

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BARSTOW FIELD OFFICE**

ENVIRONMENTAL ASSESSMENT

**King of the Hammers Competitive Off Road Race Event Special Recreation Permit
BLM/CA/PL-2016/07+8305**

Chapter 1. Purpose and Need

BACKGROUND

Hammerking Productions has applied for a Special Recreation Permit (SRP) to conduct competitive, commercial, high speed, off-highway vehicle (OHV) races on public lands in the Johnson Valley OHV Recreation Area south of Barstow, CA. This event has been held annually for the past 8 years. The event is proposed to take place January 29 through February 6, 2016, would include races for trucks, utility vehicles (UTVs), and motorcycles, and combine high-speed racing with extreme rock-crawling.

The proposed course alignment would be essentially the same as in previous years and consists of a 202-mile race route that is divided into three separate laps of 60-70 miles each. Means Dry Lake would continue to be used as the race start and finish, main pit area, and staging and camping area for the race participants and their support teams, vendors, and sponsors. This area is known as Hammertown. Spectators would park at designated areas in and near Hammertown and have access to the vendor booths. Spectators can view the race where the race course passes through Hammertown, and three other designated viewing areas along the course.

OHV use has occurred in the OHV area since World War II, when it was part of the largest desert training base in the world. In the past 50 years, the Johnson Valley OHV Recreation Area has evolved into one the most intensively-used OHV areas in California. In December 2013, in response to a need for an expanded area for military training, Congress enacted, and the President signed into law, the National Defense Authorization Act of 2014 expanding the Marine Air Ground Combat Center at Twentynine Palms to include portions of Johnson Valley OHV Recreation Area for exclusive military use. The National Defense Authorization Act also designated 56,000 acres as a Shared Use Area available for public recreation 10 months of the year and military training two months of the year. It also designated 43,000 acres as the Johnson Valley OHV Recreation Area for year-round public recreation. Approximately 52 percent of the King of the Hammers event course falls within the Johnson Valley Shared Use Area and almost 10 miles is traverses the lands transferred to the Marine Corps and designated for exclusive military use (see figure 1).

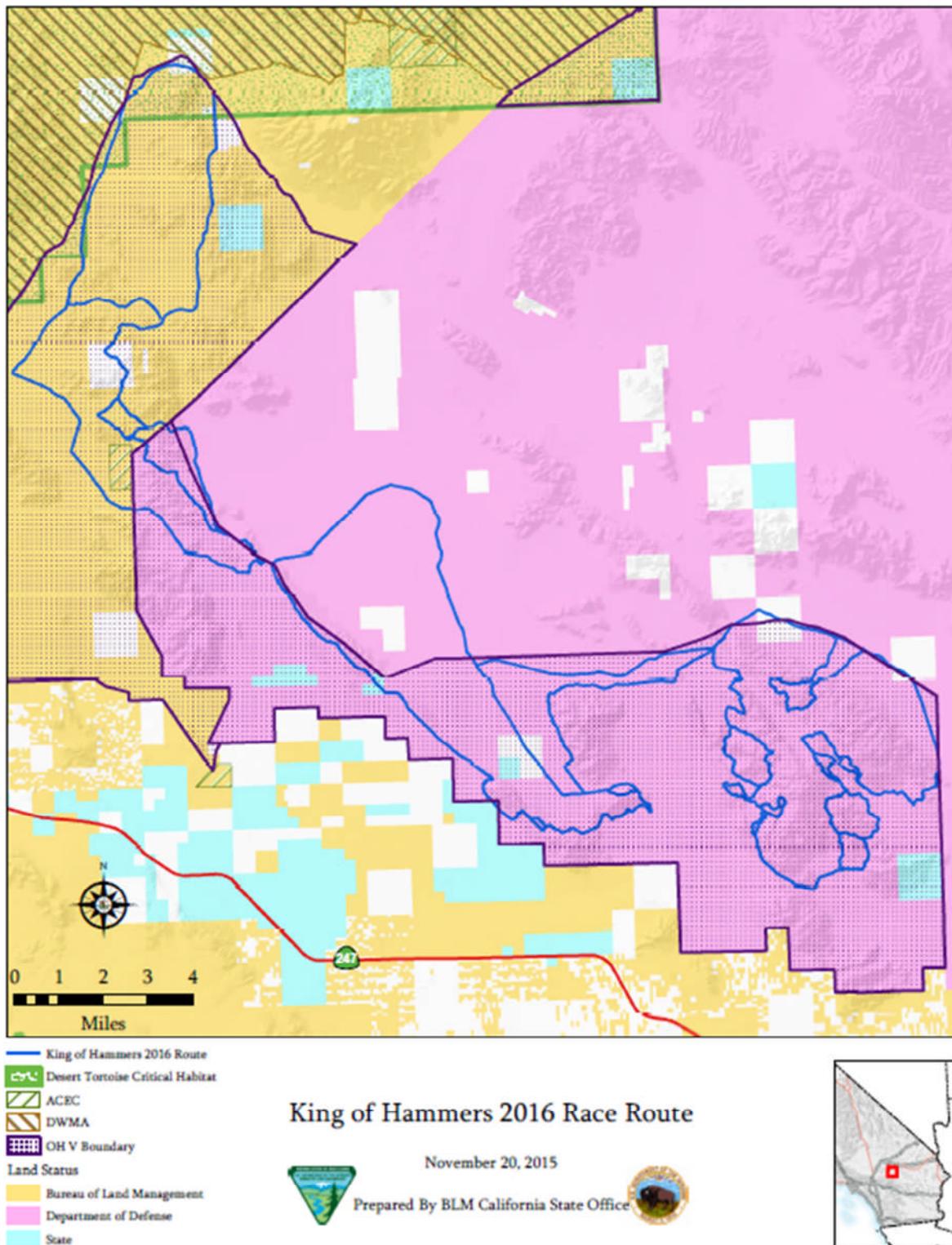


Figure 1. King of the Hammers proposed race route within the Johnson Valley OHV Recreation Area and the routes outside of the OHV area on lands under the jurisdiction of the Twentynine Palms Marine Corps Air Ground Combat Center

PURPOSE AND NEED

The purpose of the proposed action is to respond to the SRP application made by Hammerking Productions to conduct a competitive, commercial high speed OHV event on lands administered by the Bureau of Land Management (BLM), Barstow Field Office, in San Bernardino County, California, as well as other permits associated with the event.

The need for this action is to address the demand for competitive OHV race opportunities and provide the public an opportunity to experience this unique event combining high speed racing and extreme rock crawling in a controlled and organized setting. Demand for competitive OHV races continues to be high, while opportunities for such events are becoming scarce due to conflicts with increasing development near urban areas and resource management restrictions in southern Utah, Nevada, and California. The Johnson Valley OHV Recreation Area provides the combination of a large undeveloped geographical area and the proximate rock formations required for this unique racing event.

Decision to be made: The BLM will decide whether to issue the SRP and associated permits (i.e. vendor permits, commercial filming permits) for the event as proposed, deny the SRP and other associated permits, or issue the SRP and other associated permits with modifications.

CONFORMANCE WITH BLM LAND USE PLANS

The Proposed Action is in conformance with the California Desert Conservation Area Plan (CDCA Plan), signed 1980, as amended. The CDCA Plan established management guidelines for the California Desert Conservation Area, including designating Johnson Valley as multiple-use management class “Intensive” and an OHV Open Area. Organized competitive vehicle events are allowed within these classifications.

RELATIONSHIP TO STATUTES, REGULATIONS AND OTHER PLANS

The Proposed Action is consistent with the following:

Federal Land Policy and Management Act of 1976 (FLPMA) – Provides direction to the Secretary of the Interior on the management of public lands under the principle of multiple use and sustained yield and to develop land use plans for that purpose. It requires that the use of all California desert resources can and should be provided for in a management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles. It also established the CDCA in which Johnson Valley OHV Recreation Area is located.

National Environmental Policy Act (NEPA) – Directs “a systematic, interdisciplinary approach” to federal planning and decision making. The Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] 1500-1508) require federal agencies to identify and assess reasonable alternatives to proposed actions that will restore and enhance the quality of the human environment and avoid or minimize adverse environmental impacts. Federal agencies are further directed to emphasize significant environmental issues in project planning and to integrate impacts studies required by other environmental laws and Executive Orders into the NEPA process. The NEPA process should therefore be seen as an overall framework for the environmental evaluation of federal actions, including the issuance of SRPs. This environmental assessment (EA) documents the

environmental analysis of the proposed race event and any alternatives. A Decision Record will be issued to document the alternative selected for implementation; describe additional terms and conditions or other mitigations that may be required; and discuss considerations that the BLM considered in making the final decision.

Federal Endangered Species Act of 1973 (ESA) – Requires all federal agencies to consult with the Secretary of the Interior, through the U.S. Fish and Wildlife Service (FWS) for any action that “may affect” federally listed species or critical habitat.

The BLM completed formal consultation with the FWS for the Johnson Valley OHV Area Management Plan. The FWS issued a Biological Opinion for the Management Plan on November 14, 1991 (1-6-90-F-39) that the proposed action is not likely to jeopardize the continued existence of the desert tortoise. The proposed race event is in accordance with that Biological Opinion; the reasonable and prudent measures, and terms and conditions.

The U.S. Marine Corps completed formal consultation with the FWS for the expansion of the Twentynine Palms Marine Corps Air Ground Combat Center which included a portion of the Johnson Valley OHV area. The FWS issued a Biological Opinion for the expansion on July 17, 2012 that the proposed action is not likely to jeopardize the continued existence of the desert tortoise. In their Biological Opinion, FWS stated “The Service and Bureau have completed consultation on several of the off-highway vehicle management areas and the route network; these biological opinions have adequately evaluated the effects of the expected use...” In stating such, the FWS reaffirmed the analysis in the 1991 Biological Opinion issued to the BLM was still valid.

National Historic Preservation Act of 1966 (NHPA) - Section 106 (54 U.S.C. § 306108) of the National Historic Preservation Act (54 U.S.C. 300101 et seq.), requires federal agencies to take into account the effects of their undertakings (projects), licensed or executed by the agency, on historic properties listed or eligible for listing in the National Register of Historic Places, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings (16 U.S.C. 470[f]). Section 106 process seeks to accommodate historic preservation concerns with the needs of federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. This investigation provides the information to evaluate the potential effects to cultural resources from each of the proposed alternatives.

Executive Order 13112, Invasive Species (64 FR 6183 et seq.) – Provides that no federal agency shall authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk or harm will be taken in conjunction with the actions.

Executive Order 12898 – The 1994 Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations (Executive Order 12898) requires that each

federal agency consider the impacts of its programs on minority and low-income populations (49 FR 7629).

Executive Orders 11644 (1972, 37 FR 2877) and 11989 (1997, 42 FR 26959), use of Off-Road Vehicles on Public Lands – Require public land managers “to establish policies and procedures to ensure that use of [OHVs] on public lands will be controlled and directed to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.”

Title 43 Code of Federal Regulations 8340 – These OHV regulations are based largely on Executive Order 11644 and establish criteria for designating public lands as open, limited, or closed to OHV use and establishes controls governing the use and operation of OHVs in these designated areas. It also defines off-road vehicles, which is inclusive enough to effectively establish regulation of all types of motorized access to public lands.

California Desert Conservation Area Plan – The CDCA Plan was approved in 1980 and provides a multiple-use management blueprint for approximately 25 million acres in Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, and San Bernardino counties, of which 10 million acres are managed by the BLM. The CDCA Plan designated Johnson Valley as Multiple Use class “intensive” to “provide for concentrated use of lands and resources to meet human needs” and off-highway vehicle “open” indicating vehicles may travel anywhere within the designated area. Since adoption, the BLM has amended the CDCA Plan numerous times; the West Mojave Desert CDCA Plan Amendment (2006) includes direction for management of the public lands in Inyo, Kern, Los Angeles, and San Bernardino counties including the vicinity of Johnson Valley OHV Recreation Area.

West Mojave Desert CDCA Plan Amendment – The West Mojave Plan was approved March 13, 2006 and amends the CDCA Plan by establishing new and modifying the boundaries of existing Areas of Critical Environmental Concern (ACECs), amends some of the Multiple Use class designations to reflect the new management actions, and made modifications to specific management areas and programs including motorized routes designations and the Stoddard Valley to Johnson Valley connector. Initiated as an interagency habitat conservation plan it does not include specific management direction for the Johnson Valley OHV Recreation Area.

Johnson Valley Off-Highway Vehicle Area Management Plan (1992) – Provides management direction for OHV recreational opportunities, other resource allocations, and enhanced visitor services and safety programs in the Johnson Valley OHV Recreation Area. The Plan retains the “Open” vehicle use designation established in the CDCA Plan reflecting the importance of the Johnson Valley OHV Recreation Area as one of the most heavily-used areas of its kind in the California desert. This EA tiers to the decisions to require organized event promoters to obtain SRPs that include stipulations that provide participant and spectator safety, protection of sensitive resources, and use supervision. The Management Plan EA analyzes the impacts from implementation of these decisions noting that issuing permits would assist in eliminating conflicts between permitted uses and other activity. The EA acknowledges that organized OHV events may result in slight impacts to sensitive resources, requiring specific stipulations in the permit would decrease the potential occurrence of these impacts (EA, pages 10-12). This analysis is incorporated here by reference.

29 Palms Land Acquisition and Airspace Establishment Final Environmental Impact Statement (FEIS) (2012) and National Defense Authorization Act of 2014 - The FEIS for the Department of

Navy (DoN) evaluated the establishment of a large-scale training range facility at the Marine Corps Air Ground Combat Center at Twentynine Palms, California that would accommodate sustained, combined-arms, live-fire, and maneuver training for all elements of a Marine Expeditionary Brigade. Acquisition of lands adjacent to the Combat Center, specifically a portion of Johnson Valley OHV Area, was required to meet this military training need. The FEIS characterizes the existing conditions within the Johnson Valley OHV Recreation Area (West Study Area) and analyzes the consequences of transferring these lands to the Department of Defense (DOD); it included an alternative that recommended continued public access to a “Shared Use Area” comprising 43,049 acres when the Marines would not use the area for training.

Enacted in December 2013, the National Defense Authorization Act of 2014 authorized the withdrawal of federal land and purchase of non-federal land to meet training requirements that included approximately 107,000 acres of an Exclusive Military Use Area and an approximately 53,000 acre Shared Use Area available for public recreation 10 months per year and for military training two months of each year. The bill also designated approximately 43,000 acres as the Johnson Valley Off-Highway Vehicle Recreation Area to be managed by the BLM for year-round public recreation.

Approximately 52 percent of the proposed King of the Hammers race course traverses the Shared Use Area and approximately 10 miles crosses portions of the Exclusive Military Use Area in upper Johnson Valley.

ISSUES AND SCOPING

Internal scoping was conducted by a BLM interdisciplinary team to refine the proposed action and identify issues, appropriate alternatives, and potential public interest. The issues identified through the internal scoping process and considered in this analysis are:

- The safety of spectators and participants could be impacted by the way the race is conducted, such as access to race course itself.
- The environmental impacts of concentrating a large number of spectators in Hammertown and along the spectator view areas during the event.
- The health of those attending the event could be impacted by the concentration of individuals, vehicles, and equipment due to tailpipe emissions and dust, as well as the availability of sanitation facilities.

Chapter 2. Proposed Action and Alternatives

ALTERNATIVE 1: PROPOSED ACTION

The Proposed Action is to issue an SRP and a Land Use Permit to Hammerking Productions to conduct the King of the Hammers Race Event on public lands near Barstow, CA, from Friday, January 29 through February 7, 2016. The Land Use Permit would include authorization for commercial filming activities associated with the race event; and the construction, operation, and removal of the short course (start/finish) area.

The event would include approximately 400 competitors, 75 vendors, 40 non-vending sponsors, and 200 event staff who would generally camp on site in recreational vehicles for the duration of

the event. Spectators could number up to 20,000 and would not generally camp at the event but would attend specific races during the day. Some small groups of spectators may camp near Hammertown. The majority, if not all, participants and spectators camp in Recreational Vehicles (motorhomes and trailers). The event would be conducted according to the stipulations identified at Appendix 2 and include the California Desert District Standard Special Recreation Permit (CDDSSRP) Stipulations. The short course and commercial filming activities will be conducted according to the stipulations identified at Appendix 3.

The short course area, vendor area, main pit area, and camping area would be located on approximately 1,300 acres on the north side of Means Dry Lake (referred to as Hammertown). Temporary structures (tents, stages, video display unit, fencing, etc.) would be erected and participants assigned a camping/garage area within the Hammertown complex. Sanitation would be provided by 50 portable restrooms with adjacent hand wash stations to be serviced twice daily and six roll-off dumpsters and trash can service. There would be no commercial fueling facilities onsite; fueling would be for the race vehicles only and be done by the individual race teams.

The short course area would include a 50-foot wide by 1200-foot long dirt course on the edge of Hammertown that extends for 600 feet on either side of the start/finish line. This course directs the racers through the Hammertown area and slows their speeds near spectators through the use of earthen bumps. It would be fenced off from spectator areas with bicycle fence, lined with sponsor flags, and have the start/finish scaffolding in place; the area would be accessible to event staff, competitors, and media personnel. The short course would be graded by a bull dozer to smooth the track and utilize existing soil to bank the corner approaching the start/finish line and construct one or two bumps on approximately two acres. The dozer would be stored in this area to maintain the track daily during the race event. The short course would be smoothed to match the surrounding terrain at the end of the event. A Land Use Permit would be issued for this ground disturbance. Any fueling, lubing, or maintenance of the dozer would be conducted following the CDDSSRP Stipulations for Fuel and Fluid Management.

Hammertown would include a vendor area where vendors would be assigned specific locations through Hammerking Productions. These vendors would be selling products (e.g., hats, t-shirts, food, etc.) and services (e.g., welding, wifi access, recreation vehicle pump-out services, etc.) to competitors, spectators, and other event participants. BLM would issue each vendor an SRP once Hammerking Productions has approved their participation and assigned space in Hammertown; these will be the only vendors authorized for this event.

Five races would be held throughout the week for the different types of OHVs. The races would occur during daylight hours with the exception of the King of the Hammers event that runs as late as 10:00pm. Light towers would be used in the stop check areas, including the start/finish line, and road crossings after dark. The majority of the physical race course (first lap) would be closed at 6:00pm (dusk). Qualifying, technical checks, pre-running on the course, and mandatory driver's meetings would occur the day before each race.

Jan 31	King of Motos	Motorcycles	8:00am-4:00pm
Feb 1	King Shocks Shootout	Ultra4s & SSRS	6:00pm
Feb 3	King of the Hammers UTV	UTVs	8:00am-4:00pm
Feb 4	Every Man Challenge	Ultra4s, Modified & Stock	8:00am-6:00pm
Feb 5	King of the Hammers	Ultra4s	8:00am-10:00pm

Event staff would be stationed along the race course, at check points, and in the pit areas to monitor the participants' progress, confirm course readiness before a race can begin, and provide for safety at road crossings. Event staff would also be stationed at the designated spectator areas as well as areas known to be frequented to ensure compliance with spectator safety measures.

Spectators would be allowed to view the race from three spectator areas (Backdoor, Chocolate Thunder, and Jack Hammer) in addition to the main camp (Hammertown). Spectators, including the media, would be issued a free wristband at the Welcome Gate and Main Camp Information Booth after signing a waiver sheet and receiving safety and spectator management information. Only individuals with wristbands would be permitted into the Backdoor canyon spectator area to ensure they have received the safety materials. Setbacks from the race course – delineated by bicycle fence or flagging, would be 150 feet in high speed areas and less where natural topography and speed of cars mitigate risk.

Emergency operations would be a coordinated effort between the event Medical Director, rescue and ambulance services, San Bernardino County Search and Rescue, San Bernardino Fire, and Mercy Air for coverage during competition hours. Only the helicopter use for emergency services (medical/law enforcement) would be permitted under the SRP. Two local hospitals (Yucca Valley and Apple Valley) would be notified of the race event and possible need for assistance. An ALS paramedic would be on-site 24/7 for the duration of the event to manage spectator emergencies. Speedway Fire would manage fire staffing and provide a cut truck and fire suppression for the garage area, vendor area, and main pits in Hammertown.

Commercial filming of the races would be conducted by both ground-based and aerial cameras mounted on no more than two helicopters, and the use of no more than two unmanned drones. The BLM would issue a Commercial Filming Permit to Hammerking Productions for this activity. Aerial footage would be filmed in such a way that the helicopter would not fly over areas open to spectators. The landing zone(s) and refueling of the helicopter would take place on privately owned property. An additional Landing Zone on BLM has been identified for short term use for administration of the race events. Aerial operations including use of Landing Zone on BLM and any flight operations will be consistent with Federal Aviation Administration (FAA) regulations. Ground-based filming would use shoulder-held cameras, as well as tripods and vehicles such as OHVs and 4-wheel drives. The filming crew also utilizes a production trailer in the race area with a view of the short course. All commercial filming activities are staged from the production trailer.

ALTERNATIVE 2: NO ACTION

Under this alternative the SRP and Land Use Permit would not be issued. Hammerking Productions would not be authorized to hold the King of the Hammers race event on BLM lands identified in the Proposed Action description.

ALTERNATIVE 3: CLOSED COURSE

The BLM would issue the permits and the event would be conducted as described in the Proposed Action; the difference would be that BLM would issue a Temporary Land Closure that would close approximately 71,065 acres of the Johnson Valley OHV Recreation Area where the King of the Hammers event would take place to all public use for the duration of the event

(January 29 - February 6, 2016). A Temporary Land Closure would restrict public access in the majority of the Johnson Valley OHV Recreation Area to Hammertown, the spectator areas, and the race course to event participants (i.e., competitors, event staff, vendors, and spectators with wristbands) and others with specific authorization. This alternative was developed to respond to the issue of public safety for those not attending the event through limiting access to the event area to only those authorized individuals (e.g., participants, event staff, spectators with wristbands, other BLM permittees, etc.). This closure would reduce the potential interaction between racer and casual use recreationists. Signs would be posted on roads that access the closed area to notify the public of the closure.

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

An alternative to limit the number of event spectators was also considered. This alternative was developed to respond to the issues of environmental and health-related impacts from concentrating individuals, vehicles, and equipment in Hammertown and the spectator areas. This alternative was not analyzed in detail because a carrying-capacity for the Johnson Valley OHV Recreation Area, in general, and the King of the Hammers race course and Hammertown area, specifically, has not been allocated in any BLM land use plan. In addition, the number of spectators and participant team members for past King of the Hammers event have not been counted, therefore it is premature to set a carrying-capacity for the concentrated use areas of the event without accurate baseline data.

Another alternative that would temporarily close the event area only during the actual times the races were being conducted. The area, including Hammertown, would be open to the general public throughout the remaining King of the Hammers event week. This alternative was not analyzed in detail because closure of the race course and spectator areas, including Hammertown, during the actual race times would be infeasible and result in similar effects as described in Alternative 3.

Chapter 3. Environment Analysis

This chapter presents both the affected environment and environmental consequences, by resource, for each alternative analyzed in detail.

GENERAL SETTING:

Johnson Valley OHV Recreation Area is situated between the communities of Apple Valley and Lucerne Valley to the north and Yucca Valley to the south; it is about 25 miles southeast of Barstow and 10 miles east of Lucerne Valley, California. It has been designated as an open OHV area, meaning that motorized vehicle use is allowed anywhere within the designated area. Specific areas within Johnson Valley that area OHV destinations include Means Dry Lake, Melville, Dry Lake, Soggy Dry Lake, Anderson Dry Lake, Galway Dry Lake, the Hammers, the Rockpile, Cougar Buttes, and Giant Rock.

The terrain contains steep rock-covered mountains, gently rolling hills, open valleys, and several dry lake beds, and sandy washes. Trails that snake all over the rolling hills and dry lake beds make popular speedways and are used regularly for competitive events. Elevations range from 2,300 feet at Melville Dry Lake to 4,600 feet at Hartwell Hills. The Hammers Trails, located in the Hartwell Hills, are world famous extreme trails. The diverse terrain provides opportunities for OHV participants of all skill levels. Johnson Valley is unique from other nearby OHV areas, such as Stoddard Valley OHV Area, because of its large size and remoteness, offering an experience free from the views and sounds of interstate highways.

The Johnson Valley OHV Recreation Area includes what is also known as the “Shared Use Area” of 488 acres, which is jointly managed by the BLM and DOD with agreed upon guidance from an inter-agency agreement. The Shared Use Area remains open to public recreation use managed by the BLM for 10 months and for two months will be managed and used by the DOD for military training purposes.

RESOURCE OR ENVIRONMENTAL ELEMENTS CONSIDERED BUT NOT ANALYZED:

The BLM considers specific elements of the environment that are subject to requirements in statute or regulation or by executive order. The following table lists the elements are considered in all environmental analyses, as well as other resources of the human environment. These resources were considered but determined to be either not present or unaffected by the proposed action and will therefore not be addressed further in this analysis.

In some cases, the impacts to the resources were adequately addressed in the 29 Palms Land Acquisition and Airspace Establishment FEIS (“29 Palms FEIS”) for the Johnson Valley OHV Recreation Area. (DoN 2012). For those resources, the information is summarized, and the specific page numbers are cited. In those situations, the analysis in the 29 Palms FEIS is incorporated by reference.

<i>Environmental Element:</i>	<i>Reason not addressed:</i>
<i>Air and Atmospheric Values</i>	Air Quality and emissions of criteria pollutants and toxic compounds were described in the 29 Palms FEIS. The Mojave Desert Air Basin attains the National Ambient Air Quality Standards (NAAQS) for all criteria pollutants except for ozone and PM10. Race events such as the proposed race event were considered in the calculations of existing emissions generated in the acquisition study areas. Emissions from ongoing activities, including casual use of OHVs are part of the original emissions budget in the State Implementation Plan (SIP) and covered in this Control Strategy. Those portions of the FEIS that this description and analysis are incorporated here by reference (DoN 2012, pp. 3.8-1 - 3.8-8).
<i>Greenhouse Gas Emissions</i>	Greenhouse gases (GHG) and their emission sources were described in the 29 Palms Land FEIS. The potential effects of GHG emissions are by nature global and cumulative impacts, as individual sources of GHG emissions are not large enough to have an appreciable effect on climate change. Those portions of the FEIS that this description and analysis are incorporated here by reference (DoN 2012, pp. 3.8-8 - 3.8-10; 4.8-1; 5-33; 6-23).
<i>Area of Critical Environmental Concern (ACEC)</i>	Soggy Dry Lake Creosote Ring ACEC is located adjacent to and outside of the Johnson Valley OHV Recreation Area. The proposed race event would not affect the relevant and important values of this ACEC. The race course will be adjacent to the Upper Johnson Valley Yucca Rings ACEC but will not cross it; therefore the event would not impact these relevant and important unique vegetation assemblages.
<i>Environmental Justice</i>	There are no known concentrations of minority populations in the immediate vicinity of the project area. In 2010 Lucerne Valley had 23.8% of the population living below the poverty line (DoN July 2012).
<i>Essential Fish Habitat</i>	This is no essential fish habitat in the project area.
<i>Farmlands, Prime or Unique</i>	There are no farmlands in the project area.
<i>Floodplains</i>	There are no floodplains in the project area.

<i>Environmental Element:</i>	<i>Reason not addressed:</i>
<i>Invasive, Non-native Species</i>	Although invasive, non-native species may occur within the Project area, the proposed event would be limited to existing roads and designated staging areas, and would not change the overall occurrence or distribution of invasive, non-native species.
<i>Land Use Authorizations</i>	Electric transmission lines traverse the northern portion of Johnson Valley OHV Recreation Area. While the proposed race course crosses beneath these lines, the event would have no impacts to their operations.
<i>Lands With Wilderness Characteristics</i>	There are no Lands with Wilderness Characteristics located in the project area.
<i>Livestock Grazing</i>	The proposed race course would cross the Johnson Valley Grazing Allotment. This allotment is classified for ephemeral grazing uses and is designated for sheep; however, it has no active grazing. Therefore the proposed event would have no impacts on the allotment or grazing opportunities in Johnson Valley.
<i>Minerals</i>	There are no producing mines in the Johnson Valley OHV Recreation Area; however, there are inactive or abandon mines in the area. While the race event would not affect these mine or mine sites, they could present a safety hazard to race competitors or spectators. Stipulations to the SRP require the event proponent to post warning signs, at all known mine shafts and other hazardous areas which occur within 100 feet of the activity and will verbally inform participants of all hazards at the pre-event meeting.
<i>National Landscape Conservation System (NLCS) Units: National Monuments, National Trails, Wilderness, Wild and Scenic Rivers</i>	The project vicinity does not contain NLCS lands.
<i>Paleontological Resources</i>	The alluvial sediments in the OHV area have the potential to contain significant fossil remains; however, it is difficult to predict whether fossils would be found at any particular location (DoN July 2012, p. 4.12-8).
<i>Socioeconomics</i>	Recreation users of the Johnson Valley area contribute to the economic spending in the local area and broader economic region (Apple Valley, Barstow, Lucerne Valley, Landers/Johnson Valley, Twentynine Palms, Victorville, and Yucca Valley (DoN July 2012, pp. 3.3-11 - 3.3-16). The proposed event would bring an influx of approximately 20,000 people to the are over the duration of the event. While this

<i>Environmental Element:</i>	<i>Reason not addressed:</i>
<i>Socioeconomics continued</i>	would bring a short-term increase in spending to the local area, it would not change the overall trends in population demographics, business activity, employment and income for the communities in the broader economic region.
<i>Travel Management</i>	Johnson Valley OHV Recreation Area has been designated as an OHV open area. The proposed race event is in conformance with this designation.
<i>Visual Resources</i>	Overall scenic quality was determined to be medium to low in the 1992 Johnson Valley OHV Area Management Plan because of the man-made intrusions including OHV trails and heavily-used staging areas (p. 122). The plan designated the OHV area as VRM class II, III, and IV. Human activities and signs of land use and disturbance (e.g., vehicles, dust clouds, etc.) are a common occurrence in the OHV area. The proposed race event would create short-term dust clouds during race times and night-time lighting of specific portions of the race course, but these impacts would not visually contrast or dominate the existing visual condition.
<i>Wetlands/Riparian Zones</i>	There are no wetlands or riparian zones in the project area.
<i>Wild Horses and Burros</i>	No wild horse and burro management units occur in the project area.

BIOLOGICAL RESOURCES

Affected Environment

Biological resources in the south central Mojave region as well as in the Johnson Valley OHV Recreation Area were described in detail the 29 Palms FEIS (DoN, 2012). The information on the biological resources presented in the FEIS provides an accurate accounting of the plant communities, ecosystems, and wildlife, including special status species, that are or may be present in Johnson Valley OHV Recreation Area (West Study Area in the FEIS)).

The Johnson Valley OHV Recreation Area is location in a region that is a transition zone between the Great Basin Desert to the north and the Colorado Desert to the south and east. Regional wildlife habitats are defined by distinct landscape features such as alluvial fans and basins, braided washes, rock outcrops, cliffs, caves and mineshafts, sand dunes and fields, springs, and seeps; all contribute to the diversity and abundance of wildlife. The vast majority of the ecosystems in the area include creosote bush and bursage scrub as the dominant vegetation; however, this area is known to contain yucca woodlands, saltbush scrub, and black bush scrub. Several of the playas in the area have been degraded due to OHV activity and/or their use as filming locations. Three federal special status species are known, or have the potential to occur in the Johnson Valley OHV Recreation Area: desert tortoise, Mojave fringe-

toed lizard, burrowing owl. The portions of the FEIS that describe the current condition of biological resources in Johnson Valley OHV Recreation Area are incorporated here by reference (DoN 2012, pp. 3.10-4 - 3.10-45).

Environmental Consequences

Alternative 1: Proposed Action

The Johnson Valley OHV Area has been open to extensive OHV use since its designation in 1980. The open nature of the area has resulted in the loss of forage and fragmentation of habitat for desert tortoise, as well as impacts to Mojave fringe-toed lizard, burrowing owl habitat. In addition to the open use of the area during the event, the proposed action has the potential to further degrade habitat for these species by concentrating the use of the event area with an additional 400 competitors, vendors, event staff and up to 20,000 spectators. Potential impacts to habitat will be minimized because the event would be restricted to established routes, trails, and disturbed areas that have been used for previous events.

The proposed event may have the potential to result in mortality or disturbance to desert tortoise, Mojave fringe-toed lizard, and burrowing owl caused by conflicts with motor vehicles (e.g. collision/crushing) noise, lighting, handling by event participants, and other human caused disturbance. These impacts would be minimized through the timing of the event being during a period in which desert tortoise and Mojave fringe-toed lizard are inactive and likely to be below ground, and outside of the breeding season for burrowing owl. In addition there are stipulations requiring event participants and spectators to receive educational materials regarding the protection of desert tortoise and penalties for non-compliance.

During the construction of the short course on the north side of Means Dry Lake, desert tortoise may be crushed or buried if burrows exist in this location. To reduce this potential the event organizer will be required to inspect the short course location, as well as any spectator locations staging areas, or concentrated use areas within the Hammertown Complex for active desert tortoise burrows. If any are found the areas will be flagged and avoided. There is no Mojave fringe-toed lizard habitat within the areas being bulldozed.

The concentrated use of the area by such a large number of participants, spectators and associated staff has the potential to generate a large amount of trash and waste food items which will attract Ravens to the site. Ravens in the desert have been demonstrated to impact desert tortoise populations, as they are known to predate upon juvenile desert tortoise, thus attracting ravens to this area may result in additional impacts to desert tortoise. The stipulation requiring raven proof containers and the removal of trash and food items from the areas within 24 hours of event completion reduces this impact.

Alternative 2: No Action

Under the no action alternative, the concentrated use would not occur. The Johnson Valley open OHV Area will continue to receive casual occasional use which may result in further habitat degradation, and direct injury/mortality of desert tortoise, Mojave fringe-toed lizard, and burrowing owl. There would not be the construction of the short course or the Hammertown Complex, so it would be unlikely that the few desert tortoise burrows that may occur on the north side of Means Dry Lake, would be impacted. Additionally, there would not be a large volume of trash and waste food items generated to attract Ravens to the site

Alternative 3: Closed Course

The closure of the event area to casual use would have similar impacts than those analysed under the Proposed Action. The impacts would remain the same with the exception that there may be fewer people using the area as a result of the temporary closure, and those that remained would have all received the information regarding protection of desert tortoise and penalties for non-compliance.

CULTURAL RESOURCES:

Affected Environment

The event proposed would take place in a popular, extensively used OHV open area and the same route has been used in the past. The BLM has determined that this project is exempt from Class III cultural resources inventory in accordance with Appendix A of the *State Protocol Agreement Among the California State Director of the Bureau Of Land Management and the California State Historic Preservation Officer and the Nevada State Historic Preservation Officer Regarding the Manner in Which the Bureau of Land Management Will Meet its Responsibilities Under the National Historic Preservation Act and the National Programmatic Agreement Among the BLM, the Advisory Council On Historic Preservation, and the National Conference of State Historic Preservation Officers.*

Although exempt from Class III inventory, about one third of the proposed route has been previously surveyed. The full range of the kinds of cultural resources present in the vicinity is known. The types of cultural resources include prehistoric, historic, archaeological, or architectural sites, structures, buildings, places, or objects and locations of traditional cultural or religious importance to Tribes or other specified social and/or culture groups. No cultural resources in the vicinity of the SRP event meet criteria to be eligible for listing on the National Register of Historic Places as historic properties.

Environmental Consequences

Alternative 1: Proposed Action

There would be no known impacts to significant cultural resources. The event would be restricted to established routes, trails, and disturbed areas that have been used for previous events by the CDDSSRP Stipulations (19-22). In the unlikely event that cultural resources are encountered during the SRP event, the promoter would be responsible for ensuring that cultural resources are not excavated, removed, damaged, or otherwise altered or defaced as required by CDDSSRP Stipulation 18. Implementation of these stipulations would insure significant cultural resources would not be affected.

Alternative 2: No Action

Although the Special Recreation Permit and other associated permits would not be issued and the King of the Hammers Race Event would not occur on public land. However, the OHV area would remain open to use.

Alternative 3: Closed Course

The effects of Alternative 3 would be the same as the Proposed Action.

RECREATION:

Affected Environment

The combination of vast open space, large variety of desert views and scenic vistas, and unique geologic formations in Johnson Valley is not found within any other OHV area in the country (California Off - Road Vehicle Association 2010). Dispersed, casual recreational use of the area include OHV driving and camping, and to a lesser degree hiking, mountain bike riding, rock climbing and scrambling, geo-caching, hunting and wildlife viewing, equestrian riding, photography, and auto touring. The majority of visitors, however, are here because this area offers a full range of terrain for different types of OHVs.

Commercial recreation activities include both competitive (races) and non-competitive events (fun runs) both small and large in scale. These events and activities occur under BLM permit.

This area is well situated for providing recreation and large events with good access and open terrain. Key roads through this area providing access into the area and for longer distance scenic touring include Camp Rock, Bessermine, and Boone.

Environmental Consequences

Alternative 1: Proposed Action

During the race event, there could be temporary displacement of recreation users in the Johnson Valley OHV area especially in the area of Hammertown. Non-event recreationists could access Johnson Valley OHV area from various access points including Hammertown and potentially enter onto the race course during race events. Non-event recreationists would not be subject the required safety briefings that individuals entering through the primary event entrance would. Given the limited to moderate amount of dispersed recreation in the area, the implementation of this alternative would have little effect on the overall recreation resource.

Alternative 2: No Action

Although the Special Recreation Permit and other associated permits would not be issued and the King of the Hammers Race Event would not occur on public land, the OHV area would remain open to recreational OHV use and other recreation activities.

Alternative 3: Closed Course

Same as Proposed Action except a Temporary Land Closure would be issued through a Federal Register Notice. This full land closure (71,065 acres), would restrict casual recreation from accessing the race course during the race event, thus providing a greater level of visitor safety. All visitors would receive the mandatory safety briefing.

SOIL RESOURCES:

Affected Environment

The existing condition of the soils in the Johnson Valley OHV Recreation Area including the areas proposed to be used for the event have been described in the 29 Palms FEIS. Impacts to soils from OHVs including soil compaction, water erosion, changes to soil chemistry, and increases in water and wind erosion are described. The FEIS notes that many areas in

Johnson Valley OHV Recreation Area are heavily disturbed by OHV activity including the race course, Hammertown, and the spectator areas. Those portions of the 29 Palms FEIS that provide the description of the impacts to and current condition of the soil resources in Johnson Valley OHV Recreation Area are incorporated here by reference (DoN 2012, pp. 3.12-22 - 23).

Environmental Consequences

Alternative 1: Proposed Action

The soils in the area that would be used by the event have already been disturbed by vehicle activity, including both casual recreational OHV uses and previous organized events. The race course would use well-established routes, washes and old courses or trails that are already compacted. The racers and support teams would be required to remain on the designated course or access routes thus reducing the magnitude compaction from this event. This event would concentrate a large number of people and vehicles in the Means Dry Lake area; soil disturbance and compactions from this use would be intense in the short-term -- the duration of the event, but this and similar events held in this area have not created any discernible lasting effects to the environment beyond those sustained by casual recreational uses.

Alternative 2: No Action

The soils in the area would continue to be disturbed by vehicle activity including casual OHV recreation consisting of cross-country riding, trail use and free-play, as well as dispersed camping consisting of clusters of recreational vehicles on Means and Melville Dry Lakes. Organized OHV events would occur that would concentrate participants at various staging areas throughout Johnson Valley OHV Recreation Area such as The Rock Pile, Anderson and Soggy Dry Lakes. These activities would continue to contribute to soil compaction and increase susceptibility to wind and water erosion.

Alternative 3: Closed Course

The effects of Alternative 3 would be the same as the Proposed Action.

WATER QUALITY:

Affected Environment

Several documents have analyzed the affected environment of the Johnson Valley OHV Recreation Area. The Johnson Valley OHV Area Management Plan described the scarcity and ephemeral nature of surface water resources in the area (BLM August 1992); this description in Appendix 10 of the Johnson Valley OHV Area Management Plan area incorporated here by reference.

The 29 Palms FEIS also characterized the water resources for the portion of the Johnson Valley OHV Recreation Area where the event is proposed (DoN 2012, pp. 3.13-2 to 3.13-21). There are no perennial or live surface streams, springs, or seeps in the project area. The intermittent streams flow from mountainous areas directly into playas and either evaporate or sink into the underground water supply. These stream are dry washes except during infrequent heavy winter storms or local summer thundershowers. Surface water gathers in various dry lakes or playas; although these waters are ephemeral, they represent important biological habitat. There are two groundwater basins in the project area: Means Valley and Johnson Valley, both of

which have poor water quality due to high levels total dissolved solids, fluoride, and nitrates. The portions of Chapter 3 of the 29 Palms Land Acquisition and Airspace Establishment FEIS that describe the affected environment are incorporated here by reference.

Environmental Consequences

Alternative 1: Proposed Action

Waste discharges and/or accidental spills of petroleum products during the event have a potential to affect water quality. The proposed race event would bring numerous people and vehicles into the area and concentrate them in the vicinity of Means Dry Lake. Individuals camping at Hammertown would generate “grey water” and “black water” wastes. The event proponent would provide portable toilets at Hammertown and near spectator areas, and RV pump-out services would also be available. Fueling and repair of the race vehicles involve the use of petroleum products. SRP stipulations require race participants and their support staff to provide a method to capture and control any fuel spilled during refueling. In addition, these stipulations require any pit areas or areas where fuel is stored to have a containment feature.

Implementation of these stipulations for storage and disposal of waste waters, storage and use of petroleum products during the event would result in negligible impacts to surface waters. Also, given the low frequency of rain events in the area, the potential for dispersion and transport of spilled materials or wastes before cleanup is relatively low. Therefore, the potential for leaching for surface-released contaminants to the groundwater would also be minimized.

Alternative 2: No Action

Although the race event would not occur this year, the area would continue to be used as a popular OHV riding and staging area. There would be the potential for discharge of wastes or spills of petroleum products from vehicles or during fueling or repair to affect water quality.

Alternative 3: Closed Course

The effects of Alternative 3 would be the same as the Proposed Action.

WASTE, HAZARDOUS OR SOLID:

Affected Environment

There are no known hazardous material sites along the race course route. Petroleum products such as gas and diesel fuels and lubricants such as oil and grease would be used by race vehicles the duration of the event. Race vehicle fueling, lubrication and repairs would occur at the pit locations within Hammertown. Any fueling, lubrication and repairs for helicopter used for filming purposes would occur on private lands.

Solid waste generated during race would be removed from the event and deposited in an approved treatment facility or landfill.

Environmental Consequences

Alternative 1: Proposed Action

Race vehicle fueling, lubrication and repairs will occur within the designated pit locations. These activities are strictly managed through race and BLM permitted activities in accordance with the CDDSSRP Stipulations. Fueling and lubrication would not be conducted at a commercial and would involve primarily small tanks, which would limit the size of potential spills. The stipulations require that a spill containment kit be on site, and any spills must be cleaned up and disposed of in an approved facility. Failure to adhere to SRP stipulations will result in suspension or cancellation of the permit.

However, there is still the potential for waste discharges and/or accidental spills of petroleum products and other hazardous wastes. It is the responsibility of the permittee to clean up any spill or solid hazardous waste. This is subject to inspection and monitoring by BLM.

Alternative 2: No Action

Although the race event would not occur this year, the area would continue to be used as a popular OHV riding and staging area. There would be the potential for discharge of wastes or spills of petroleum products from vehicles or during fueling or repair.

Alternative 3: Closed Course

The effects of Alternative 3 would be the same as the proposed action.

CUMULATIVE IMPACTS

The CEQ regulations define cumulative effects as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions.” (40 CFR 1508.7).

Cumulative Impact Scenario

Because the impacts of the Proposed Action and alternatives is localized, the scope of the cumulative effects analysis is the same as the affective environment for each resource. In addition, the temporal scope is expected to be temporary.

The 29 Palms FEIS describes the past, present, and reasonably foreseeable future actions in this area (DoN, 2012, page 5-1 to 5-9). This area is frequently used by casual OHV recreation and other SRPs, which have impacts similar to those described above for Alternatives 1 and 3. Historically, The Barstow Field Office has issued Special Recreation Permits for organized competitive and non-competitive OHV events. Since 2012, there have been 18 or more races held annually in the Johnson Valley with 50 or more participants and/or spectators. It is reasonably foreseeable that this race, and similar actions would continue in the future.

Cumulative Impact Analysis

According to the BLM NEPA Handbook, because cumulative impacts are the impact that results from the incremental impact of the Proposed Action and Alternatives added with other actions, if the Proposed Action and Alternatives would not have direct or indirect impacts on a resource, there is not a need to include a cumulative effects analysis on that resource. (BLM H-1790-1, page 57). Based on the analysis of the direct and indirect impacts, the following resources either would not be affected, the effects would be fully mitigated, or the effects would be so

localized and temporary in nature, that there is no potential for cumulative effects: biological resources, cultural resources, water quality, hazardous waste.

Recreation

The direct and indirect impacts on recreation are limited access by non-event recreationists and public safety. The impacts to public safety would be limited to the event, and would not have a cumulative effect when combined with other past, present, and reasonably foreseeable actions. Under Alternative 1, non-event recreationists could still access the race course, however, this may create a public safety risk. Under the No Action Alternative, there would be no additional impact to the non-event recreationists. Under Alternative 3, there would be an increased restriction on non-event recreationists when combined with other King of the Hammers SRP race events in the Johnson Valley OHV Area, however, the impacted recreationists would benefit from the increased public safety.

Soil Resources

As described above, the existing condition of the soils in the Johnson Valley OHV Recreation Area, and specifically on the race course, is, in part, the result of use by past and present OHV activity. It is reasonably foreseeable that this use will continue. It is not expected that either Alternative 1 or 3 will create any discernible incremental impact to the soil resources in addition to past and present impacts.

Chapter 4. Consultation and Public Involvement

SUMMARY OF PUBLIC PARTICIPATION

Public involvement is an integral part of the NEPA process. This EA will be made available for a 2 week public comment period, after which, the BLM will fully consider all substantive comments before selecting an alternative and signing a Decision Record.

LIST OF PREPARERS

ID Team Member	Title	Organization
Brian Bellew	Senior Outdoor Recreation Planner	BLM, California State Office
Sue Porter	Planning and Environmental Coordinator	BLM, Bakersfield Field Office
Elizabeth Meyer-Shields	Planning and Environmental Coordinator	BLM, California State Office
Jeremiah Karuzas	Wildlife Biologist	BLM, California State Office
Tony Overly	Archaeologist	BLM, California State Office
Erik Pignata	Realty Specialist	BLM, California State Office
Steven Walterscheid	GIS Specialist	BLM, California State Office

Chapter 5. References

- 16 U.S.C. 1531-1544. Endangered Species Act of 1973, as amended.
- 37 FR 2877. Executive Order 11644 of February 8, 1972: "Use of Off-Road Vehicles on the Public Lands."
- 40 CFR 1500-1508. Regulations for Implementing the Procedural Provisions Of The National Environmental Policy Act. November 28, 1978.
- 42 FR 26959. Executive Order 11989 of May 24, 1977: "Off-Road Vehicles on Public Lands."
- 42 U.S.C. 4321-4370f. National Environmental Policy Act of 1969, as amended.
- 43 CFR Part 8340. Off-Road Vehicles. October 10, 2009.
- 43 U.S.C. 1701-1785. Federal Land Policy and Management Act of 1976, as amended.
- 49 FR 7629. Executive Order 12898 of February 11, 1994: "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."
- 54 U.S.C. 300101-307108. National Historic Preservation Act of 1966, as amended.
- 64 FR 6183-6186. Executive Order 13112 of February 8, 1999: "Invasive Species."
- BLM. 1980. California Desert Conservation Area Plan, as amended. August 17, 1980.
- BLM. 1992. Environmental Assessment for the Johnson Valley Off-Highway Vehicle Area Management Plan. August 12, 1992.
- BLM. 2006. West Mojave Plan Amendment to the California Desert Conservation Area Plan. March 13, 2006.
- BLM, CA SHPO, NV SHPO. 2014. State Protocol Agreement Among the California State Director of the Bureau Of Land Management and the California State Historic Preservation Officer and the Nevada State Historic Preservation Officer Regarding the Manner in Which the Bureau of Land Management Will Meet its Responsibilities Under the National Historic Preservation Act and the National Programmatic Agreement Among the BLM, the Advisory Council On Historic Preservation, and the National Conference of State Historic Preservation Officers.
- DoN. 2012. Final Environmental Impact Statement. Land Acquisition and Airspace Establishment to Support Large-Scale MAGTF Live-Fire and Maneuver Training at the Marine Corps Air Ground Combat Center, Twentynine Palms, CA. July 2002.
- Public Law 113-66. National Defense Authorization Act for Fiscal Year 2014.

USFWS. 1991. Biological Opinion on the Johnson Valley OHV Area Management Plan, San Bernardino County, California (1-6-90-F-39). November 14, 1991.

USFWS. 2012. Biological Opinion for Land Acquisition and Airspace Establishment to Support Large-scale Marine Air Ground Task Force Live-fire and Maneuver Training, Twentynine Palms, California (8-8-11-F-65). July 17, 2012.

APPENDIX 1

Acronyms

ACEC	Area of Critical Environmental Concern
BLM	Bureau of Land Management
CDCA	California Desert Conservation Area
CDDSSRP	California Desert District Standard Special Recreation Permit
DOD	Department of Defense
DoN	Department of the Navy
EA	Environmental Assessment
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
FWS	Fish and Wildlife Service
GHG	Greenhouse Gases
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OHV	Off-highway Vehicle
SIP	State Implementation Plan
SRP	Special Recreation Permit
UTV	Utility Vehicle

APPENDIX 2

California Desert District Standard Special Recreation Permit Stipulations

CALIFORNIA DESERT DISTRICT STANDARD SPECIAL RECREATION PERMIT STIPULATIONS

The following is a comprehensive list of permit stipulations. Any one permit may not contain all of the stipulations.

Permit Stipulations a-m are found on the backside of Form 2930-1:

Issuance of Permit

GENERAL TERMS

Initial each

_____ a. The permittee shall comply with all Federal, State, and local laws; ordinances; regulations; orders; postings; or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP). The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, and spectators under the permittee's supervision.

_____ b. An SRP authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or because of non-compliance with permit stipulations. Actions by the BLM to suspend or terminate an SRP are appealable.

_____ c. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price, or compensation. The use of a permit as collateral is not recognized by the BLM.

_____ d. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the federal land by other users. The United States reserves the right to use any part of the area for any purpose.

_____ e. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip or activity and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.

_____ f. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.

_____ g. The permittee assumes responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous flora/fauna, abandoned mines, or other hazards that present risks for which the permittee assumes responsibility.

_____ h. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.

_____ i. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.

_____ j. The permittee must present or display a copy of the SRP to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.

_____ k. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit.

_____ l. The permittee must submit a post-use report to the authorized officer according to the due dates shown on the permit. If the post-use report is not received by the established deadline, the permit will be suspended and/or late fees assessed.

_____ m. The permittee shall notify the authorized officer of any incident that occurs while involved in activities authorized by this permit, which result in death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 24 hours.

Permit Fees

_____ 1. Payment due to the government shall be in conformance with existing regulations. The current minimum Special Recreation Permit fee is currently \$105.00. If Cost Recovery is used, it shall be actual costs to the government for processing the permit and monitoring all pre, actual, and post permitted activities as reflected by charges, including salaries (direct and indirect costs), vehicle mileage, per diem, and

administrative costs, made to a special account established to track event processing costs. Estimated fees or costs shall be provided to the applicant prior to permit approval and must be paid in advance.

Post Use

_____ 2. The permittee shall complete a post-event report and submit it to the Field Office issuing the permit within 15 calendar days of the completion of the event. In addition, the permittee will immediately notify the Field Manager or the Authorized Officer of any serious injuries or fatalities, which occur in connection with the event. A written incident report will be submitted with the completed post-event portion of the permit. The *Authorized Officer* will provide permittee BLM's incident report form (DI-134) which details all necessary information to be furnished for any serious injuries or accidents.

Safety and Hazard Mitigation

_____ 3. The permittee will be responsible for public safety in the event area. The permittee is required to post warning signs, at all known mine shafts and other hazardous areas which occur within 100 feet of the activity and will verbally inform participants of all hazards at the pre-event meeting.

_____ 4. The permittee shall prepare a written operations plan for BLM review and approval detailing permittees' plans for providing emergency services including aid to injured participants, evacuation of injured participants and the types and location of rescue equipment to be provided. This plan shall comply with the applicable medical stipulation (below) and shall ensure that emergency aid personnel can access the scene of any accident or injury, at any location within the approved event area or on the event route, within 30 minutes of notification of an incident to evaluate the situation and begin to render aid.

Medical Attention

_____ 5. Permittee shall insure the provision of Emergency Medical Services, capable of locating, rendering aid to, and evacuating any accident victims.

_____ 6. **For NON-MOTORIZED, NON-COMPETITIVE** events with a small use area and attendance, the permittee shall insure that first aid services provided at the event have the capability to insure that any accident victim may be located, treated, and evacuated as needed. A reliable communication system shall be provided sufficient to provide immediate contact for the first aid provider (EMT) to local emergency dispatch centers.

_____ 7. **For NON-MOTORIZED COMPETITIONS under 150 participants (entrants and spectators), and MOTORIZED NON-COMPETITIVE** events, (Dual Sport Ride & Drives, Mountain bikes, Horse events, etc.), the permittee shall insure the provision of emergency medical services (EMS) capable of locating, rendering aid to, and

evacuating any accident victim. EMS shall include a person currently certified as an Emergency Medical Technician Basic (or higher) equipped with sufficient supplies for emergencies, including locally approved equipment for the immobilization of the cervical spine. A dedicated and reliable communication system shall be provided sufficient to provide immediate contact for the first aid provider (EMT) to local emergency dispatch centers.

_____ 8. **For NON-MOTORIZED events with over 150 participants**, a minimum of one additional (EMT) per 150 participants (entrants and spectators) is required.

_____ 9. **For OPEN CANOPY COMPETITIVE MOTORIZED events** (motorcycle and ATV races), permittee shall insure the provision of emergency medical services (EMS) capable of locating, rendering aid to, and evacuating any accident victim. EMS shall include a minimum of one ambulance unit, which is dedicated to the event and has no public call response responsibility, and is permitted by the local authority having jurisdiction. Use of a public entity is permitted where no suitable private services capable of being “event dedicated” are available or located within 100 miles of the main event site. This unit shall only be acceptable if staffed and equipped to the local standards as prescribed by the authority having jurisdiction. A dedicated and reliable means for the first aid provider to immediately contact emergency dispatch centers shall be required. Dedicated 4X4 (The 4X4 units may be any 4 Wheel Drive vehicle i.e. Truck’s, and Jeep’s,) units minimum 1 for every 25 track miles (races only) equipped for rendering aid to, and evacuating any accident victim, staffed by an Emergency Medical Technician Basic (or higher) equipped with sufficient supplies for emergencies, including locally approved equipment for the immobilization of the cervical spine. (ATV’s may be used in place of the 4X4 units on Motorcycle, and ATV races provided they are staffed, by and equipped to the same standards as the 4X4 units.)

_____ 10. **For COMPETITIVE MOTORIZED events** involving enclosed canopy motor vehicles (Truck and buggy races, movie stunts), permittee shall insure the provision of EMS services capable of locating, rendering aid to, and evacuating any accident victim. First aid service shall include a minimum of one ambulance unit, which is dedicated to the event and has no public call response responsibility, and is permitted by the local authority having jurisdiction. Use of a public entity is permitted where no suitable private services capable of being “event dedicated” are available or located within 100 miles of the main event site. This unit shall only be acceptable if staffed and equipped to the local standards as prescribed by the authority having jurisdiction. Dedicated 4X4 units minimum 1 for every 25 track miles equipped for rendering aid to, and evacuating any accident victim, staffed by an Emergency Medical Technician Basic (or higher) equipped with sufficient supplies for emergencies, including locally approved equipment for the immobilization of the cervical spine. A means of suppression of a fire in the incipient stage, and for the extrication of victims from within a motor vehicle must be provided, and remain dedicated to the event. This includes the provision of a hydraulically operated gas or electric powered tool system for the cutting and spreading operations related to victim extrication from vehicles. A dedicated and reliable means for the EMS provider to immediately contact emergency dispatch centers shall be required.

11. **For LONG DISTANCE COMPETITIONS, AND EVENTS COVERING MORE THAN ONE JURISDICTION** where the provision of a single dedicated system would not be possible: (i.e. point to point or single lap races where the distance is greater than 150 miles). Permittee shall insure the provision of EMS capable of locating, rendering aid to, and evacuating any accident victim. EMS shall include a minimum of one ambulance unit, which is dedicated to the event and has no public call response responsibility, and is permitted by the local authority having jurisdiction. Use of a public entity is permitted where no suitable private services capable of being “event dedicated” are available or located within 100 miles of the main event site. This unit shall only be acceptable if staffed and equipped to the local standards as prescribed by the authority having jurisdiction. Dedicated 4X4 units minimum 1 for every 25 track miles equipped for rendering aid to, and evacuating any accident victim, staffed by an Emergency Medical Technician Basic (or higher) equipped with sufficient supplies for emergencies, including locally approved equipment for the immobilization of the cervical spine. A means of suppression of a fire in the incipient stage, and for the extrication of victims from within a motor vehicle must be provided, and remain dedicated to the event. This includes the provision of a hydraulically operated gas or electric powered tool system for the cutting and spreading operations related to victim extrication from vehicles. A dedicated and reliable means for the EMS provider to immediately contact emergency dispatch centers shall be required.

Fuel and Fluids Management

 12. The permittee is required to inform all persons associated with the SRP directly or indirectly of this stipulation requirement:

 13. **ALL VEHICLES** - A method of controlling and capturing fuel spilled during fueling must be placed under all dump cans and under each vehicle during fueling operations. Commercially available absorbent products are available but a piece of scrap carpet is acceptable as long as the carpet absorbs the fuels and doesn't simply allow the fuels to run off or drain through.

 14. **ALL PITS WITH 50 OR MORE GALLONS OF FUEL** - All pits that have 50 or more gallons of fuel available, whether in drums or dump cans, must provide for fuel containment. At a minimum this requires - 1) an impermeable membrane with raised edges capable of containing all fuels on-site should the containment vessel fail and 2) absorbent materials (commercially produced spill pads, diapers) available to soak up spilled fuels. This does not apply to fuels located within fuel trucks or fuel drums not in use stored in trucks or trailers.

 15. **FLUIDS** (oil, transmission, etc.) - During vehicle maintenance and repairs all fluids must be contained in spill proof containers. Drop cloths and absorbent pads shall be used under vehicles when changing fluids or repairing engines and transmissions where fluids may be released.

_____ 16. Known product suppliers that could be contacted for information (no requirement to use these companies, information only):

Fuel containment	New Pig Corporation	1-800-468-4647
Product suppliers	Lab Safety Supply	1-800-356-0783

Environmental Stipulations

_____ 17. The permittee shall inform the participants to yield to any horses or burros on or near the racecourse. The permittee shall clear the course before each run to ensure that no horses or burros have wandered onto the racecourse.

_____ 18. The permittee shall do everything possible to insure that event participants and spectators do not harass or collect wildlife, plants, wild horses and burros, livestock or excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public lands. The event will avoid stock watering tanks, springs, wells, wildlife improvements, corrals, etc., by no less than one-quarter mile unless otherwise approved by the BLM Authorizing Officer. The event may not utilize, other than on designated roads passing through, for any activities, any burned area(s) which is/are recovering from the impacts of wildfire.

Racecourse Stipulations

_____ 19. Permittee shall monitor the race events to prevent damage from course cutting and participants traveling off course. The permittee shall establish racecourse checkpoints to prevent short coursing. Any participant caught short coursing or passing in no passing areas will be disqualified by race officials. The permittee will be responsible for keeping contestants on the designated route/course. Participants who violate any of the mitigation measures or stipulations shall be disqualified from the race. Additionally, any support personnel found in violation of the stipulations, associated with a participant shall result in the disqualification of that participant.

_____ 20. The event shall be confined entirely to a clearly defined and plainly marked area/route as shown on the authorized use area maps. Racecourses shall consist of existing roads, washes, old courses and trails. For lineal events, passing shall be limited to the disturbed areas of these roads, washes, old courses and trails. Passing is not permitted in vegetated areas adjacent to the course. The maximum allowable width of courses shall be no greater than the existing disturbance (road, old course or trails).

_____ 21. Permittee is responsible for stationing monitors and/or post signs at road intersections, prohibiting public access, where the general public is likely to access the race course.

_____ 22. No less than 15 days prior to use (or earlier if required by the Authorized Officer), the requested use area, course route and/or spectator/pit area(s) shall be marked

sufficiently to allow BLM personnel to easily determine the location, size and extent of the requested use area. The use area(s), race course(s) and spectator/pit area(s) shall be confined entirely to the designated areas as approved by BLM. Spectator area/pit boundaries shall be clearly marked and monitored to the extent necessary to restrict spectators, pit crews and others to the confines of the designated areas. All event staff must stay in areas assigned. The permittee will be responsible for marking the use area, racecourse and boundaries of spectator parking and pit areas to the satisfaction of the Authorized Officer. The permittee will not mark the course by painting rocks or plants or other land features.

Post Activity Stipulations

_____ 23. The permittee will be responsible for the prompt repair of any event-related damages to utility rights-of-way and related improvements within 72 hours after the event. If they are not returned to a condition that is satisfactory to the Authorizing Official and the Utility Company, the permittee will be assessed a fine to cover the cost of a contractor to get the work completed.

_____ 24. Staking, flagging materials, equipment, temporary facilities, litter and all other event related materials will be completely removed to an approved landfill by the permittee within 3 days following the event. If BLM post-race field checks reveal event related materials that have not been removed, BLM shall notify the permittee and charge for the related costs of removal.

Spectator Areas

_____ 25. The permittee shall contain and monitor the spectator areas to ensure the safety of the spectators and the race participants. The permittee shall keep spectators from leaving the boundaries of the spectator areas.

Sanitation

_____ 26. Permittee shall provide a minimum of two (2) restrooms at every start/finish (S/F) area, pit location, and/or spectator area on public lands which will be occupied for more than four (4) hours; and additional units if; 1) the S/F, pit, or spectator areas are split by the course route or a physical barrier, two restrooms shall be provided on either side; or if the S/F, pit, or spectator area is in excess of 1/4 mile (1,320 feet) in length, restrooms; (2) shall be provided at both ends. Restrooms may be provided through rental of units, use of self-contained trailers or motor homes or any other means providing access to the general public in S/F and spectator areas and all crews in pit areas. If restrooms other than rental units are used, adequate signage must be provided to make their presence known. All refuse must be removed from the event area and deposited in an approved treatment facility or landfill. Exceptions to this stipulation include; 1) check points manned by only a few personnel; 2) S/F, pit, or spectator areas adjacent to hotel or casino properties offering restroom facilities; 3) events where there are no specified S/F, pit, or spectator areas (i.e. Tour and Trail rides); and 4) pit areas for

point-to-point events where pit crews stay only long enough to service their vehicle then move on to the next point (S/F and spectator areas for these type events still require restrooms if used in excess of four (4) hours). **All restroom facilities must be removed from area within (72) hours after the event.**

_____ 27. At the discretion of the Authorized Officer, BLM Law Enforcement, or local law enforcement the event may be canceled due to improper procedures for road crossings, actions placing the public in harm's way or race related conditions (dust over the roads and highways).

Activity Site Rehabilitation

_____ 28. The Authorized Officer will complete a Post Event/Race Evaluation. Upon inspection, a determination will be made on which portions of the event area or racecourse, if any, need additional rehabilitation. The permittee may be required to grade, drag, disc or seed; soil and vegetation areas within the course and pit areas that were significantly changed or impacted as a result of the event. Main access roads used by support or rescue vehicles where significant road damage occurs must be graded to pre-event status. Site-specific stipulations requiring rehabilitation of areas must be accomplished within 15 days following the event unless a shorter time frame is required for public safety. The permittee shall be responsible for all costs associated with rehabilitation required.

Media

_____ 29. All media personnel are to strictly adhere to the applicable Special Recreation Permit Stipulations issued to the permittee for the duration of the permit.

Aircraft

_____ 30. Any rotor wing aircraft must use the designated helicopter pad for staging, refueling, and long term stationing. The designated helicopter pad must be on lands other than public unless authorized by the Special Recreation Permit.

_____ 31. Aircraft refueling operations occurring on public lands must conform to the "Fuel and Fluids Management" stipulations listed above.

Wildland Fire Precautions

_____ 32. The permittee or any participant may be held accountable for suppression of a wildland fire determined to be directly caused by those associated with the event.

California Desert-Wide Stipulations

_____ 33. Event Promoter shall make available to event participants and spectators, information regarding the Desert Tortoise, an Endangered Species protected under the Endangered Species Act. The following measures shall be complied with for the duration of the event:

- a. Organized event promoters and sponsors shall designate an individual contact representative responsible for overseeing compliance with the special desert tortoise stipulations;
- b. Prior to commencing the event, organized event promoters and sponsors shall provide event participants and spectators with the Bureau's printed materials describing: the occurrence of the desert tortoise in the area; the status of the desert tortoise; prohibitions against take and the penalties associated with take; and methods being employed as a part of the event to protect the desert tortoise and its habitat;
- c. Organized event promoters and sponsors that fail to comply with any of the special recreation permit stipulations shall be placed on a probation status;
- d. Containers used for race events shall be raven proof. Trash and food items shall be promptly contained and removed from the area within 24 hours of completion of the event;
- e. Participants that violate any special desert tortoise stipulation shall be disqualified from the event. Support team members that fail to comply with the stipulations shall result in disqualification of the associated rider(s). Anyone who accumulates three violations shall be barred from participating in any organized off-highway vehicle event for one year from the date of the third violation; and
- f. In April, May, June, September, and October for one race each month, a representative of the Bureau shall examine a given race course for tortoises which have been killed or injured as a result of the race. Locations of carcasses, if any, shall be recorded and the USFWS will be notified within five days. Carcasses may be marked to indicate recordation, but they will not be collected.

_____ 34. This SRP authorizes use of Public Lands only. For those portions of the race course that occur on lands of other ownership (e.g., private, State,), the permittee must have authorization from the respective landowner to utilize those lands.

_____ 35. This SRP incorporates the Event Promoter's Operating Plan.

Compliance and Monitoring Standards

Non-compliance with any above permit stipulations will be grounds for denial of future permits, and/or race cancellation.

Performance evaluation, violations, and penalties:

Performance will be based upon:

- Stipulation and Operating Plan Compliance;
- Protection of Resource Values; and
- Quality and Safety of Services provided to the public.

Performance levels are:

A= Acceptable: Permittee is in compliance with permit stipulations; has taken prompt steps to rectify any performance issues and complaints; does not repeatedly violate conditions, or show a disregard for stipulations.

P= Probationary: Where the Permittee has repeated violations or disregarded permit stipulations.

U= Unacceptable: Permittee willfully and/or repeatedly violated permit conditions providing substandard service to the public. Conduct is lacking in reasonableness or responsibility to the point that it becomes reckless or negligent.

Response to Violations and Penalties:

A= Complaints/issues may be discussed over the phone or in writing. When due dates or completion dates are established, the permittee will be afforded a 15-day grace period, unless otherwise specified.

P= A Notice of Noncompliance (Notice) will be issued by the Authorized Officer specifying in what respects the permittee has failed to comply, the terms of the probationary status, and the consequences of further noncompliance.

U= Permit privileges will be revoked for one to three years. The permittee will have opportunity to appeal the decision under Title 43 CFR, Part 4.

Critical Standards - a breach of critical standards can lead directly to administrative penalties, suspension or revocation of a permit. Critical standards are stipulations and requirements necessary for the health and welfare of the public and protection of resources. The permit shall be suspended or revoked if required State or local licenses pertaining to public health and safety are revoked. Violation of mandatory Federal or State safety requirements will result in probationary status or loss of permit privileges.

The conviction of a violation of any Federal or State law or regulation pertaining to the conservation or protection of natural resources, the environment, endangered species or antiquities that is related to permit operations will result in probationary status or loss of permit privileges.

I declare I have read and understand all of the stipulations associated with this Special Recreation Permit. I acknowledge that as signee of the permit and these stipulations that I am fully responsible for all of the mitigation measures and compliance with stated permit stipulations and that non-compliance with any permit stipulations will be grounds for denial of future permits, and/or race cancellation, and/or prosecution of applicable Federal, State and/or Local laws.

Applicant's Name (Print)

Signature

Date

APPENDIX 3

Commercial Filming Stipulations for Johnson Valley OHV Area

COMMERCIAL FILMING STIPULATIONS FOR JOHNSON VALLEY OHV AREA

1. The permittee shall designate a representative for field operations before activities may commence, who shall be the sole field representative of the permittee's employees or contractors in dealing with the authorized BLM officer. Said representative shall be employed on behalf of the permittee's employees or contractors to communicate with the authorized officer, and to receive and comply with all communications and decisions of the authorized officer.
2. A copy of the permit and the stipulations shall be kept available on location at all times, for review for BLM personnel upon request. All persons (e.g., permittees, contractors, subcontractors) working at the site will be familiar with the permit stipulations. Non-compliance with permit stipulations may result in cancellation of the permit, or other adverse actions against the permittee.
3. Availability of all authorized areas for commercial filming activities is subject to restrictions based on their compatibility with recreational and other authorized activities as well as area carrying capacity limits.
4. The permittee shall confine all activities within the Johnson Valley OHV Area specifically defined by the attached map at the specified times and dates. If the Johnson Valley OHV Area location or other limitations on this filming authorization are deemed not appropriate by the permittee, no action shall be undertaken by the permittee at other times or on other public lands suitable to him/her until said changes are approved by the Barstow Field Manager. Anytime filming activities move off BLM land, the Inland Empire film commission must be notified.
5. THIS PERMIT AUTHORIZES THE USE OF PUBLIC LANDS ONLY. PERMISSION FOR THE USE OR OCCUPANCY OF PRIVATELY OWNED LANDS OR PROPERTY MUST BE OBTAINED FROM THE OWNER(S) AND REQUIRES A COUNTY FILM PERMIT. CONTACT THE INLAND EMPIRE FILM COMMISSION FOR MORE INFORMATION.
6. Any soil disturbance such as ditching, ponding, leveling, mounding, etc. must be specifically authorized by BLM on the permit, and must be cleared by the Barstow Field Office if in desert tortoise habitat or known cultural resources area. Any authorized disturbance must be returned to original condition within 24 hours of completion of filming.
7. The permittee shall provide the filming operation employees or contractors, prior to commencing film activities, BLM printed materials describing: Occurrence of the desert tortoise in the area, Status of the desert tortoise, Prohibitions against take and the penalties associated with take, and Methods being employed as a part of the event to protect the tortoise and its habitat.
8. Desert tortoise handling is not authorized. Should a situation arise where "take" of desert tortoises becomes likely, filming operations shall cease and the Barstow Field Office and the Inland Empire Film Commission shall be notified to determine an appropriate course of action.
9. The area shall be kept clear of trash and debris. Trash containers must be raven-proof (with lids secured at all times) and all trash and debris generated by the filming operation shall be removed

immediately after completing filming operations to reduce the attractiveness of the area to ravens and other desert tortoise predators. Waste and other discharges from camping vehicles or other equipment is prohibited.

10. The Barstow Field Office and the Inland Empire Film Commission must be notified of any commercial filming in the Yucca Rings ACEC and it must be specifically authorized by BLM on the permit. Only still photography is authorized in the Yucca Rings ACEC. All commercial filming activity is prohibited within the fenced area within the Yucca Rings ACEC.

11. The Barstow Field Office and the Inland Empire Film Commission must be notified of any commercial filming involving exotic (i.e., non-desert and desert plants and animals not native to the West Mojave, such as camels) or domestic species. The permitted filmers are responsible for controlling and cleaning up after these species, including feces, to avoid the dissemination of seeds or diseases in the desert.

12. Filming operations shall be conducted in such a manner as to avoid creating safety hazards to other public land visitors and users and to the filming crews. The Permittee shall use whatever signs, flagging, help of individuals, or other authorized safety devices for the safe conduct of the filming operation and the protection of other users and visitors before, during, and after filming activities. Props, equipment and vehicles that are left at ongoing filming sites overnight must be clear of existing roadways and accompanied by a guard and warning lights and no structures or equipment are to be left over the weekend.

13. The Barstow Field Office and the Inland Empire Film Commission must be notified of any commercial filming involving aircraft or pyrotechnic or explosive devices and it must be specifically authorized by BLM in advance. The Permittee must obtain additional appropriate permits from other agencies as necessary, such as for special effects, pyrotechnics, and aircraft.

14. Application and rental fees will not be refunded once a filming permit has been processed. Please contact the Inland Empire Film Commission at (909) 300-5648 to reschedule.

15. For movie projects, acknowledgement through the film credits shall be given to: U.S. Department of the Interior, Bureau of Land Management, Barstow Field Office and Inland Empire Film Commission for the portions of the movie filmed on lands administered by BLM. Permittee acknowledges, by signing below, that he/she knows, understands and accepts the terms and conditions under which this permit is issued.