

Finding of No Significant Impact

Rise Festival

NEPA Number DOI-BLM-NV-S010-2014-106-EA; Case File LLNVS0-0530-15-005

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-S010-2014-106-EA dated September 12, 2014. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined the proposed action will not significantly affect the quality of the human environment and preparation of an Environmental Impact Statement (EIS) is not required.

I have determined the proposed action is in conformance with the approved Las Vegas Resource Management Plan, signed October 1998, objectives RC-1, and RC-7b. [Objective RC-1: “ensure that a wide range of recreation opportunities are available for recreation users in concert with protecting the natural resources on public lands that attract users” Objective RC-7b: within Jean/Roach Lakes Special Recreation Management Area, “permitted events will be allowed only on previously disturbed areas in tortoise habitat, existing roads, trails and dry washes”] Further, the proposed action is consistent with applicable plans and policies of county, state, tribal and other Federal agencies. This finding and conclusion is based on my consideration of the Council on Environmental Quality’s (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context:

The purpose of the proposed action is to provide access and use of public land for a sky lantern festival style event through issuance of a special recreation permit. The need for the action is established by BLM’s responsibility under the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1701 et seq., which establishes recreation as one of the principal uses of public lands, and directs the Secretary of the Interior to regulate, through permits or other instruments, the use of public lands, which includes commercial recreation use (43 CFR 2931.3(a)). The Federal Land Recreation Enhancement Act (REA) authorizes the BLM to “...issue special recreation permits for group activities and recreation events “(43 CFR 2931.3(b)).

Intensity:

1. Impacts that may be both beneficial and adverse.

The EA considers both the beneficial and adverse impacts of the proposed action. Impacts will include a benefit to the recreational experience of the participants, as well as an economic benefit to the town of Jean, Nevada and City of Las Vegas, Nevada; this event has generated considerable public interest and nearly 10,000 advance ticket sales have been made. Potential adverse impacts include harassment and take of the desert tortoise, a federally listed threatened species, general wildlife, migratory birds, other permitted uses on BLM lands [mining operations] as well as airport and flight operations at Jean and Henderson Executive Airports. These potential impacts will be minimized and mitigated through terms and conditions and permit stipulations, including those described in the EA, Programmatic Biological Opinion (84320-2010-F-0365.R002) and the special recreation permit issued for case file LLNVS0-0530-15-005.

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

The proposed action poses a low risk to public health and safety. Potential threats to public health or safety have been addressed and will be minimized through the development and implementation of operational plans, medical/safety plans, and a mass evacuation plan. Clark County Fire Department is under contract to provide fire suppression and emergency medical services within the venue. Las Vegas Metropolitan Police Department, and private contractors will provide security within the venue. Nevada Highway Patrol and Nevada Department of Transportation will be included in traffic control planning. BLM (in coordination with other agencies, Rise Festival staff, contractors, and vendors) will develop and deploy an Incident Action Plan for the event. Two BLM Type III wildland fire crews will be present to attack and suppress any fire on public lands. BLM managers, recreation program staff and law enforcement officers will be present to ensure compliance with the permit stipulations.

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.

The area can handle large events with a minimum of environmental conflicts. The proposed action is within the Jean/Roach Lakes Special Recreation Management Area (SRMA). The SRMA is an important area for off highway vehicle (OHV) recreation and permitted OHV activities, including competitive truck, buggy and motorcycle races. The SRMA receives an estimated one million casual users annually. The Mint 400, an OHV race held in the same area last year, received an estimated 30,000 spectators, roughly three times the number of Rise Festival participants.

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

The release of sky lanterns in general is controversial and there is a potential for the decision to be appealed. Public comment on the potential for fire and litter and are likely to be controversial. The EA documents BLM public outreach for the proposed action. Public opposition to the event center on the potential for wildland fire and litter on public lands and impacts to wildlife and aviation. The issues of wildland fire, wildlife and aviation are analyzed in the EA. Litter was not addressed as a specific issue, instead the project description was expanded to include a detailed discussion of post event clean up. BLM clarified because the lanterns are biodegradable, it does not mean they will not be cleaned up. Successful post event clean up and removal of the lanterns and festival trash will be a condition of the permit. The issue of wildland fire is addressed in the EA. The potential for fire exists; however, the overall threat posed by fire is low and manageable. To minimize the potential for wildfire, the following steps have or will be taken: (1) Lantern flight characteristics and path has been analyzed. It has been determined the majority of lanterns will fall on the lake bed or perimeter of Jean Dry Lake. Jean Dry Lake and its perimeter is largely devoid of vegetation, therefore it is unable to burn. (2) BLM and the proponent will conduct a test event to determine if the lanterns conform to expected flight characteristics. The test event will also determine if measures for public and environmental protection are appropriate and adequate. Successful completion of the test event will be a condition of the final authorization. (3) Fire crews and engines will be present during the event. Clark County Fire Department will protect venue and BLM wildland fire fighting units will protect public lands.

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

To our knowledge, sky lanterns have not been previously released on public lands. While the release of sky lanterns is unique and carries the potential for fire, it does not involve highly uncertain or unknown risks. As summarized in item 4 (above) and in the EA, BLM and the proponent have identified potential risks and developed mitigation measures and best management practices to address them. One of the most important best management practices is the development and implementation of the BLM Incident Action Plan at both the test event and the festival. In addition, BLM will monitor have the ability to terminate the sky lantern launch at any point during the test event and Rise Festival if the risks to human health and safety and the environment becomes too high.

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 being completed within existing authorities, policies and regulations and does not establish a precedent for future actions with significant effects or constitute a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

No significant cumulative impacts were identified in the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

No adverse effects to NRHP eligible sites or structures, or to any scientific, cultural or historical resources, are expected to result from the proposed action because the proposed action will occur on previously disturbed areas.

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 ESA of 1973.

The proposed action will have a minimal impact on species protected under the Endangered Species Act. The terms and conditions of the project Biological Opinion describe protections and impact minimization measures for threatened and endangered species. The only threatened and endangered species known to occur in the project vicinity is the threatened desert tortoise (*Gopherus agassizii*). The mitigation measures in the EA and the terms and conditions of Programmatic Biological Opinion (84320-2010-F-0365.R002) minimize the risk of an adverse affect to the desert tortoise and its habitat.

The proposed action will occur on existing disturbed areas and Jean Dry Lake. The Jean Dry Lake bed is typically not inhabited by desert tortoise because of periodic flooding and lack of cover and forage. The area surrounding the dry lake bed in the project area is suitable desert tortoise habitat and historical survey data indicate the area ranges from very low to very high density tortoise habitat. Since tortoises have been found within ½ mile of the site and undisturbed habitat exists adjacent to the project site, there is potential for tortoises to be impacted by the proposed action from the large number of vehicles entering the site or at nearby staging areas. Desert tortoises could be either injured or killed (by crushing) by vehicles or harassed/harmed (by being moved out of harm's way). This project will be in compliance with Section 7 of the Endangered Species Act of 1973 as amended (16 U.S.C.

1531 et seq.) for consultation with the U.S. Fish and Wildlife Service on effects to federally listed, proposed and candidate species. Based on the project description, the proposed action may affect, likely to adversely affect the desert tortoise. A determination of a no effect on critical habitat has been made, because the proposed action is outside of designated critical habitat.

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

The proposed action will not violate or threaten to violate any Federal, State or local law or requirements imposed for the protection of the environment. The proposed action is consistent with Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1701 et seq.

Potential impacts to Federal Aviation Administration (FAA) managed airspace and Clark County Department of Aviation administered Jean and Henderson Executive Airports were analyzed in the EA. In correspondence the FAA indicated the proposed action would have no impacts to flight and operations at Jean and Henderson Executive Airports, but requested notification 30 minutes before the event is scheduled to begin and again at its conclusion.

Signed:


Shonna Dooan
AFM Division of Resources

9/12/2014