

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

OFFICE: Black Rock Field Office, Winnemucca District Office

TRACKING NUMBER:

CASEFILE/PROJECT NUMBER: DOI-BLM-NV-W030-11-2016-DNA

PROPOSED ACTION TITLE/TYPE: Burning Man 2016 Special Recreation Permit

LOCATION/LEGAL DESCRIPTION: T. 34 N, R 24 E. sec 36.

APPLICANT: Black Rock City, LLC.

A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures.

The Burning Man event (Event) is a combination art festival, social event, and experiment in community living. The Burning Man organization, Black Rock City, LLC (BRC), is applying for a one year Special Recreation Permit (SRP) from the Bureau of Land Management (BLM) to conduct the event in 2016.

The purpose of the Federal action is to respond to a request for an SRP under 43 CFR 2930 to conduct the Burning Man arts festival in 2016 on public lands administered by the BLM Winnemucca District on portions of the Black Rock Desert playa on or near the South Playa.

The need for action is established by the BLM's responsibility under the Federal Land Policy and Management Act of 1976 (FLPMA) (Section 103(c)), which requires public lands to be managed on the basis of multiple uses, and to take any action necessary to prevent unnecessary or undue degradation of lands (Section 302(b)). In addition, the need for action is established by the Federal Lands Recreation Enhancement Act (FLREA), which authorizes the BLM to issue special recreation permits for group activities and recreation events.

BRC proposes a maximum participant population level of 70,000 paid participants for the 2016 event. The event would be held on public lands administered by the BLM in Pershing County, Nevada on the barren playa of the Black Rock Desert, approximately 10 miles northeast of the community of Gerlach, Nevada.

The operations associated with the event occupy about 4,400 acres of public land for a seven week period starting with fencing the site perimeter the second week of August and

concluding in early October with the final site cleanup. The major activities involving setup, the Event, and the all phases of cleanup, are confined to several weeks in late August and ending in September. Black Rock City becomes one of the largest cities in Nevada during this time.

In 2012, an environmental assessment (EA) DOI-BLM-NV-W030-2012-0007 was completed for the Burning Man event. The EA analyzed a five-year period from 2012 to 2016. The Decision Record (DR) and the Finding of No Significant Impact (FONSI) is dated 06/12/2012. BRC is issued a Special Recreation Permit for the Burning Man event each year of the EA analyses including 2016 Event.

Authorization for 2016 Event is subject to a detailed review and evaluation of the previous year's Event and a separate SRP decision. As necessary, the BLM shall modify special stipulations (subject to NEPA) to address issues and concerns raised during the previous Events or otherwise identified for the applicable year's Event. Additionally, this year's SRP decision and/or the special stipulations attached thereto will specify the maximum population allowed for this year's Event. The maximum population authorized in any year may not exceed 70,000 participants, as that term is defined in the EA, unless the requisite additional NEPA analysis is completed.

Each year a closure order is placed in effect surrounding the Event to allow law enforcement agencies to conduct their activities pre-Event, during and post- Event. For the 2016 Burning Man event, the closure period would be from August 01, 2016 through September 21, 2016.

In addition to the 13 general terms listed on the back of permit (form 2930-01) the authorized officer may require the permittee to comply with any reasonable special stipulations or conditions necessary to protect the lands or resources involved, reduce user conflicts, or minimize health and safety hazards. 43 C.F.R. § 2932.41. Following a detailed review and evaluation of BRC's 2015 SRP, the authorized officer in consultation with the permittee modified the *Burning Man 2012-2016 Special Recreation Permit Stipulations* to address issues and concerns raised during the 2015 event.

The proposed Special Stipulations for the 2016 Burning Man event are as follows:

GENERAL

1. The maximum authorized population (also referred to as the "population cap") at any point in time during the 2016 event is 70,000 paid participants. The population cap does not include volunteers, government personnel, emergency service providers, vendors, and contractors. BRC is required to keep the maximum population of the event from exceeding this population cap. Consequences to BRC for exceeding the population cap may include, but are not limited to, a finding of non-compliance; suspension or cancellation of this permit per 43 C.F.R. § 2932.56; a monetary or other penalty per 43 C.F.R. § 2932.57; denial of subsequent application(s) for a SRP per 43

C.F.R. § 2932.26; and/or imposition of additional terms and conditions in subsequent years' permits (if granted) that are designed to keep the event population within the maximum authorized population, consistent with 43 C.F.R. §§ 2932.26 and 2932.41. BLM reserves the right to assess additional cost recovery for any costs the BLM incurs as a result of Event population exceeding 70,000 paid participants per 2016 SRP Stipulation 1, per 43 C.F.R. § 2932.31.

2. If during the event it appears that the number of participants is likely to exceed the population cap of 70,000 paid participants then BRC must promptly notify the BLM of the projected event population and provide a detailed Contingency Plan explaining how it plans to accommodate the additional participants. The BLM's acceptance of such a contingency plan does not constitute approval for BRC to exceed the population cap under Special Stipulation 1, nor does it constitute any form of cure for noncompliance with Special Stipulation 1. The purpose of this Special Stipulation 2 is to ensure that BRC will follow specific procedures to address the safety and health of additional participants, should noncompliance with Special Stipulation 1 occur. Procedures and protocols of main gate and airport closure/arrival/exodus pulsing program for population control will be outlined in BRC 2016 Burning Man Event Operation Plan/Contingency Plan and BLM's Incident Action plan.
3. BRC shall provide the BLM at the event site with information on participant arrivals, ticket scanning, and the number of participant departures. These event population statistics will include and break out separately the number of participants, volunteers, and total persons on site. BRC will provide the BLM, at times pre-determined between BRC and BLM, with data regarding the entry and exodus population numbers, as well as 2016 Burning Man event population statistics from all entities on the playa including but not limited to paid participants, and volunteers entering the Main Gate, the Airport, and all other access points in Black Rock City. In addition, BRC must provide the BLM with event population statistics at any other time upon request. BRC will notify the BLM immediately if the population exceeds 67,000 paid participants, at which time the BLM may require more frequent population statistic updates. If the population of the Burning Man event approaches the 70,000 paid participant population cap, the BLM may direct BRC to close both the Main Gate and the airport entrances to new participant arrivals. If that occurs, BRC, in coordination and consultation with BLM, shall then institute an arrival/exodus pulsing program to ensure that the 2016 Burning Man event does not exceed the 70,000 population cap.
4. During the period of site occupancy (August 01, 2016 through September 21, 2016), BRC shall provide the BLM with the BRC population numbers within the event site each day, according to an agreed-upon reporting standard with the BLM. For historical purposes and press inquiries, BRC shall also provide the BLM with the recorded

maximum population for the entire event (otherwise known as peak population). The BLM may request population data at any time during the event, and BRC shall provide that data immediately. Within 60 days after the event, BRC shall provide the BLM with detailed information regarding the number of staff and participants at the event site for the period of site occupancy (August 01, 2016 through September 21, 2016). This information shall include daily counts for both the non-event and event period. Starting May 7, 2016, and continuing on the fifth business day of every subsequent month thereafter, BRC will provide BLM with a 2016 Burning Man paid participant documentation report. This report will include but not be limited to the total number of tickets sold to paid participants, whether at pre-sale, group sale, individual sale, OMG sale, low income sale and miscellaneous sales. In addition, starting on August 24, 2016, BRC will provide a separate population documentation report for the total number of government personnel, emergency service providers, vendors, and contractors (e.g., service providers, staff, infrastructure contractors, art contractors, maintenance and operations personnel). The BLM may request additional paid participant data at any time prior to, during, and after the 2016 event.

5. These Special Stipulations incorporate, by reference, information included in the 2016 Burning Man Operating Plan (Operating Plan). If there is a conflict between the Operating Plan and the Special Stipulations, the Stipulations shall control. BRC shall provide its latest version of the Operating Plan to the BLM before the BLM will issue the permit for the 2016 event. The Operating plan may be modified by BRC before, during and after the event, as needed with approval from BLM.
6. The location of the 2016 Burning Man Event Area is limited to the public closure area, with ingress and egress from the 8-Mile or Event playa entrance, the 12-mile or Vendor playa entrance, and the playa Airport. The specific location of the event site will be identified and requested by BRC and approved by the BLM prior to the commencement of event setup.
7. The event is authorized to last 192 hours starting on the Sunday that falls eight days before Labor Day and ending on Labor Day. Event activities may officially commence at 6:00 PM on Sunday, August 28, 2016 (the Sunday before Labor Day) and shall end at 6:00 PM on Monday, September 05, 2016 (Labor Day). For the purposes of participant ingress, the main gate may be opened at 12:01 AM on Sunday, August 28, 2016. For the purposes of participant egress the main gate will be opened until 12:00 PM on Tuesday, September 6, 2016. During the extended ingress and egress hours, participants are required to focus their activities on camp location setup and breakdown. Pre-event surveys and site layout (including use of the communications tower) may begin on Sunday, July 29, 2016. Site occupancy, including construction of facilities and structures, may occur no earlier than Monday, August 01, 2016 (the start of the

event closure order). Removal of all above-ground material (i.e., items that could pose a hazard to other playa users) will be completed no later than Monday, September 21, 2016 (the end of the event closure orders). The exception to this requirement is the communications tower, which may remain on-playa throughout the cleanup period for safety purposes. The dates, calendar and procedures for event set up and cleanup will be outlined in the 2016 BRC Operating Plan.

8. The final phase of cleanup and restoration will be completed no later than Friday, October 7, 2016. If unforeseen weather conditions arise, minor adjustments to the post-event cleanup deadlines may be granted by the BLM authorized officer.
9. Upon advance notice to BRC, the BLM reserves the right to alter the terms, conditions, and stipulations of the permit for significant changes in BLM policy or administrative procedure, to prevent use conflicts, prevent resource damage, or protect public safety as provided in 43 C.F.R. § 2932.56.
10. BRC shall post a copy of its permit, these Special Stipulations, and the Federal Register Closure and Restriction Orders in prominent view at Center Camp Playa Info where cooperators and participants have an opportunity to read them. Additionally, the documents referenced above shall also be available for participants and staff on the Burning Man website within 15 days of the BLM's issuance of the permit.
11. Except as otherwise noted in Special Stipulation 1, violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 C.F.R. Part 2930. Additionally, such violations may result in permit revocation, suspension, or probation. Violations may also be cause for the BLM to deny approval of a subsequent Permit or Operating Authorization (43 C.F.R. § 2932).
12. BRC personnel shall meet with BLM staff and representatives from the various cooperators during the event period at such other times and places as needed. At these meetings BRC shall provide daily attendance figures (as required in Special Stipulation 1) and exchange other information necessary to allow all parties to effectively administer and assess daily the event. BRC and BLM will have a daily meeting plan for the purposes of communication and exchange of information. Details will be included in the 2016 BRC Operating Plan.
13. Commercial use is prohibited within the Black Rock City closure area unless specifically authorized by BRC and the BLM. Commercial use is defined by 43 C.F.R. § 2932.5, and includes, but is not limited to, commercial film production, food services, waste disposal, recreational/trailer rental and/or air carrier services. BRC and the BLM will monitor all commercial operators entering the event via the Point 1 Gate and the Airport.

A. Prior to the event:

- i. BRC shall notify potential vendors and air carrier services in writing that they must obtain a BLM Special Recreation Permit (SRP) in order to enter into contract with BRC.
- ii. BRC shall also provide the BLM with a list of potential vendors and air carrier services that BRC recommends be granted a BLM SRP to operate at the event.
- iii. The BLM will immediately notify BRC if any recommended vendors and air operators do not meet the BLM's SRP requirements at 43 C.F.R. § 2932 and cannot be authorized to operate on public lands during the event.
- iv. BRC will immediately notify the BLM if BRC terminates any authorized vendors or air carrier services contract/agreement.
- v. BRC will describe the procedure for BRC and BLM coordination of authorizing vendors and air carrier services in the 2016 BRC Operating Plan.

B. During the event:

- i. BRC shall require all authorized vendors and air carrier services to display identification as proof of their authorization to operate at the event by BRC and the BLM.
- ii. Any vendors and air carrier services must show proof of their SRP within a reasonable amount of time when asked by authorized BLM and BRC personnel, as required by the Closure Order(s) and BRC's OSS or Air Carrier contracts.
- iii. BRC will inform the BLM's Vendor Compliance Lead of unauthorized vendors and air carrier services discovered at the event.
- iv. Any vendors and air carrier services found operating without a contract with BRC and unpermitted by BLM at the event will be found to be in noncompliance and may face eviction, and/or receive citations for noncompliance with 43 C.F.R. § 2932, or be required to obtain a BRC contract and a BLM SRP, if required.

14. BRC shall comply with all applicable supplemental regulations as promulgated in the Closure Order(s) published in the Federal Register prior to the 2016 event.
15. In regard to historical and archeological resources:
 - A. All participants and support staff will be informed that collection, excavation or vandalism of historical and archaeological artifacts or sites is illegal on public land. If BRC learns of the discovery of archaeological artifacts (objects greater than 50 years old) or human remains, BRC shall notify the BLM immediately.
 - B. BRC shall comply with 43 C.F.R. § 7.18 and shall not make available to the public any information concerning the nature and location of any archaeological resource.
 - C. Should BRC discover an archaeological resource it must stop all activities in the discovery vicinity and protect the site until event completion or until notified otherwise by the BLM authorized officer.
16. BRC shall provide the appropriate identification to its authorized personnel (i.e. staff ID, decals, designated camping areas, etc.) and will inform the BLM of the nature and appearance of such identification prior to the event.
17. All mounted lasers on registered mutant vehicles, placed art projects and placed theme camps shall be inspected and approved by BRC.
18. The use of unmanned aircraft systems (UAS) is prohibited, unless the operator is registered through and complies with the Remote Control BRC program (RCBRC) and operates the UAS in accordance with Federal laws and regulations.
19. With regard to mutant vehicles and art cars:
 - A. Mutant Vehicles more than 13 feet wide are issued “Playa Only” driving licenses, restricting operation within the city streets. BRC shall locate known “Playa Only” car camps on the outside streets of the city.
 - B. Art cars with flame effects shall not carry additional gasoline or diesel fuel tanks when in operation. Propane tanks are allowed on art cars with flame effects upon inspection from the Fuel Art Safety Team (FAST) team at the Department of Mutant Vehicles (DMV) registration.
 - C. For vehicles with limited visibility as determined by BRC DMV, easily identifiable walkers and/or spotters are required. Examples of easily identifiable

clothing include: reflective safety vests, brightly colored or reflective hats, bandanas or shirts.

- D. BRC shall notify BLM promptly when there is an art car related injury requiring medical treatment and transport to Rampart.
20. BRC's propane shall be dispensed at identified refueling stations, or by a licensed professional.
21. BRC shall cooperate with the BLM when requested to assist in removing individuals from the event as provided in 43 C.F.R. § 2932.57(a)(7). If BRC evicts anyone under BRC's internal procedures BRC will notify the BLM of the eviction and identify the evicted individuals. BRC will work with BLM to develop a protocol for joint evictions which will be documented in the 2016 BRC Operating Plan.
22. BRC Emergency Services Department (ESD) and BRC Rangers shall promptly notify the BLM Dispatch when additional BRC resources are required to reduce the intensity of a potential conflict or developing situation involving BRC Participants, in accordance with BRC's "Situation Escalation Policy".
23. Regarding burns:
- A. BRC shall include BLM at the 1600 briefing on the Thursday before the Man Burn.
 - B. BRC shall provide BLM a "Daily Burn Sheet" that shall include information on each burn, the perimeter size, the FAST Lead for the burn, image and location of the perimeter.
 - C. Participants who are stopped by BRC Rangers for violating established burn perimeters shall be promptly turned over to BLM Law Enforcement.
 - D. All structures to be burned must meet BRC engineering standards for burnable structures, or they shall not be burned.
24. BRC shall develop an evacuation plan and include it in the BRC Operating Plan.
25. BRC shall provide forward deployment of ESD during planned mass gatherings.

COORDINATION

26. BRC shall make a member of its Board, or authorized representative(s), available to the BLM prior to the event for planning coordination. This member of its Board, or

authorized representative(s) will also be available to the BLM after the event for After Action Review coordination. BRC's Board member or authorized representative(s) must be authorized to represent and act on BRC's behalf to coordinate as needed with the BLM, law enforcement, and other event cooperators on issues requiring action. BRC must provide BLM with its authorized representative(s)/point of contact(s) by 08/01/2016.

The BLM's representatives are the following;

William Mack, Jr. – SRP Administration and Cost Recovery

Logan Briscoe – Law Enforcement

Mark Pirtle – Project Manager

Robin Sears and Michael Vermeys – Project Leads

27. BRC and BLM, and other agencies as shall be mutually deemed appropriate, shall cooperate in the development of a Unified Command (UC) structure, including designation of "Tier 1" leadership positions, for the management of available safety, security and infrastructure resources in the event of an emergency incident. During the event, Tier 1 members will coordinate daily as well as during the immediate pre and post operating period (at a time to be determined) with regard to all daily operating procedures as well as in the event of an emergency threshold event as defined in the Standard Operating Procedure (SOP). BRC will ensure there is appropriate representation from BRC in the Tier 1 leadership, available 24 hours a day, and 7 days a week during the event and will provide the name(s) of BRC representation to BLM by July 30, 2016. All UC operations will be managed from the Emergency Operations Center (EOC) located at the BLM Headquarters unless it is deemed more appropriate by the Tier 1 leadership to have an incident specific UC location.

28. Meetings required with affected parties:

A. BRC shall confer with the following entities prior to the event to address local issues and concerns: Washoe County Sheriff's Office, NDOT, Federal Aviation Administration, Washoe County Roads Department, and the Gerlach Volunteer Fire Department.

B. A representative from BRC will meet with representatives from the BLM prior to the event to coordinate logistics for operation of the communication compound.

C. BRC shall meet with the Pyramid Lake Paiute Tribe to address concerns and impacts to Tribal reservation resources anticipated from the Burning Man event.

D. BRC shall keep the BLM informed regarding progress on formal agreements/MOUs with affected parties.

29. As described in the 2016 Operating Plan, BRC shall develop procedures and plans for toilets, sanitation, emergency medical facilities and services, fire protection, security, participant camping, traffic, access and parking control, illumination, water supply, food supply, communication services and safety for the event.
30. BRC will develop and implement a plan to address and prevent the exposure of minors to adult activities at the event. The plan should include measures such as educating and requiring parents/guardians to supervise their children, zoning the city, and making every effort to educate adult related theme camps about the need for having a gatekeeper during hours when the camp might not be suitable for minors. BRC will make a diligent effort to enforce actions identified in the plan. A copy of the plan shall be provided to the BLM and the Pershing County Sheriff's Department within 10 days of the BLM's grant of the permit.
31. BRC shall develop and cooperate in the implementation of contingency plans for operations of critical health and safety services under adverse conditions, including those that could cause cancellation or temporary suspension of the event. Such causes may include adverse weather, natural or human caused disaster, or social unrest. This effort shall apply to participants within the event area and en route to and leaving the event.
 - A. Prior to the event, BRC shall disseminate emergency information to participants via the Burning Man Website, the Burning Man Survival Guide, and any other appropriate media.
 - B. During the event:
 - i. Should event cancellation be necessary, critical health and safety systems must be as operational as reasonably possible during the duration of any temporary suspension or until participants are able to leave the event site and the Gerlach/Empire area.
 - ii. BRC and the BLM will monitor forecast weather conditions. If weather forecasts suggest a high probability of adverse weather conditions that may result in disruptions to the event, both parties in conjunction with other appropriate agencies and cooperators will develop appropriate strategies and actions to deal with potential impacts on participants. In the event of natural disaster or civil unrest appropriate strategies and actions will be initiated immediately after any disaster or unrest occurs.

- iii. BRC shall cooperate with the BLM and county law enforcement to warn participants headed into the event of event closure or other restrictions.
 - iv. BRC shall provide participants with current and projected conditions, allowed and prohibited actions deemed necessary for public health and safety as well as protection of the environment, and other appropriate public service announcements via BMIR, flyers, or loud speaker broadcasts as needed.
 - v. If event termination is required, an appropriate time frame will be established by the BLM Incident Command in consultation with BRC and other cooperators to facilitate safe removal of people and property.
32. In cooperation with emergency services providers and law enforcement agencies, BRC shall, within a reasonable time after learning of them, notify the BLM and appropriate agencies of all accidents related to the event that occur before, during, and after the event, that result in death or personal injury requiring hospitalization. Accident reports involving death or injury will be coordinated with the Pershing County Sheriff's Office and the BLM.
33. BRC's medical contractor shall report daily to the BLM, and the Nevada Division of Public and Behavioral Health, providing a numerical breakdown of patient categories and transports, including a breakdown of reasons for transport; and no later than 60 days after the event shall provide to the BLM a written final statistical report of such medical cases.
34. Within 12 hours upon learning of any incident that occurs before, during or after the event that could possibly result in a liability claim, BRC shall confer with the BLM and as deemed necessary by either party, submit a written incident report to the BLM.
35. BRC shall provide a minimum of two structural/brush-type fire engines, National Wildfire Coordinating Group (NWCG) type 3-6. Engines and staff must meet NWCG or NWSA (National Wildfire Suppression Association) standards for personnel and equipment. These fire engines will be strategically placed within BRC as determined necessary by the BRC fire contractor. BRC shall station a specialized emergency firefighting vehicle at the airport during all times that the airport is open. BRC shall provide modern industry-standard technical rescue, extrication and high-angle rescue capabilities and equipment throughout pre- during- and post-event.

FEE SCHEDULE

36. The BLM shall collect a commercial use fee from BRC for the use of public lands for the event. The fee, as set by regulation 43 C.F.R. § 2930, will be equal to 3% of the adjusted gross income derived from the use authorized under the SRP. Payment equal to at least 25% of the estimated commercial use fee (3% of estimated gross receipts) must be received by the BLM prior to the start of the event. Determination of gross income will be based on all payments received by BRC and its employees or agents for goods or services provided in connection with commercial activities authorized by the SRP. This includes, but is not limited to, ticket sales, coffee and ice sales, fees associated with outside services and private donations received by BRC for management of the event on public lands.

The following schedule for payments will be used:

Payment	Due Date	Amount Due
1.	10 days after permit is issued by the BLM	25% of estimated commercial use fees
2.	January 31 st , 2016	The remaining balance of commercial use fees

37. BRC shall provide BLM with an itemized detailed gross revenue report for all ticket sales, which will be itemized by category according to the BRC “2016 Ticket Structure.” This includes, but is not limited to each of the below identified categories:

- PRE-SALE
- DIRECTED GROUP SALE
- INDIVIDUAL SALE
- OMG SALE
- LOW INCOME SALE

MISCELLANEOUS SALE (any other ticket sales/entrance fees/reentry fees or other forms of generated revenue for entry into the event).

38. BRC is responsible for the cost recovery payment, consisting of the actual costs of administering the Special Recreation Permit, including all direct and indirect costs, in addition to the commercial use fees. BRC must sign a Cost Recovery Agreement (CRA) within 10 days of the issuance of the permit. 100% of the cost recovery fee estimate shall be received prior to the start of the event as provided in the 2016 CRA.

SANITATION

39. BRC shall ensure there are adequate numbers of strategically placed portable toilets as needed according to BRC's Operating Plan. Due to the increase in population anticipated in the Environmental Analysis for this event, sufficient portable toilets must be supplied at areas likely to be used after dark. BRC shall ensure the portable toilets in the open playa are adequately lit and visible during nighttime activities. BRC will place portable toilets in the deep playa to accommodate mobile gatherings 24 hours a day.

40. Throughout the event, portable toilets shall be placed in strategic locations to accommodate participants.

41. BRC will educate participants about services provided for pumping RV's, portable toilet locations, and best practices in desert camping.

42. BRC shall continue to educate the event participants regarding the importance of appropriate disposal of human waste prior to release of information regarding the 2016 Burning Man event. BRC shall include a page on the Burning Man website that specifies the appropriate disposal of human waste for participants using personal portable toilets and provides information regarding the risks to human health of improperly disposed of human wastes. BRC shall inform the event participants on the legal ramifications to the individual and to the applicant of inappropriately disposed human waste.

TRAFFIC MANAGEMENT

43. BRC's Traffic Management Plan will include detail on Burning Man's traffic controls during ingress and egress. This plan will be approved by the BLM authorized officer.

44. No more than 1,000 vehicles per hour shall be released from Black Rock City during the exodus period to avoid deterioration of the external roadway system to an unacceptable Level of Service (LOS E or F) to measure and describe the operational status of a roadway network. The Nevada Department of Transportation (NDOT) strives to maintain LOS D or better on all of its roadways. LOS levels E and F are considered unacceptable by NDOT.

45. BRC shall allow any dispatched tow truck that is licensed to operate in the State of Nevada to access the event through the 12-mile access vendor's gate for the purpose of removing vehicles in need of repair, and/or to carry out minor repairs to allow inoperable vehicles to be driven away from the event.

46. BRC shall provide a minimum of two post-event roadside crews to clean up litter and debris along the roads and highways surrounding the event with a focus on County Road

34 from the “8-Mile” entrance to State Road (SR) 447, SR 447 from the intersection with County Road 34 to Wadsworth, from Gerlach to the California state line, and SR 446 from Nixon to SR 445 near Sutcliffe. Weather, traffic and other safety concerns permitting, BRC will begin this cleanup effort on Wednesday post-event, and complete the effort by October 7, 2016. BRC representatives will also meet and confer with local entities that have reported concerns about event participants leaving trash, and BRC will work to mitigate these issues in order to prevent a reoccurrence of complaints, and to promote Leave No Trace ethics outside of the event.

47. BRC shall coordinate with NDOT and the Freeway Service Patrol to ensure that debris removal is conducted according to NDOT standards and protocols. Off-site clean-up will occur after the event to gather trash discarded during the entire event period. BRC shall make best efforts to collect all trash that can be safely collected and will notify and coordinate with the appropriate agencies for any remaining items in accordance with all NDOT encroachment permits. Clean-up staff must wear appropriate safety vests and hats and drive vehicles with flashing lights to ensure safety during trash collection.

48. In addition to patrolling SR-446 and SR-447 for event-related trash, BRC shall coordinate with NDOT to compile a list of any other roadways or rest areas that need to be cleared of event-related trash. Additionally, BRC shall coordinate with Washoe County to patrol County Road 34 and Jackson Lane from the event site to the “BRC’s Black Rock Station” in the Hualapai Valley, approximately 10 miles north of the event site.

49. Prior to the event, BRC shall coordinate with NDOT and the Washoe County Roads Department regarding the type of traffic control devices and shall use such devices in accordance with both agencies requirements. A copy of all necessary permits for encroachment within NDOT and Washoe County Roads Department right-of-ways for temporary traffic control measures (i.e. speed limit trailers, etc.) shall be provided to the BLM and to appropriate agencies/jurisdictions by BRC 30 days prior to the start of the event.

50. Flaggers shall be used at the intersection of SR-447 and SR-427 to provide for greater public safety within the Pyramid Lake Paiute Reservation.

51. BRC shall cooperate with Washoe County Sheriff’s Office and NDOT to request a temporary speed limit reduction through the town of Empire. The BLM recommends that a maximum speed limit of 25 mph. A reduced speed limit would improve the safety of parking along SR-447 through Empire and pedestrians crossing the roadway.

52. BRC shall provide traffic control, using traffic control devices as determined by Washoe County Roads Department and NDOT, at County Road 34 entrances/exits to the Burning Man event, the "Y" intersection of SR-447/County Road 34 and in the towns of Gerlach and Empire during heavy traffic periods.

53. To reduce impacts to the Pyramid Lake Paiute reservation located along the access

routes, BRC shall coordinate with the Pyramid Lake Paiute Tribe. BRC shall work with the Pyramid Lake Tribe in developing the applicant's plan to increase public awareness and educational campaigns about Leave No Trace® on tribal land, including for example, signage on roads, Public Service Announcements on BMIR, blog-posts, etc. Also, BRC shall continue to support and promote tribal enterprises that are setup to collect participant trash and recycling for a fee, which also helps with economic benefits of the region.

54. Event speed limits shall be posted on both Gate Road and the 12-Mile/Point 1 Road. BRC will provide clearly identifiable mileage markers on Gate Road to facilitate emergency response. Will-call area shall have an organized layout including signage.

COMPLIANCE INSPECTIONS

55. BRC's operation and compliance with the terms, conditions and stipulations of the Special Recreation Permit will be evaluated through performance inspections before, during, and following the event. All campsites, permitted vendor operating areas are subject to compliance checks monitoring environmental compliance-related stipulations. This includes the Department of Public Works, First Camp, Heavy Equipment Yards, and Waste Management area.

56. BRC shall coordinate with the BLM and any other relevant agency to monitor environmental protection measures identified in these Special Stipulations, the temporary closure order, and BRC's operating plan. BRC personnel shall participate in a combined Environmental Compliance Team, which will be responsible for monitoring environmental protection measures within the closure area during the entire event. The Environmental Compliance Team is a collaboration between the BLM, BRC's Earth Guardians, BR Rangers, ESD/Fire Safety, and Playa Restoration. Each of these BRC departments will work through a central point person with BLM to document and mitigate all violations of environmental protection measures within 24 hours of the violation being brought to BRC's attention. The 2016 BRC Operating Plan shall describe the monitoring, communication, and mitigation protocols for the Environmental Compliance Team, that will include, but are not limited to:

- A. Trash fence integrity;
- B. Appropriate campfire containment measures and prohibitions;
- C. Protection of archaeological resources;
- D. Camping within designated areas only;
- E. Grey and black water dumping prohibitions;
- F. Proper trash removal and cleanup;
- G. Mitigation of vehicle oil dripping;
- H. Promotion of Leave No Trace ethics;
- I. Motorized vehicle, motorcycle and ATV limitations and prohibitions as they relate to environmental compliance and possible impacts;
- J. Appropriate disposal of human waste; and
- K. Burn containers raised off the playa.

57. BRC shall make personnel available immediately after the end of the post-event cleanup period and, if deemed appropriate by the BLM, during the spring following the event, to inspect the site with the BLM to determine any latent adverse impacts, such as pit depressions, bumps, depressions from roadways, ruts from vehicular traffic, or surfacing buried materials, to ensure that the site is returned to pre-event condition.

58. Inspections of the event site in the fall after the event, will be coordinated by the BLM using randomly placed transects on the site and a measurable cleaning standard. The inspecting party will intensively collect debris found on the ground within each transect. A follow-up spring inspection will be conducted only when deemed necessary by the BLM. The Post-Event Cleanup Standard shall be the average total surface area of debris collected from either the fall or spring transects will not exceed the equivalent of an average of 1 square foot per acre from identified inspection areas.

59. BRC may make a written request for an extension of time for the completion of the cleanup if weather or some other catastrophic event interferes with access to the site for cleanup purposes. The BLM authorized officer may consider such a request.

60. If cleanup studies indicate the Post-Event Cleanup Standard has been or is likely to be exceeded, the permit will be suspended until the site has been cleaned up to a level not to exceed 50% of the standard and the operations plan includes reasonable measures to assure that the Post-Event Cleanup Standard will not be exceeded during the life of the permit.

B. Land Use Plan (LUP) Conformance

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

Resource Management Plan for Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada. Date Approved: July 2004

The Resource Management Plan (RMP), approved July, 2004 for the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada, currently guides management of the Black Rock Desert (BLM, 2004a).

The following RMP recreation decisions were cited in the Burning Man 2012-2016 Special Recreation Permit EA, DOI-BLM-NV-W030-2012-0007, and are cited again here because of the relevance of this action to the Burning Man Special Use Permit. As this action is needed for the implementation, and therefore an integral feature of the Burning Man Special Use Permit, these decisions are relevant.

Recreation decisions REC-21 through REC-27 apply to the issuance of special recreation permits:

REC-21: All recreation permittees will be required to adhere to Tread Lightly! and Leave-No-Trace® principles. Permit stipulations will emphasize the Tread Lightly! and Leave-No-Trace® principles.

REC-22: Permits will be assigned to one of four classes of permitted activities (I through IV). A description of the classification system is provided in Appendix J of the RMP. (The Burning Man event is a Class IV event).

REC-23: SRPs will be limited to certain geographic areas based on the permit class that the proposal is given. (See Table 2-9 and Map 2-15 of the RMP). (Class IV events, which are the largest events, are allowed in the Permit area of the Front Country Zone).

REC-24: To maintain solitude on northern portions of the playa, Class III and IV permitted activities will be concentrated on or near the South Playa. Northern portions of the playa may be made available for Class III and IV permits when playa conditions are unsuitable or public safety or public access may be compromised.

REC-25: Special recreation permits will be authorized at times, in locations and for durations consistent with providing opportunities for solitude and full public access to the playa for at least one-half of the summer season (Memorial Day through Labor Day). The number of Special Recreation Permits issued could be limited to protect resources or the visitor experience.

REC-26: Two Class III and IV events may occur simultaneously, but only one may be a Class IV event.

REC-27: No more than two access points to the playa will be closed on the same weekend in conjunction with permitted events. (Issuance of a permit for the Burning Man event would be consistent with the RMP).

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

DOI-BLM-NV-W030-2012-0007-EA, Burning Man 2012-2016 Special Recreation Permit; DR dated 06/12/2012 and FONSI dated 06/12/2012.

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 event portion, including proposed population, of this action was analyzed in the 2012-2016 Burning Man EA. The proposed modifications of the stipulations are

consistent with and meet intent of the stipulations developed in this EA.

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?

Yes. Environmental Concerns and Resource Values:

The alternatives analyzed in 2012 are appropriate for this action.

The magnitude and duration of this proposal is within the same scope of the 2012-2016 Burning Man EA and therefore does not warrant further development of alternatives.

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. At the present time, there is no new information or changed circumstances that would substantially change the existing analyses. The information used to support the 2012-2016 EA analysis was conducted in 2011 and 2012 making the information very current.

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. At the present time, there is no new information or changed circumstances that would substantially change from the direct, indirect or cumulative effects analyzed in the existing EAs. The magnitude and duration of this proposal is within the same scope of the 2012-2016 Burning Man EA and therefore does not warrant further analysis.

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

Yes, the public involvement and interagency reviews associated with the existing NEPA documents are adequate for the current proposed action. The decision based on this DNA will be shared with those involved with the Burning Man EA as well as Burning Man Cooperators. The decision record will be posted for the general public in ePlanning with a link from the Winnemucca District webpage.

Burning Man Preliminary EA

On March 16, 2012, the Preliminary EA was posted on the Winnemucca District Office NEPA webpage for a 30-day public review period. In addition, BLM sent out a letter to interested parties requesting substantive comments on the Preliminary EA by April 16, 2012. In response, BLM received 42 comment letters from agencies, organizations, businesses, and individuals. As a result of substantive comments from the applicant, NDOT, Pyramid Lake Paiute Tribe, and individuals, revisions were made to the EA. For a list of notable modifications that were made to the EA in response to substantive comments, see the 2013 DR.

E. Persons/Agencies/BLM Staff Consulted

Name /Title	Resource/Agency Represented	Signature/Date	Comments (Attach if more room is needed)
Kathy Ataman	Cultural Resources / Paleontological / NCA	\s\ Kathy Ataman	07/07/16
Robin Sears	Project Lead / Recreation	\s\ Robin Sears	06/16/16
Joey Carosino	Visual Resources	\s\ Joey Carmosino	06/27/16
Kurt Miers	Waste, Hazardous or Solid	\s\ Kurt Miers	07/08/16
Derek Messmer	Fire	\s\ Derek Messmer	07/08/16
Rob Burton	Soils, Water, Air	\s\ Rob Burton	07/06/16
Craig Nichols	Air Quality	\s\ Craig Nichols	06/16/16
Kathy Cadigan	Wildlife Biology	\s\ Kathy Cadigan	06/27/16
Melanie Rasor	Vegetation	\s\ Melanie Rasor	07/06/16
Zwaantje Rorex	Wilderness / WSA / LWC	\s\ Zwaantje Rorex	07/06/16
Josh Sidon	Social Values / Economics	\s\ Josh Sidon	06/14/16
Sandi Gracia	Wilderness Ranger	\s\ Sandi Gracia	06/27/16
Jeff Jones	ACEC's	\s\ Jeff Jones	06/27/16
Allie Brandt	GIS	\s\ Allie Brandt	06/17/16

**2016 Burning Man
Closure Area**

Winnemucca District Office
Bureau of Land Management
U.S. Department of the Interior

