

FINAL ENVIRONMENTAL ASSESSMENT

Bulletproof Tactical LLC Tactical Vehicle Off-Highway Operations Project

Decision Record

DOI-BLM-NV-C010-2014-0006-EA

U.S. Department of the Interior
Bureau of Land Management
Carson City District
Stillwater Field Office
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February 2014



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**DECISION RECORD
BULLETPROOF TACTICAL LLC
TACTICAL VEHICLE OFF-HIGHWAY OPERATIONS PROJECT
CHURCHILL, STOREY AND WASHOE COUNTIES, NEVADA**

**Environmental Assessment
DOI-BLM-NV-C010-2014-0006-EA**

INTRODUCTION

Bulletproof Tactical LLC (BPT) is proposing to utilize approximately 679,391 linear feet or approximately 129 miles of existing roads and primitive roads, and rights-of-way (ROWs), with approximate 12-foot running widths, within the three counties to provide off-highway tactical vehicle training in a desert environment for military special operators, allied military, other government personnel, non-government personnel, and civilian drivers (Proposed Action). Training activities would also occur at the Navy Munitions Command (NMC) Fallon Gravel Quarry. Training would be comprised of proper off-highway driving techniques, safe vehicle operations, vehicle maintenance, vehicle recovery procedures, and vehicle evaluation services of military prototype vehicles. BPT would also provide training to their trainees on the “Leave No Trace” and “Tread Lightly!” principles. No new surface disturbance, including new road construction, creation of primitive roads, or overland travel, would be involved with this Project.

The proposed training venues include six staging/assembly areas. The locations of the staging areas are shown below in Table 2.1-3 and on Figures 1 through 3 and 5. During instruction, up to two travel trailers and up to two safety/medical vehicles would be parked at the staging areas. All staging areas have been previously disturbed and are void of vegetation. The routes without identified staging areas serve as instructional routes only, with classroom instruction provided prior to the training session in a facility located in Stead, Nevada. If instruction is necessary on the training routes, then the vehicles would stop momentarily in-line on the routes, causing no additional disturbance outside of the training route.

The minimum group size would be eight individuals and up to 32 individuals for a maximum group size, including BPT trainers. The student to vehicle ratio is usually two to one, but may go as high as four to one. The staff to student ratio is at a minimum of one to three, to a maximum of one to twelve, depending on the type of training conducted. The duration of each training program may last up to eight days alternating between different routes, with up to 36 sessions held annually. Table 2.1-4 of the EA shows the duration of training activities on each training route per training session, the vehicle types used on each route, and whether the training activities occur during the day, during the night, or both. The vehicle types and usage of access routes are not included in the table as the length of time on each access route would be between approximately ten to 30 minutes. Each training session would have a maximum of 16 vehicles on one route at one time.

BACKGROUND

The Tactical Vehicle Off-Highway Operations Project (Project) is located in Churchill, Storey, and Washoe Counties, Nevada. The Project would be located on lands administered by the Bureau of Land Management, Carson City District Office (BLM), as well as small portions of private land. Off-highway vehicle training was provided to primarily civilian customers on BLM-administered land between the mid-1990s and 2002 through Rod Hall International on the same routes proposed for this Project. Annual special use permits were filed with the BLM during this period. Current activities under Bulletproof Tactical LLC (BPT) began in 2003 with training occurring primarily on state land administered by the Nevada Army National Guard at the Stead Training Center and federal land administered by the BLM. Based on training activities occurring in Fallon in December 2011 on BLM-administered land, the BLM indicated, in February 2012, that a permit would be necessary to continue training activities on BLM-administered land. The use of public lands for training activities provides increased opportunities for the utilization of different types of routes for different types of training activities.

In February 2013, the Tactical Vehicle Off-Highway Operations Project Plan of Operations (Plan) was submitted to the BLM. At the same time, a complete BLM Form 2920-1 Land Use Application and Permit was also submitted to the BLM for review. This Environmental Assessment (EA) has been prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) to examine the effects of the issuance of a land use permit for the proposed Project.

The EA was scoped internally by BLM resource specialists in March 2013. BLM resources specialists identified the supplemental authorities and other resources and uses to be addressed in the EA. The following specific issues related to the Proposed Action were identified as present/potentially affected: Migratory Birds, Special Status Species (animals) and general wildlife.

The potential environmental impacts from the Proposed Action, No Action and other Alternatives were evaluated in EA# DOI-BLM-NV-C010-2014-0006-EA. Based on the analysis of potential environmental impacts detailed in the EA, it was determined that the impacts associated with the Proposed Action are not considered significant and therefore an environmental impact statement (EIS) will not be prepared. This is documented in the attached Finding of No Significant Impact (FONSI).

Details of the Proposed Action within the project area are specified in the final Plan of Operations submitted to the BLM Stillwater Field Office in February 2014.

PUBLIC INVOLVEMENT

The EA was scoped internally by BLM resource specialists in March 2013 and externally scoped to the public in December 2013. Coordination with the tribes occurred in September of 2013 and again during the public comment period. To date, no information has been provided to the BLM regarding concerns about traditional use or religious concerns.

The EA was made available for a 30-day public review and comment period on December 23, 2013 until January 27, 2014. A press release was issued on December 23, 2013 to local media

outlets and postcards were mailed out to the interested parties list. The EA was also made available by hard copy at the Carson City District Office and on the District webpage at: http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html. During the comment period, comments were received from 3 individuals, Federal and State agencies by email, fax or mail. The Federal Agency that commented was the Department of Defense – Naval Air Station Fallon. State agencies that commented include the State Historic Preservation Office (SHPO) and the Nevada Department of Wildlife (NDOW). All comments received were reviewed, considered and responded to by the BLM Stillwater Field Office, Carson City District. These comments were not substantive in nature and no changes were made to the analysis in the EA. Only minor additions and clarifications were added to the EA, refer to Appendix C of the EA for a list of comments and responses to those comments.

DECISION

As a result of the analysis presented in the Bulletproof Tactical LLC Tactical Vehicle Off-highway Operations Project EA# DOI-BLM-NV-C010-2014-0006-EA, and after carefully considering the comments and input received from the public, it is my decision to:

- 1. Approve the Bulletproof Tactical LLC Tactical Vehicle Off-Highway Operations Project Plan of Operations with the conditions of approval listed below.** This management decision for the Project is issued pursuant to 43 Code of Federal Regulations (CFR) 2920. This Decision is effective immediately and will remain in effect while appeals are pending before the Office of Hearings and Appeals (OHA) unless OHA grants a stay under §4.2 I (b) of this title. The Plan of Operations for the Project is hereby approved subject to the conditions of approval required to implement the Project. Bulletproof Tactical LLC must conduct operations as described in the Plan and in accordance with the conditions of approval contained in this Decision.

The rationale for the attached FONSI supports this decision. The Proposed Action coupled with Environmental Protection Measures built into the Proposed Action detailed in Section 2.1.5 of the EA and listed below in this document have led to my decision that all practicable means to avoid or minimize environmental harm have been adopted and significant impacts will not result from implementation of the Proposed Action as identified in the EA. This decision is consistent with the 2001 Carson City Field Office Consolidated Resource Management (CRMP).

2. Conditions of Approval

Cultural Resources

- All unevaluated cultural sites would be avoided or treated to ensure compliance with Section 106 of the National Historic Preservation Act (NHPA). During the Project's activities, if any cultural properties, items, or artifacts (i.e., stone tools, projectile points, etc.) are encountered, it must be stressed to those involved in the proposed Project activities that such items are not to be collected. In the event of a discovery of a cultural resource, all project activities in that area should cease and the BLM notified immediately. Cultural and archaeological resources are

protected under the Archaeological Resources Protection Act (16 United States Code 470ii) and the Federal Land Policy and Management Act (FLPMA).

- Though the possibility of disturbing Native American gravesites within most project areas is extremely low, inadvertent discovery procedures must be noted. Under the Native American Graves Protection and Repatriation Act, section (3) (d) (1), the discovering individual must notify the authorized officer in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity, which caused the discovery, is to cease, and the materials are to be protected until the land manager can respond to the situation.

Air Quality

- Project-related traffic will observe prudent speed limits to enhance public safety, protect wildlife and livestock, and minimize dust (particulate) emissions. Project vehicles will be maintained on a regular basis to ensure they are operating in a manner to minimize vehicle emissions.

Spill Contingency

- In the event hazardous or regulated material, such as gasoline or diesel fuel, is spilled Bulletproof Tactical LLC would take appropriate measures to control the spill, and the Nevada Department of Environmental Protection (NDEP) and BLM would be notified as per NDEP regulations and permit requirements.

Fire Protection Measures

- The following precautionary measures will be taken to prevent and report wildland fires:
 - Vehicles will carry fire extinguishers;
 - Vehicle catalytic converters will be inspected often and cleaned of brush and grass debris; and
 - Bulletproof Tactical LLC will report wildland fires immediately to the BLM Sierra Front Interagency Dispatch Center at (775) 883-5995.

Survey Monuments

- Survey monuments, witness corners, and/or reference monuments will be protected to the extent practicable. If monuments are damaged during operations, Bulletproof Tactical LLC would immediately report the matter to the BLM authorized officer. If required by the BLM, the cost to replace damaged or destroyed survey monuments, witness corners, and/or reference monuments would be Bulletproof Tactical LLC's responsibility.

3. Environmental Protection Measures

Section 2.1.5 of the EA states that Bulletproof Tactical LLC (BPT) will follow the following general environmental protection measures:

- Public safety would be maintained throughout the life of the Project. All equipment and other facilities would be maintained in a safe and orderly manner;

- A speed limit of 20 mph, or posted speed limits, would be used by Project-related equipment on roads within the Project Area to reduce the potential for collisions with people, grazing animals, and wildlife, and to reduce dust emissions from Project roadways;
- BPT would avoid utilizing any routes during high visitation periods, such as weekends and major holidays, when practicable, to maintain the safety of their clients and the general public;
- BPT would avoid all cultural resources and culturally sensitive areas as identified by the BLM;
- Any survey monuments, witness corners, or reference monuments would not be disturbed;
- In the event that any existing roads are severely damaged as a result of Project activities, BPT would return the roads to conditions in compliance with the BLM Roads Design Handbook (H-9113-1) (BLM 2011);
- Smoking would only be permitted in paved or cleared areas. All cigarettes would be thoroughly extinguished and disposed of in a trash receptacle. Project personnel would be required to follow applicable BLM regulations regarding smoking;
- All off-highway equipment would be cleaned (power or high-pressure cleaning) of all mud, dirt, and plant parts prior to initially moving equipment onto public land;
- All Project vehicles would be outfitted with spill kits, and absorbent diapers would be placed under leaking equipment immediately to prevent ground contamination. All vehicles would be refueled off site;
- Spilled materials of any type would be cleaned up immediately. A shovel and spill kit would be maintained on all training vehicles at all times to respond to spills;
- All trash and litter collected during training activities would be removed and disposed of at the Stead Training Center receptacles or other authorized solid waste disposal sites. No trash would be stored at any of the training areas. BPT would follow the “Leave No Trace” and “Tread Lightly!” principles, which include the proper disposal of waste;
- All sanitary wastes would be collected in WAG BAGs (zip-close human waste bags) and disposed of at appropriate collection facilities;
- All Project vehicles would be equipped with applicable exhaust spark arresters;
- All Project vehicles would be equipped with a shovel and appropriate fire extinguishers;

- All Project vehicles would stay on authorized roads and park in designated staging or paved areas;
- BPT would have the appropriate notification numbers including the BLM Fire Dispatch and the BLM Project Representative readily available on site for all trainees in case of fire;
- Private land owners would be notified of potential training activities that are scheduled to occur on the route adjacent to Virginia City (Figure 4);
- Grazing permittees on the Flanigan, Winnemucca Ranch, Antelope Valley, Paiute, Hardscrabble, and Pah Rah allotments would be notified of proposed training activities occurring in the allotments as soon as any training event is scheduled. The notification would include a list of all Environmental Protection Measures listed in the EA, and a contact number for BPT to resolve any issues that may arise during training activities;
- BPT would notify the BLM military liaison as soon as any training event is scheduled to ensure that the proposed route is available and does not coincide with other BLM-authorized events;
- Pursuant to 43 CFR 10.4(g), BPT would notify the BLM authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4 (c) and (d), the operator would immediately stop all activities in the vicinity of the discovery, make a reasonable effort to protect the discovered objects, and not commence again until notified to proceed by the BLM authorized officer; and
- BPT would notify the BLM authorized officer, by telephone, and with written confirmation, immediately upon the discovery of paleontological resources that are discovered as the result of training activities, the item(s) or condition(s) would be left intact and immediately brought to the attention of the BLM. Further pursuant to 43 CFR 10.4 (c) and (d), the operator would immediately stop all activities in the vicinity of the discovery and not commence again for 30 days of when notified to proceed by the BLM authorized officer. If significant paleontological resources are found, avoidance, recordation, and data recovery would be required.

RATIONALE

Upon analyzing the impacts of the Proposed Action and following issuance of the EA for public review, I have determined that implementing the Proposed Action will not have a significant impact to the human environment and that an EIS is not required. Refer to the attached FONSI.

AUTHORITY

The Proposed Action is in conformance with the FLPMA of 1976, the CRMP adopted in 2001 and with current BLM policies, plans and programs. The Proposed Action is consistent in relationship to statutes, regulations and policies of neighboring local, County, State, Tribal governments and other Federal agencies.

The Proposed Action is in conformance with the FLPMA of 1976, as amended and regulations at 43 CFR §2920.

The Plan in combination with the preceding Conditions of Approval, and the attached FONSI show that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not occur as a result of the proposed tactical vehicle off-highway operations.

The Plan is in conformance with the Carson City Consolidated Resource Management Plan Record of Decision (ROD) as follows:

- Section 8, REC-2, Land Use Allocations, 1: “All Public lands under Carson City Field Office jurisdiction are designated open to Off-Highway Vehicle (OHV) use unless they are specifically restricted or closed” (BLM 2001a).
- Section 8, REC-7, Standard Operating Procedures, 1: “All public lands designated as open for off highway use are subject to Conditions of Use in 43 CFR 8341 where no person shall operate an off highway vehicle in a manner causing, or likely to cause significant, undue damage to or disturbance of soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources or other authorized uses of the public lands. Additionally, competitive or commercial OHV use will remain subject to environmental review and the discretionary authority of the authorized officer.”
- Section 8, REC-8, Standard Operating Procedures, 5: “Where the authorized officer determines that OHVs are causing or will cause considerable adverse affects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall close the areas effected to the type(s) of OHV causing the adverse affect until the adverse affects are eliminated and mitigating measures implemented to prevent recurrence (43 CFR 8341.2). Emergency closures and interim designations will not require a planning amendment.

APPROVAL

The Bulletproof Tactical LLC Tactical Vehicle Off-highway Operations Project DOI-BLM-NV-C010-2014-0006-EA and associated Plan of Operations NVN-091774 are approved for implementation with incorporation of identified mitigation measures and Conditions of Approval. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at 2920.2-2(b).

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et.seq.); Section 302 of the Federal Land Management Policy Act of 1976 (FLPMA); Section 304 of the FLPMA and 43 CFR Part 2920 Leases, Permits and Easements.



Teresa J. Knutson, Manager

Stillwater Field Office
Carson City District Office



Date

APPEAL PROCEDURES

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Teresa J. Knutson, Stillwater Field Manager
BLM, Carson City District Office
5665 Morgan Mill Road
Carson City, NY 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. 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 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal.

Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore they will not be accepted.

