

**Worksheet**  
**Determination of NEPA Adequacy (DNA)**  
U.S. Department of the Interior  
Bureau of Land Management

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OFFICE: Black Rock Field Office, Winnemucca District Office

TRACKING NUMBER: **DOI-BLM-NV-W030-2013-0005-DNA**

CASEFILE/PROJECT NUMBER: **LLNVW03500-13-01**

PROPOSED ACTION TITLE/TYPE: Burning Man ICP Relocation to Blue Pit

LOCATION/LEGAL DESCRIPTION: T. 34, R. 24 E., sec. 33, NW ¼ SE ¼

APPLICANT (if any): Black Rock Field Office

**A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures.** BLM Black Rock Field Office proposes moving the location of 2013 Burning Man Incident Command Post (ICP) from the 2012 location on the playa (off the 12 mile entrance) to be adjacent to a mineral material site known as the Blue Pit (gravel pit). The pit is located three quarters of a mile north of the 12 mile entrance to the Black Rock Playa on the east side of county road 34( Refer to attached location map). The ICP would be in full operation for eight days beginning the weekend before Labor Day through Labor Day each year. The ICP would cover approximately 2 acres, equipment and supplies located on the site would include; a roll off dumpster, multiple hand washing stations, portable toilets, 4 plus modular trailers, and a communication tower. Flaggers would be placed on country road 34 at the entrance/exit to the ICP during heavy traffic times, usually during shift changes for the more that 35 law enforcement staff. Flaggers and/or signage would be posted at the entrance/exit during shift changes to increase public awareness of increased traffic on county road 34 and improve visibility of the entrance/exit thus increasing safety near and around the ICP. Having the ICP off the playa would alleviate a host of existing problems such as dust infiltration and the appearance of random “Burners” wandering into ICP. The trash dumpster that is procured for BLM’s use would no longer be accessible to other agencies and participants, ensuring its availability for the duration of the event. Communications would also improve, due to new positioning of the command post repeater. Each year a closure order is placed in effect surrounding the event to allow law enforcement agencies to conduct their activities previous, during and post event. This closure period is in direct correlation to the Burning Man Event. The closure order area would be expanded to include the Blue Pit location (currently located approximately 500ft. outside of the existing closure order area). BLM manages the use of mineral material sites through contracted sales and Free Use Permits. To allow BLM to control access to the ICP, no use of the mineral material site would be authorized during the closure order. Future users of this material site would be informed of the timing restrictions (period of closure

order) and agree to stipulations requiring no use of the pit for the duration of the closure order.

## **B. Land Use Plan (LUP) Conformance**

The proposed action is in conformance with the applicable LUP because it is specifically provided for the following LUP decisions:

Resource Management Plan for Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada. **Date Approved: July 2004**

The Resource Management Plan (RMP), approved July, 2004 for the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada, currently guides management of the Black Rock Desert (BLM, 2004a).

The following RMP recreation decisions were cited in the Burning Man 2012-2016 Special Recreation Permit EA, DOI-BLM-NV-W030-2012-0007, and are cited again here because of the relevance of this action to the Burning Man Special Use Permit. As this action is needed for the implementation, and therefore an integral feature of the Burning Man Special Use Permit, these decisions are relevant.

Recreation decisions REC-21 through REC-27 apply to the issuance of special recreation permits:

**REC-21:** All recreation permittees will be required to adhere to Tread Lightly! and Leave-No-Trace® principles. Permit stipulations will emphasize the Tread Lightly! and Leave-No-Trace® principles.

**REC-22:** Permits will be assigned to one of four classes of permitted activities (I through IV). A description of the classification system is provided in Appendix J of the RMP. (The Burning Man event is a Class IV event).

**REC-23:** SRPs will be limited to certain geographic areas based on the permit class that the proposal is given. (See Table 2-9 and Map 2-15 of the RMP). (Class IV events, which are the largest events, are allowed in the Permit area of the Front Country Zone).

**REC-24:** To maintain solitude on northern portions of the playa, Class III and IV permitted activities will be concentrated on or near the South Playa. Northern portions of the playa may be made available for Class III and IV permits when playa conditions are unsuitable or public safety or public access may be compromised.

**REC-25:** Special recreation permits will be authorized at times, in locations and for durations consistent with providing opportunities for solitude and full public access to the playa for at least one-half of the summer season (Memorial Day through Labor Day). The number of Special Recreation Permits issued could be limited to protect resources or the visitor experience.

**REC-26:** Two Class III and IV events may occur simultaneously, but only one may be a Class IV event.

**REC-27:** No more than two access points to the playa will be closed on the same weekend in conjunction with permitted events. (Issuance of a permit for the Burning Man event would be consistent with the RMP).

**C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

DOI-BLM-NV-W030-2012-0007, Burning Man 2012-2016 Special Recreation Permit; DR dated 06/12/2012 and FONSI dated 06/12/2012.

DOI-BLM-NV-W030\_20111-0002\_EA

Tri-State-Calico Complex Wild Horse and Burro Gather Plan; DR dated 09/19/2011 and FONSI dated 12/8/2009.

**D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes. The proposed action is located immediately adjacent to the area analyzed in the 2012 Burning Man EA and within the area analyzed in the Tri-State-Calico Wild Horse and Burro Gather Plan EA. The geographic and resource conditions for the proposed action are sufficiently similar in the existing EA's. As the Burning Man Event is located on the playa, there is not a migratory bird survey stipulation associated with the Burning Man Special Recreation Permit. There is vegetation surrounding Blue Pit and therefore a migratory bird nest survey is recommended for implementation prior to any surface disturbance. See attachment (A) for mitigation.

**2. Is the range of alternatives analyzed in the existing NEPA documents(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes. Environmental Concerns and Resource Values: The alternatives analyzed in 2012 are appropriate for the new proposed action.

The magnitude and duration of this proposal is well within the scope of the 2012 Burning Man and the 2011 Tri-State-Calico EA's and therefore does not warrant further development of alternatives.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new**

**information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes. At the present time, there is no new information or changed circumstances that would substantially change from the existing analyses. The information used to support the 2012 EA analysis was conducted in 2011 and 2012 making the information very current. As the Burning Man Event is located on the playa, there is not a migratory bird survey stipulation associated with the Burning Man Special Recreation Permit. There is vegetation surrounding Blue Pit and therefore a migratory bird nest survey is recommended for implementation prior to any surface disturbance. See attachment (A) for mitigation.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes. At the present time, there is no new information or changed circumstances that would substantially change from the direct, indirect or cumulative effects analyzed in the existing EA's. The magnitude and duration of this proposal is well within the scope of the 2012 Burning Man EA and therefore does not warrant further analysis.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes, the public involvement and interagency reviews associated with the existing NEPA documents are adequate for the current proposed action. The decision based on this DNA will be shared with the Cooperating Agencies involved with the Burning Man EA as well as Burning Man Cooperators. The decision record will also posted for the general public in ePlanning with a link from the Winnemucca District webpage.

Burning Man Preliminary EA

On March 16, 2012, the Preliminary EA was posted on the Winnemucca District Office NEPA webpage for a 30-day public review period. In addition, BLM sent out a letter to interested parties requesting substantive comments on the Preliminary EA by April 16, 2012. In response, BLM received 42 comment letters from agencies, organizations, businesses, and individuals. As a result of substantive comments from the applicant, NDOT, Pyramid Lake Paiute Tribe, and individuals, revisions were made to the EA. For a list of notable modifications that were made to the EA in response to substantive comments, see the Decision Record.

Tri-State-Calico -Gather Preliminary EA

The Preliminary Tri-State-Calico Complex Wild Horse and Burro Gather Plan EA # DOI-BLMNV-W030-2011-0002-EA was sent to the interested public list for the gather area on June 15, 2011, for a review and comment period that ended July 18, 2011.

This list included fifty one individuals, organizations, County officials, State and Federal Agencies, and Tribes.

Among these was the Nevada State Clearinghouse which made the preliminary EA available for review by thirty-seven Nevada State Agencies. The EA and associated documents were posted on the Winnemucca District website, and the Nevada State Office issued a news release notifying the general public of the availability of the document for review through BLM's external website. The news release was issued to a list of over 100 media sources in Nevada and California as well as Nevada Congressional representatives. The 2009-2010 Calico Mountain Complex Wild Horse Gather Plan EA was also posted on BLM's website for access by the public. The comment period for the preliminary environmental assessment was open for thirty five days, ending midnight July 18, 2011. All comments received during the 35-day comment period were reviewed and considered prior to finalizing the Tri-State-Calico Complex Wild Horse and Burro Gather Plan EA.

**NEPA # DOI-BLM-NV-W030-2013-0005-DNA**

**E. Persons/Agencies/BLM Staff Consulted**

<b>Name /Title</b>	<b>Resource/Agency Represented</b>	<b>Signature/Date</b>	<b>Comments (Attach if more room is needed)</b>
Kathy Ataman	Cultural Resources	/s/ Kathy Ataman 2/15/13	
Mark Hall	Native American Religious Concerns	/s/ Mark E. Hall 2/15/13	No Comments
Kathy Ataman	Paleontological Resources	/s/ Kathy Ataman 2/15/13	
Julie McKinnon	Realty	/s/ Julie McKinnon 2/15/13	
Greg Page	Recreation	/s/ Greg Page 2/15/13	
Joey Carmosino	Visual Resource Management	/s/ Joey Carmosino 2/19/2013	
Jim Weiser	Minerals	/s/ Daniel Atkinson 2/15/13	
John Callan	Waste, Hazardous or Solid	/s/ John Callan 02/19/2013	
Eric Baxter	Invasive, Non-native species (plants & animals)	/s/ Eric Baxter 02/19/2013	
Rob Burton	Soils	/s/ Rob Burton 02/19/2013	
Rob Burton	Vegetation	/s/ Rob Burton 02/19/2013	
John McCann	Wetlands and Riparian Zones	/s/ John McCann 02/19/2013	Addressed in email
John McCann	Hydrology	/s/ John McCann 02/19/2013	
Rob Burton	Air Quality	/s/ Rob Burton 02/19/2013	
Kathy Cadigan	T&E Species (plants &	/s/ K. Cadigan 2/19/13	See Attachment (A)

	animals)		
Kathy Cadigan	General Wildlife Habitat	/s/ K. Cadigan 2/20/13	
Greg Page	NCA	/s/ Greg Page 2/20/13	
Rob Bunkall	GIS	/s/ Rob Bunkall 2/20/13	
Kristine Struck	Other: LWC	/s/ Kristine Struck 2/20/13	
Lynn Ricci	NEPA Coordinator	/s/ Lynn B Ricci 2/28/13	

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

**Conclusion** (If you found that one or more of these criteria is not met, you will not be able to check this box.)

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM' compliance with the requirements of the NEPA.

/s/ Greg Page 2/28/13  
Signature of Project Lead

/s/ Lynn B Ricci 2/28/13  
Signature of NEPA Coordinator

/s/ Gerald Dixon  
Signature of the Responsible Official

3-4-13  
Date

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

## Attachment (A)

The Burning Man ICP is proposed to be erected within Blue Pit during avian breeding season (March 1<sup>st</sup> through August 31<sup>st</sup>). The vegetation surrounding Blue Pit contains potential Burrowing Owl habitat. The Burning Man 2012-2016 Special Recreation Permit (NVW03500-12-01) does analyze migratory birds. However nest surveys were not a stipulation for migratory birds because the ICP was located on the Black Rock Playa, which contains no migratory bird breeding habitat. In order to avoid potential impacts to breeding migratory birds, a nest survey shall be conducted by a qualified biologist within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (March 1<sup>st</sup> through August 31<sup>st</sup>). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols, and should be approved by the BLM biologist prior to being implemented. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion.