

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

OFFICE: Winnemucca District, Black Rock Field Office

TRACKING NUMBER: DOI-BLM-NV-W030-2016-0004-DNA

CASEFILE/PROJECT NUMBER: N-94607

PROPOSED ACTION TITLE/TYPE: Temporary Communication Facility

LOCATION/LEGAL DESCRIPTION: T. 34 N., R. 24 E., sec. 35, SWSW.

APPLICANT (if any): CommNet Wireless

A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures. Commnet Wireless of Nevada in coordination with BLM Law Enforcement have submitted an application to provide reliable enhanced wireless communications for the BLM and Pershing County Sheriff's office Incident Command Post during the annual Burning Man Special Recreation Event held on the Black Rock Playa to provide public safety. Due to the remote nature of the event and lack of wireless communications in the area a temporary facility of this nature benefits law enforcement. Types of communications include the ability for various law enforcement agencies to conduct enforcement, safety, security, compliance and monitoring and resource protection efforts at the event.

The type of facility proposed is a temporary cellular "deployable" Cell on Wheels (COW). The facility is in the form of a Lite-Site. This consists of a 60 ft. non ground penetrating lite site monopole tower that will sit on a temporary 15ft x 15 ft base typically constructed out of concrete blocks or ballast blocks in a frame. This will also include two 8½ x 28 ft goose neck trailers one would hold remote radio units, a distribution box, two fiber lines, 2 power lines and two microwave dishes. The second trailer would hold the two communication cabinets. Power would be provided by generators that would already be on location.

The site has been set-up inside the Burning Man SRP event area outside of the Incident Command Post and would be continue to be in the same location depending on the "city" configuration each year.

This same type of facility has been used at the last two previous Burning Man Events and has been a beneficial asset.

This would be a year to year authorization proposed over the next five years. The facilities would be removed after conclusion of the event each year.

B. Land Use Plan (LUP) Conformance

LUP Name:

Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness and other Contiguous Lands in Nevada Resource Management Plan (RMP), Record of Decision (ROD) July 2004

Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment, ROD September 2015: There is no sage grouse delineated habitat in the proposed project area.

Other document _____ Date Approved _____

Other document _____ Date Approved _____

*List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)

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

2.2.20 Recreation: REC-2: Permit systems may be implemented to mitigate resource impacts in area where visitation is causing resource damage, user conflict or crowding at attraction areas, or specific uses create safety concerns [emphasis added]. (Note: Permits would be used to limit visitation numbers, increase education, or maintain public safety.)

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

List by name, number and date (DR/FONSI or ROD) all applicable NEPA documents that cover the proposed action.

Black Rock Repeater
DOI-BLM-NV-W030-2012-0013-EA
FONSI Date: 8/10/2012
Decision Record: 8/10/2012

Burning Man 2012-2016 Special Recreation Permit
DOI-BLM-NV-W030-2012-0007-EA
Burning Man 2012-2016 Special Recreation Permit
FONSI Date: 6/12/2012

Decision Record: 6/12/2012

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

D. NEPA Adequacy Criteria

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

Yes. The new proposed action is similar to the proposed action in the Black Rock Repeater EA and what was permitted in 2015. The Black Rock Repeater EA analyzed providing a communication facility in proximity to the Black Rock Desert just outside the National Conservation Area (NCA), in order to provide year round support for events on the Black Rock playa and provide a more efficient avenue for communication for law enforcement activities and emergency services within the area. Although mobile in nature the Black Rock repeater is expected to remain at the location long term. The proposed action would permit the mobile communication facility at the Event location for approximately a month.

The Black Rock repeater is positioned on a small plateau slightly above the playa; the proposed action would place a mobile temporary facility on the playa within the Burning Man Event area near the Incident Command Post (ICP). The resource conditions are sufficiently similar to those analyzed for the Burning Man Special Recreation Permit EA.

The Burning Man Special Recreation Permit EA discusses public health and safety and types of emergencies that are likely to occur at the event; natural or man-made. “The applicant must coordinate with emergency service providers and law enforcement agencies. The applicant must develop contingency plans for operations of critical health and safety services under adverse conditions including weather, natural or human caused disaster, or social unrest.” The proposed action would allow for reliable and enhanced wireless communications for law enforcement, BLM employees and other emergency medical services, along with the Burning Man radio, to respond to emergencies in a timely manner.

In terms of visual impacts, the Burning Man Special Recreation Permit EA also examined the visual impact of the Burning Man Event on the viewshed of the playa. The entire Burning Man event exceeds the Class II contrast criteria, but the impact is considered to be temporary in nature and limited to the duration of the event. This tower would be one of many features exceeding the Class II contrast criteria, but it would only be on the playa for one month at most.

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

The range of alternatives analyzed in the existing Burning Man Special Recreation Permit EA evaluated alternatives ranging from 50,000 to 70,000 participants at a special recreation event that is a combination art festival, social event and experiment in community living, to last approximately eight weeks from set-up to tear down and clean up.

Types of impacts that were disclosed in the Burning Man 2012-2016 EA, say that a temporary short term affect to historic visual resources in the vicinity of portions of the Nobles Trail and a short segment of the National Desert Trail would occur but do not need mitigation.

Soils in the vicinity of the proposed action and Burning Man Event are made of eleven soil units, mostly playas. The proposed project would sit on the surface similar to a recreational vehicle; typically a grounding stake or wire is installed for electrical safety. This may create a very small hole.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The existing Burning Man Special Recreation Permit EA analysis is still valid. The addition of a mobile communication facility to the area would add another visual feature but is not substantially different than other emergency or operational facilities or recreational structures deployed for the Burning Man event.

On October 2, 2015, the U.S. Fish and Wildlife Service (FWS) determined that the Greater Sage-Grouse did not warrant protection under the Endangered Species Act (ESA); therefore, the Greater Sage-Grouse was not listed as Endangered or Threatened and in addition, the FWS withdrew the species from the Candidate Species List. This finding was due to the conservation efforts implemented by Federal, State, and private landowners, including the BLM Nevada and Northern California Greater Sage-Grouse Approved Resource Management Plan Amendment (RMP) and Final Environmental Impact Statement (FEIS), Record of Decision signed September 22, 2015. The RMP identifies Greater Sage-Grouse guidance and defines three types of habitat, which include Priority Habitat Management Areas (PHMA), General Habitat Management Areas (GHMA), and Other Habitat Management Areas (OHMA). Given the new information on Greater Sage-Grouse, the proposed action would occur outside of PHMA, GHMA, and OHMA. Therefore, the analyses conducted in existing NEPA documents are still valid because the Proposed Action would not affect any known Greater Sage-Grouse habitat.

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

Yes. The direct, indirect and cumulative effects from the proposed action are essentially the same as those analyzed in both the Burning Man Special Recreation Permit EA and Black Rock Repeater EA. The numerous art structures and technological displays, including the 80- foot tall wood and neon-light sculpture called the “The Man” that occur on the playa during the Burning Man Event present the same visual appearance as the proposed action. Visual analysis indicated that the Applegate-Lassen Trail and Fremont’s Exploration Route would not be impacted from the proposed activities.

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

Yes. Consultation and coordination was done as part of the original Burning Man 2012-2016 Special Recreation Permit Environmental Assessment (NW03500-12-01). The complete list of the 30 consulting and coordinating parties is on page 8-1 of the environmental assessment. Since the original decision record for the Burning Man event, on-going tribal consultation with the Summit Lake Paiute tribe has occurred on a variety of issues related to the Burning Man event.

Additional consultation with the State Historic Preservation Office (SHPO) has occurred and no issues or concerns were raised.

