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U.S. Department of the Interior
Bureau of Land Management

Finding of No Significant Impact

DOI-BLM-NV-B020-2016-0041-EA

2016 Best in the Desert

"Vegas to Reno the Long Way"

Race Event

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Ely District, NV

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2016 Best in the Desert "Vegas to Reno" The Long Way" Race Event

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Special Recreation Permit (SRP)
File Code: 43 CFR 2932
Case File Number: NVC02-16101

Film Permit
File Code: 43 CFR 2920
Case File Number: N-94710

I have reviewed the revised Environmental Assessment (revised EA) DOI-BLM-NV-B020-2016-0041-EA, August 2016 which evaluates the potential effects of issuing a Special Recreation Permit (SRP) to Best in the Desert Racing Association (BITD) to conduct an off-highway vehicle (OHV) race on approximately 650 miles of existing roads traversing public lands in Nevada. The EA also analyzes effects of issuing a film permit to Lucas Oil Production Studios for commercial filming of the event. The revised EA, in response to public comment, includes added mitigation specific to approximately 37 miles within the Basin and Range National Monument (Monument) and analyzes the effects of the mitigation. Although the preliminary EA released for public comment found that effects of the Proposed Action would be temporary and/or minimal throughout the proposed event course, and that the Proposed Action was consistent with the Presidential Proclamation (Proclamation) that established the Monument, BLM worked with the SRP applicant to develop the Monument-specific mitigation to further minimize potential effects. This mitigation establishes the Monument traversal as noncompetitive, with controlled speed and a no passing rule, including strict enforcement measures.

After consideration of the environmental effects as described in the revised EA, and incorporated herein, I have determined that the proposed action identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined that the proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP), approved August 2008 and amended September 2015; the Tonopah RMP and Record of Decision, approved October 1997; and the Carson City Field Office Consolidated RMP, approved May 2001.

It is also in conformance with the Nevada and Northeastern California Greater Sage Grouse (GRSG) Approved Resource Management Plan Amendment and Record of Decision, approved September 2015; the Record of Decision and Land Use Plan Amendment for the Nevada and California GRSG Bi-State Distinct Population Segment, approved May 2016; the Presidential Proclamation: Establishment of the Basin and Range National Monument, issued July 10, 2015; and BLM Manual 6220 – National Monuments, National Conservation Areas, and Similar Designations, released July 13, 2012; and is consistent with applicable plans and policies of county, state, tribal and Federal agencies.

This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context

The lands proposed for the OHV event consist of an event course following existing roads along a generally southeast-to-northwest route. It begins near Alamo, Nevada in the BLM Ely District, Caliente Field Office; passes through a part of the Basin and Range National Monument (Monument), and continues across public lands administered by BLM Battle Mountain District, Tonopah Field Office, and BLM Carson City District, Stillwater and Sierra Front Field Offices to the finish at Dayton, Nevada. Short segments traverse Humboldt-Toiyabe National Forest lands, private lands, county maintained roads, and roads that cross over/under state highways. The entire course would cover approximately 650 miles, including approximately 37 miles within the Monument where, under the Monument-specific mitigation, the event would be a noncompetitive, speed-limited traversal. The two-day event would occur on August 19 and 20, 2016, with vehicles stopping at Tonopah the first night and finishing the course the next day. Details are provided in Section 2.1 of the revised EA.

On public lands the course is comprised entirely of roads that have been used previously for OHV events. These consist of existing vehicle routes including BLM and County improved and maintained bladed dirt roads; 4WD dirt roads; and established roads within dry sand and gravel washes.

In considering the context for the proposed event, special consideration was given to the approximately 37-mile segment that traverses the Monument (revised EA Section 3.17). The Proclamation allows for motorized vehicle use on roads existing in the Monument as of its establishment, July 10, 2015, consistent with the care and management of the objects of scientific and historic interest identified in the Proclamation. All of the roads proposed for traversing the Monument existed prior to that date, and all are hard-packed, graded, county-maintained roads. Potential effects to Monument objects and values were considered carefully, as documented in the revised EA. They include topographic and geological features; vegetation and wildlife; prehistoric and historic cultural resources; cattle ranching; and the land artwork "City" which is on private land. See the revised EA, Section 3.17, for a full description of Monument objects and values.

Although the event consists of an OHV race throughout the rest of the course, the Monument-specific mitigation establishes this segment as noncompetitive. Essential elements include a 35 mph speed limit and a no passing rule, with strict enforcement measures. The approximately 375 registered event vehicles would traverse the Monument in this manner. Support vehicles, media vehicles and spectators would not be allowed. Stopping would be allowed only for emergencies and disabled vehicles; and these would be minimized via a mechanical inspection at a checkpoint just outside the Monument, where any vehicles showing leakage or signs of impending breakdown would be eliminated. See the revised EA, Section 2.1, for a full description of the Monument-specific mitigation.

The SRP supplicant predicted a maximum total of approximately 375 vehicle entries (225 car/truck/UTV and 150 motorcycle/quad), 500 pit vehicles, and 110 media vehicles. Persons involved would include race participants plus approximately 5000 spectators and pit personnel, 500 event staff, and 120 media personnel. No single area of the proposed course would see these numbers of persons or vehicles. Event

vehicles would be started at 30- to 60-second intervals. Designated spectator areas would be located at pits, which in turn are at carefully-planned locations along the approximately 643-mile route, all located so as to facilitate flow of vehicle traffic on existing roads while minimizing possible resource effects. See revised EA Section 2.1. There are no pit areas or designated spectator areas within the Monument, and as noted above, support vehicles and media vehicles would not be allowed along the Monument traversal (revised EA Sections 2.1 and 3.17).

Intensity

1. Impacts that may be both beneficial and adverse.

The EA identifies beneficial impacts for event participants and local communities: it provides an opportunity for participants and spectators to engage in a very popular recreation activity, and an economic boost to local communities, which are very supportive of the event.

The EA identifies adverse impacts. Environmental protection measures (revised EA Section 2.1) and stipulations (revised EA Appendix D), as well as the Monument-specific mitigation (revised EA Section 2.1), would be attached to the SRP and would be monitored for compliance and enforced by both BLM and event personnel. With these measures, the revised EA finds that all potential adverse impacts would be minor and/or temporary. In brief summary these consist of the following (numbers refer to sections of the revised EA):

- Temporary effects to air quality (3.11), water quality (3.16) and visual resources (3.10) due to fugitive dust; less in the Monument traversal (3.17)
- Temporary disturbance and displacement of other recreationists (3.9, 3.2) and wildlife, including migratory birds and BLM Sensitive wildlife species (3.1, 3.2), due to noise and activity; these effects would be of longer duration per vehicle, but less intensity, in the Monument traversal (3.17)
- A small chance of wildlife collisions (3.1), very unlikely in the Monument traversal (3.17).
- Possible minor disturbance to soils (3.3) and vegetation, including animal forage (3.4, 3.6, 3.7) if any vehicles inadvertently leave the established roadway; very unlikely in the Monument traversal (3.17).
- Very low chance of effects to BLM Sensitive plants (3.1); very unlikely in the Monument traversal (3.17).
- A moderate risk of introducing or spreading noxious or invasive weeds (3.5), which would be reduced by the environmental protection measures (2.1) and stipulations (Appendix D).
- A slight chance of vehicles impacting range improvements (very unlikely in the Monument traversal); BITD would quickly repair any damage.
- Temporary impacts to road conditions (3.9); stipulations require roads to be returned to drivable condition.
- Temporary interference with other land users' access to their rights-of-way or project sites (3.15).

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

Human health and safety are addressed in EA Section 3.12. Racing involves some inherent risk. However, careful containment of spectators in designated areas and monitoring of crossroads, pit areas and checkpoints are expected to result in a very low risk of collision (extremely unlikely in the Monument traversal). Hazardous features near the rout would be identified and marked as hazards. The BITD Emergency Action Plan calls for ten Rescue Vehicles that would be staffed by emergency medical personnel and equipped for patient stabilization. These would also provide for scene safety, extrication and fire suppression. A communications plan is included, and provisions for transferring patients to ambulances or hospitals as needed. With these and other health and safety measures in place as detailed in SRP stipulations (Appendix D) and in BITD's Emergency Action Plan (on file at Ely and Battle Mountain Districts), risks to participants, spectators, and other public land users would be reduced to a low level (very low in the noncompetitive Monument traversal, with the 35 mph speed limit, no passing, and no spectators allowed).

EA Section 3.13 addresses hazardous or solid waste. Fuel would be kept in proper containers, fuel-absorbing carpet or mats would be under all race vehicles during fueling, and any spill would be contained and cleaned up immediately. Portable toilets and trash barrels would be provided in each pit area and would be required to be removed immediately following the event (stipulations, Appendix D).

With these measures, adverse effects to public health or safety are considered unlikely.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no historical or cultural resources or eligible for listing in the National Register of Historic Places (NRHP; EA Sections 3.6, 3.17). park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. near enough to the course to be affected (EA Chapter 3, Table 1). Potential effects to the Monument are discussed in Section 3.17 and are found to be minimal and/or temporary, particularly with the Monument-specific mitigation making this traversal noncompetitive with a 35 mph speed limit and a no passing rule, strictly enforced.

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

Press releases by a group concerned about potential effects to the National Monument, and subsequent media attention, created a high level of interest in the proposed event. However, the degree of actual controversy does not appear to be large. The great majority of approximately 150 comment letters received from organizations and individuals were supportive of the original Proposed Action. Seventeen letters from organizations and individuals expressed concerns, primarily involving potential resource effects in the Monument. The resource effects of concern are analyzed in the EA (see item 1 above). The Monument-specific mitigation is designed to address those concerns by further minimizing possible effects.

BLM NEPA Handbook H-1790-1 provides guidance for the CEQ regulations governing a finding of significance, including the following: "Degree to which effects are likely to be highly controversial (40-CFR-1508.27(b)(4) … Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among the alternatives. There will always be some disagreement about the nature of the effects for land management actions, and the decision-maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly controversial." I anticipate that the Monument-specific mitigation will resolve most of the disagreement about the nature of the effects, and the resulting level of controversy will be low.

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

The BLM issues SRPs for several OHV events annually in Nevada. BITD in particular has been conducting similar events for many years under BLM SRPs and has an excellent reputation for enforcing stipulations and promoting conservation values, especially in recent years. Therefore BLM resource specialists and managers are well aware of potential effects and risks, and have a high degree of certainty regarding BITD's capacity to manage those risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Proclamation mandates developing a management plan for the Monument within three years of its issuance. BLM is in the process of developing a management plan with full public involvement. Some commenters expressed concern that the decision regarding this event would set a precedent. The Decision Record will state that it is expressly not to be construed as setting any precedent for future management of the Monument, nor for evaluating any future similar proposals; and that the decision will not affect whether or not the management plan or other future case-by-case decisions will allow similar events in the Monument, although monitoring results from this event will be taken into account to inform these decisions.

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

Cumulative impacts are considered in each resource analysis section in Chapter 3 of the EA, and are found to be minor and/or temporary in each case. I do not find that any of the cumulative effects are significant.

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

There would be no effect to cultural resources listed or eligible for listing in the National Register of Historic Places (revised EA Section 3.6, 3.17).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.

No effects to ESA-listed threatened or endangered species are anticipated (revised EA Section 3.1). There is proposed critical habitat for the Western Yellow-billed Cuckoo approximately 0.25 mile from the course. The event through this area would occur on August 20, and would be well outside the breeding season. Normally by mid-August cuckoos have begun their southward migration.

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

The action was reviewed for conformance with such laws and requirements as described above and in EA Section 2.3. It does not threaten any violation of these.

Signed:

Michael J. Herder, Ely District Manager	Michael J. Herder	Date: 8/12/2016