most parcels being at least five acres.

Kanaka Valley contains several documented occurrences of special status plants. Isolated patches of federally Endangered *Galium californicum* spp *sierrae* (El Dorado Bedstraw), federally Threatened *Packera layneae* (Layne's butterweed), and BLM sensitive species *Wyethia reticulata* (El Dorado mule-ears) are primarily located in the western section of Kanaka Valley in chaparral habitat. For particular conservation strategies and species accounts refer to Sierra Resource Management Plan, Appendix B (B 54-64) (May 2008) and the Pine Hill Preserve Management Plan (July 2008).

Prior to federal ownership, the land was owned by a real estate group for several years. During this time the property was not actively managed. There is evidence that parts of the property were grazed, but knowledge of land use is currently incomplete. The land was closed to public use at this time.

There is evidence of prehistoric and historic use on the property. One prehistoric site has been documented. Historic-era sites include old homesteads, evidence of Kanaka Flat historic mining district, rock and earth dam, and extensive placer mining tailings dating back to the early 1850s.

The current recreation use is low-impact, non-motorized (i.e., hiking, nature viewing). The level of recreation use currently is very low. However, as Kanaka Valley is a relatively recent acquisition, it can be reasonably assumed that there will be an increase in visitors as knowledge of the acquisition spreads. There are not currently maintained trails or parking areas at Kanaka Valley. Access is currently through a narrow walkway next to locked gates adjacent to the narrow public road, Kanaka Valley Road. Parking for visitors is limited to the shoulders of the public road. There are various private residences immediately adjacent to Kanaka Valley. In public meetings held during the summer 2010, BLM has learned that the neighbors are new to the concept of living next to BLM-administered public lands and have concerns about hunting, target shooting, camping and other types of uses of public lands that BLM commonly allows.

#### **4.0 Environmental Effects**

The following critical elements have been considered for this environmental assessment, and unless specifically mentioned later in this EA, have been determined to be unaffected by the proposal: air quality, prime/unique farmlands, floodplains, water quality, threatened or endangered species, hazardous waste, wetlands and riparian zones, wild and scenic rivers, wilderness, invasive nonnative weeds, hydrology, visual resources, cultural resources, fire/fuels, soils, ACEC values, and environmental justice.

#### **4.1 Impacts of the Proposed Action and Alternatives**

The temporary use restriction of “no discharge of firearms” would have negligible impacts to botanical resources. Discharge of firearms may impact vegetation if stray bullets are inadvertently lodged in trees or shrubs, the temporary use restriction would eliminate this possible impact. Potential repeated trampling of vegetation at target shooting sites would also be eliminated.

The temporary use restriction of “no discharge of firearms” will have an overall negligible negative on recreation opportunities in Kanaka Valley. Hunting with firearms, target shooting and other discharge

of firearms would temporarily not be permitted; however, other recreational activities would continue with increased safety. This is a temporary closure and will not affect the future recreational opportunities. The use restriction will protect human safety and property, and prevent potential accidents arising from confusion about established public trails boundaries and roads.

#### **4.2 Impacts of the No Action Alternative**

No action may impact wildlife species in the following way:

Noise disturbance from discharge of firearms may disturb animals and interfere with essential daily activities. It can also result in desertion of bird nests for highly sensitive species.

Discharge of firearms may result in wildlife populations leaving an area and possibly entering areas of less suitable habitat due to noise impacts. This could ultimately result in lower productivity.

Discharge of firearms could result in changes in wildlife behavior. Exposed populations react differently to humans, versus a population not subjected to the action. These populations are more wary of humans, and tend to startle in their presence.

Hunting may result in direct or indirect mortality of game species. Game species can generally withstand legal hunting without serious population declines. Some animals may be shot and escape injured, these individuals would be likely to die from the injuries later. An indirect mortality impact to non-game species from hunting could be the ingestion of lead shot from remaining carcasses. The ingestion of lead shot by scavengers can be harmful if not lethal.

The removal of a portion of the game populations from the ecosystem by hunting may affect non-game species. If large numbers of game are removed, fewer prey will remain for the natural predators of the game species. This reduction in food supply could result in a decrease in the predator numbers.

A possible benefit to the game species can result from hunting. Hunting can provide a substitute mortality source, if natural predators of a game species has been eliminated or reduced by human activity. Hunting can reduce and stabilize the game population levels and prevent overcrowding. This in turn would prevent the game species from depleting their food source.

No action would likely benefit the sport of hunting. Also those members of the public interested in target shooting would probably benefit. However, Kanaka Valley is located near many private residences. No action could have a negative social impact on people living immediately adjacent to Kanaka Valley. In recent public meetings BLM has learned that these people have concerns about the discharge of firearms near their homes.

#### **4.3 Cumulative Impacts**

There would be no negative cumulative impacts on the watershed scale from this temporary use restriction of “no discharge of firearms”. Also, this temporary use restriction would not cause negative cumulative impacts on hunting. There are many other areas to hunt in the region/South Fork American River watershed, including on BLM-administered lands and US Forest Service-administered lands.

## 5.0 Agencies and Persons Consulted

None

## 5.1 BLM Interdisciplinary Team

Reviewers:

*/s/ James Barnes* 9-9-10  
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NEPA coordinator/Cultural Resources

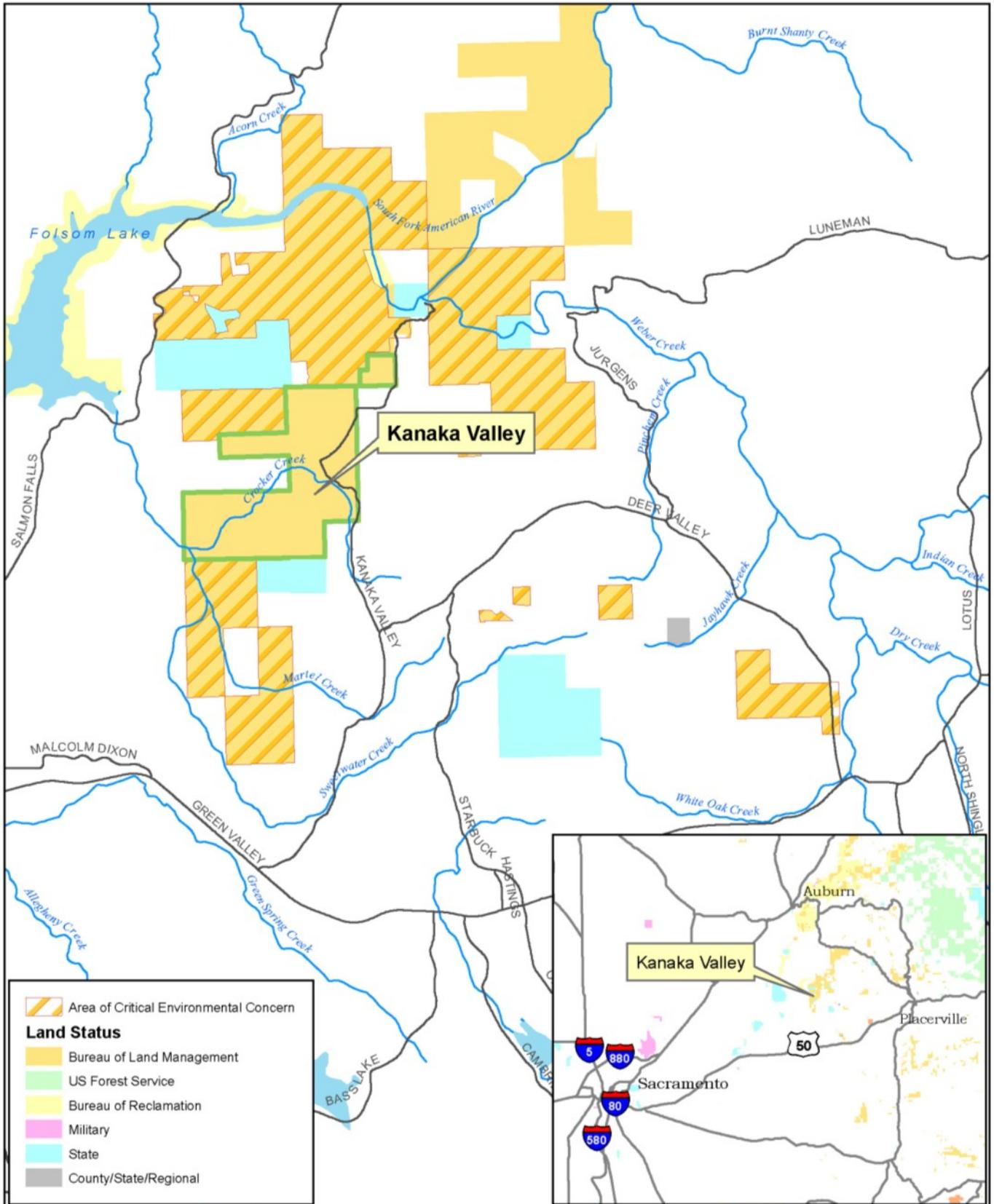
*/s/ Jeff Horn* 9-9-10  
\_\_\_\_\_  
Recreation

*/s/ Albert Franklin* 9-9-10  
\_\_\_\_\_  
Botany

*/s/ Peggy Cranston* 9-9-10  
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Wildlife

## 5.2 Availability of Document and Comment Procedures

This EA, posted on Mother Lode Field Office's website ([www.blm.gov/ca/motherlode](http://www.blm.gov/ca/motherlode)) under Information, NEPA (or available upon request), will be available for a 15-day public review period. Comments should be sent to the Mother Lode Field Office, 5152 Hillside Circle, El Dorado Hills, CA 95762 or emailed to us at [ca180@ca.blm.gov](mailto:ca180@ca.blm.gov).



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