

DECISION RECORD

Burning Man 2012-2016 Special Recreation Permit Environmental Assessment DOI-BLM-NV-W030-2012-0007-EA

INTRODUCTION

The Bureau of Land Management (BLM), Winnemucca District (WD), Black Rock Field Office (BRFO) has completed the Burning Man 2012-2016 Special Recreation Permit (SRP) Environmental Assessment (EA), DOI-BLM-NV-W030-2012-0007-EA. The EA analyzes the impacts associated with Black Rock City LLC's proposal for the 2012-2016 permit/events which include a participant population level from 58,000 to 70,000 participants during the 5-year period. The event would be held on public lands in Pershing County, Nevada on the barren playa of the Black Rock Desert, approximately 10 miles northeast of the community of Gerlach, Nevada. With the exception of 1997, the event has been held in this area since 1992, with the issuance of Special Recreation Permits (SRPs).

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 late September with the final site cleanup. The major activities involving final setup, the actual event, and the initial phases of cleanup are confined to several weeks in late August and early September. During this period, Black Rock City becomes one of the largest cities in Nevada.

In accordance with the Council on Environmental Quality regulations at 40 CFR 1500 for implementing the procedural provisions of the National Environmental Policy Act (NEPA), the BLM BRFO prepared an environmental analysis of the proposed project. The EA evaluated, analyzed and disclosed to the public the direct, indirect and cumulative environmental impacts that would result from the implementation of this project, as well as a reasonable range of alternatives, and it identified resource protection measures that could be implemented to reduce the level of expected impacts.

Land Use Plan Conformance

The Proposed Action and alternatives are in conformance with the applicable BLM land use plan for the area, which is the Black Rock-Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness and other Contiguous Lands in Nevada, (BLM 2004) (the Plan). The plan includes an objective "to provide opportunities for a diverse range of permitted activities consistent with the NCA Act while providing public access and solitude for other users." 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. Burning Man 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.

DECISION

Based on the Burning Man 2012-2016 Special Recreation Permit Environmental Assessment (EA), DOI-BLM-NV-W030-2012-0007-EA, and the attached Finding of No Significant Impact (FONSI), it is my decision to select the proposed action alternative, subject to implementation of all mitigation recommended in the EA for the proposed action (attached as the *Burning Man 2012-2016 Special Recreation Permit Stipulations* which include the modified and refined 2011 stipulations), and the following additional conditions:

- 1) The SRP for the 2012 event may only be for a one-year permit, rather than a five-year permit as proposed. Should Black Rock City LLC comply with the terms and conditions of their 2012 permit, issuance of a multi-year permit for 2013-2016 may be considered.
- 2) The SRP for any year is subject to cancellation or modification during the permit period based upon performance of the permittee, changes in law, regulation or policy, changes in resource conditions, or upon newly available information.
- 3) Authorization for any event during the 2012-2016 period is subject to a separate SRP decision. Prior to issuance of any year's SRP decision, a detailed review and evaluation of the previous year's event will be conducted; as necessary, the special stipulations will be modified (subject to NEPA) to address issues and concerns raised during the previous event or otherwise identified for the applicable year's event. Additionally, each year's SRP decision and/or the special stipulations attached thereto will specify the maximum population allowed for that 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.

Rationale

Rationale for this decision is based on factors including, but not limited to:

- 1) This decision is in compliance with the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000, which was enacted by Congress to create special designations for 1.2 million acres of public lands managed by the BLM in northwestern Nevada.
- 2) This decision is in conformance with 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.
- 3) Based on the consultation, coordination and public involvement that has occurred, it is determined that this is a well informed decision.
- 4) This decision will provide opportunities on public lands for BRC to conduct the Burning Man event in an area with few natural resource conflicts.
- 5) Reviewing the maximum population level each year allows BRC, the BLM and other cooperators to plan and administer the event in a more predictable and orderly manner, assures that available infrastructure in the area of the event is able to support the participants, and in turn improves protection of natural and cultural resources.
- 6) Based on the environmental analysis, it is determined that this decision will not result in any undue or unnecessary environmental degradation of the public lands and is consistent with federal, state, and local laws, regulations and plans.
- 7) The selected alternative will not adversely impact any threatened or endangered species or significant scientific, cultural or historical resources.
- 8) The proposed action, subject to implementation of all mitigation recommended in the EA and the above conditions (Selected Action), meets the purpose and need for the federal action.
- 9) The EA and FONSI support this decision.
- 10) Implementation of the Special Recreation Permit special stipulations will serve to monitor for impacts and reduce or prevent impacts.
- 11) Based on the President's National Energy Policy and Executive Order 13212, the Proposed Action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse: Energy Impact" is required per WO IM No 2002-053 and NV IM 2002-049.

Native American Consultation

Letters were sent on November 1, 2010 requesting consultation on the Proposed Action to the following tribes: Fallon Paiute and Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, and Susanville Indian Rancheria. Consultation meetings concerning the Proposed Action were held with the Pyramid Lake Paiute Tribe on February 15, 2011 and June 3, 2011 and with the Summit Lake Paiute Tribe on December 11, 2010 and January 21, 2012.

The Pyramid Lake Paiute Tribe did not voice any concerns related to spiritual beliefs, but did voice a number of concerns over traffic through the reservation, costs for emergency services and garbage problems. The Pyramid Lake Paiute Tribe reiterated these concerns during phone

conferences on April 12, April 20 and April 27, 2012. Recommended mitigation specific to Native American concerns was developed in the analysis as a result of the tribe's input.

The Summit Lake Paiute Tribe voiced no specific concerns on sacred sites, but believes the land needs to "heal" after the Burning Man festival. The tribe suggested that the event should alternate between the playa and a more distant location, such as just north of Empire or Cedarville, or closer to the Burning Man Ranch near Hualapai. The tribe's suggested alternatives were considered but eliminated from detailed analyses in this document (see Section 2.4 of the EA for rationale).

Cooperating Agencies

The cooperating agency relationships established during this project facilitated the exchange of views and expertise between BLM personnel and other government officials and staff. This form of consultation, unique to planning and NEPA processes, was crucial to the shaping of this EA. The BLM formalized cooperating agency relationships with four governmental parties: Pyramid Lake Paiute Tribe, Nevada Department of Transportation, Pershing County, and Washoe County.

Intergovernmental Partners

Under the Federal Land Policy and Management Act (FLPMA) of 1976, the BLM's coordination responsibilities include maximizing consistencies with the plans and policies of other government entities. Since 1992, with issuance of the first SRP to BRC, the BLM has ensured that year-long coordination has occurred with Federal, state, local and tribal governments that have jurisdiction by law or other special expertise related to the Burning Man event. The comments received during these meetings are used as the basis for a complete review of the special stipulations and BRC's operating plan, related to logistics and administration of the event.

As a result of this review, a number of the 2011 special stipulations were modified and several stipulations added for the 2012-2016 period. For example, the language of stipulation number one was modified from the 2011 SRP special stipulations in order to ensure that there is no confusion with respect to the maximum authorized event population, and the fact that one of the terms and conditions of the 2012 SRP is that BRC is responsible for ensuring that the maximum number of participants at the 2012 event does not exceed the authorized event population. Stipulation number one, was also modified to state the potential consequences if BRC exceeds that limit. The remaining changes occurred to provide greater clarification regarding the intent and any deliverables associated with the permit.

BRC modified its 2012-2016 operating plan to reflect a one-year period (2012), as each year requires a separate operating plan that addresses updated information. Additional modifications were made to remove extraneous material; provide clarifications regarding trash, toilets and the handling of hazardous materials; and further detail documenting what actions BRC would take to prevent the event population from exceeding annual authorization levels.

Public Involvement

Public Scoping

In late 2010, a 43 day public scoping period was conducted to solicit issues and other comments from the public and cooperating agencies. The scoping period began on November 1, 2010 and was scheduled to close after 30 days. However, after numerous requests from the public, BLM extended the scoping period until December 13, 2010.

A news release was printed in several local and regional newspapers and letters were sent to individuals and organizations that had participated in the process in past years. Over 260 pages of written comments from nearly 120 commenters were received during the scoping period. Additional comments were also received at the open house meetings held in Lovelock, Gerlach, and Reno on December 7, 8, and 9, 2010, respectively. The issues identified in scoping efforts are listed in Table 1-1 of the EA.

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.

Revisions to the EA based on Public Comments

As a result of substantive comments from the applicant, NDOT, Pyramid Lake Paiute Tribe, and individuals, revisions were made to the Human Waste Disposal, Debris Removal and Traffic Signage and Control recommended mitigation measures in Chapters 4 and 6. A separate Traffic Signage and Control in Response to Native American Concerns mitigation measure was added to specifically address Native American concerns.

In response to public concerns, a discussion has been added to Section 4.19 (Soils and Playa Sediments), which discusses the use of decomposed granite as a burn pad material and the potential for impacts to the playa surface. Recommended mitigation (Burn Pad Debris Removal) has been added to the EA in order to minimize potential impacts to soils and playa sediments and visual resources from unburned materials, including burn pads, which may remain at the applicant's "authorized burn" sites after the event.

In addition to modifications to the recommended mitigation, the additional discussion of burn pad materials and minor clarifications throughout, notable modifications to the EA in response to substantive public concerns and agency and tribal consultation include:

- *Table 1-1 (Scoping Issues Identified)*. Additionally directs readers to Sections 4.2 (Air Quality) and 4.11 (Water Quality) for a discussion of the size of water trucks and amount of water use for dust control.
- *Section 2.1 (Alternative 1: 58,000 to 70,000-Person Maximum Alternative [Proposed Action])*. Change to the official opening and closing times of the event.

- *Section 2.1 (Alternative 1) and Section 2.2 (Alternative 2)*. Revisions to the definition of the event population to exclude contractors.
- *Section 2.1.4.C (Security – On-site)*. Revision to state that there are three Black Rock Ranger outposts instead of two.
- *Section 2.1.4.G (Hazardous Materials)*. Addition of a new section that addresses hazardous materials and existing regulations.
- *Section 2.1.10.A (On-Site Event Take Down and Clean-Up)*. Revisions to state that take down and clean-up would involve approximately 120 people at a population of 58,000 people and 150 people at a population of 70,000 people. The increased size of the clean-up crew has been considered in the EA analysis as well.
- *Section 2.4 (Alternatives Considered but Eliminated from Detailed Study)*. Additional discussion addressing attendance of minors at the event.
- *Figure 2-2 (Black Rock City Plan)*. Removal of the 2011 event street names from the figure.
- *Section 3.10 (Wastes, Hazardous or Solid)*. Additional discussion of past effects of hydrocarbon wastes and hazardous material releases and a summary of the information the applicant has provided to participants for each.
- *Section 3.15 (Noise [Quiet]) and 4.17 (Recreation)*. Clarifications that Trego Hot Springs is not closed to the public during the event.
- *Section 3.18.7 (Social Values, Attitudes Toward Burning Man)*. Additional text regarding the social value of the event and the applicant's contribution to the community.
- *Table 3.21-2 (Existing Daily Traffic Volumes and Levels of Service)*. Addition of roadway capacity information.
- *Throughout Chapter 4 (Environmental Consequences)*. Additional text that explains the correlation between the environmental analysis and the recommended mitigation.
- *Section 4.6 (Invasive, Nonnative Species)*. Additional analysis that addresses the effects of invasive weed growth resulting from deposition of fugitive dust from the playa.
- *Section 4.7 (Migratory Birds)*. New recommendation for Debris Removal mitigation to minimize the potential for litter to entangle or choke migratory birds.
- *Section 4.8 (Native American Religious Concerns)*. Recommendation of a Traffic Signage and Control in Response to Native American Concerns mitigation measure.
- *Section 4.10 (Wastes, Hazardous or Solid)*. Revisions to the Human Waste Disposal and Debris Removal recommended mitigation measures.
- *Section 4.17 (Recreation)*. Additional information regarding the Association of Experimental Rocketry of the Pacific (Aero-Pac) and the A Rocket Launch for International Student Satellites (ARLISS) event, including overlap between the clean-up of Burning Man and the ARLISS event and the increased susceptibility of dust on the rocket launch areas to the north.
- *Section 4.19 (Soils and Playa Sediments)*. Additional analysis of the use of burn pad materials, namely decomposed granite and its potential for impacts to the playa surface. Addition of a new Burn Pad Debris Removal recommended mitigation measure to

address soils and playa sediments impacts from unburned materials left on the playa at “authorized burn” sites.

- *Section 4.21 (Transportation and Traffic)*. Revisions to clarify the traffic analysis and results. Modifications to the recommended Traffic Signage and Control mitigation measure.
- *Section 4.23 (Visual Resources)*. Recommendation for a new Burn Pad Debris Removal mitigation measure to address visual impacts of unburned materials left on the playa at the applicant’s “authorized burn” sites.
- *Chapter 6 (Mitigation and Monitoring)*. Revisions to the Human Waste Disposal, Debris Removal and Traffic Signage and Control recommended mitigation measures. Addition of a new Burn Pad Debris Removal Arising from Public Comments recommended mitigation measure and a separate Traffic Signage and Control in Response to Native American Concerns and Debris Removal in Response to Native American Concerns recommended mitigation measures.
- *Appendix 2 (2012 Operating Plan)*. Revisions to the applicant’s Operating Plan. The modified 2012 Operating Plan reflects one year (2012) rather than the 2012-2016 permit period.

APPEAL PROVISIONS

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Gene Seidlitz, District Manager, Winnemucca District Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Attached Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied;
- 2) The likelihood of the appellant's success on the merits;
- 3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- 4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).



Gene Seidlitz
District Manager
Winnemucca District

6/12/12
Date

Attachments:
2012-2016 Special Recreation Permit Stipulations
Form 1842-1

BURNING MAN 2012-2016
SPECIAL RECREATION PERMIT STIPULATIONS



GENERAL

1. The maximum authorized population (also referred to as the population cap) at any point in time during the event is XX,XXX participants [XX,XXX to be a number from 58,000 to 70,000, which is the range of populations for the selected action, as analyzed in the 2012-2016 Environmental Assessment] (as per the definition of "participant" in the EA). Black Rock City, LLC (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, 2932.41. Such terms and conditions may include, but are not limited to, reducing any following year's maximum authorized population in an amount equal or otherwise proportionate to the prior year's population exceedance. The Bureau of Land Management (BLM) also reserves the right to assess additional cost recovery for any costs the BLM incurs as a result of any population exceedances, per 43 C.F.R. § 2932.31.
2. If during the event it appears that the number of participants is likely to exceed the maximum authorized population designated in special stipulation number one above, then BRC must promptly notify the BLM of the projected event population and provide detailed contingency plans for how to handle the additional participants. BLM's acceptance of the contingency plan does not constitute approval for BRC to exceed the population cap under special stipulation number one, nor does it constitute any form of cure for noncompliance with special stipulation number one. The purpose of this special stipulation number two is to ensure that procedures are in place and will be followed by BRC to address the safety of additional visitors, should noncompliance with special stipulation number one occur.
3. During the period of site occupancy, BRC shall provide the BLM with the number of participants within the event site at noon 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. The BLM can request population data any time during the event. BRC shall also provide the BLM with detailed information of the number of staff and participants on the event site during the period of site occupancy within 60 days after the event. This information shall include daily counts for the non-event period.
4. These stipulations incorporate, by reference, information included in the XXXX (year) Burning Man Operating Plan. If there is a conflict between the Operating Plan and the stipulations attached to the permit, the stipulations shall control. BRC shall provide a copy of its latest version of the Operating Plan to the BLM before the permit for the XXXX (year) event will be issued.
5. The location of the XXXX (year) Burning Man Event Area is limited to the public closure area, with ingress and egress from the 8-Mile or Event playa entrance. 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.

6. The event would last 192 hours (8 days) starting no earlier than 12 PM on the Sunday that falls eight days before Labor Day and ending no later than 11:59 PM on Labor Day. For XXXX (year), the event would officially commence at XXXX (date and time), and would end at XXXX (date and time). Pre-event surveys and site layout (including use of the communications tower) can begin on XXXX (day and date). Site occupancy including construction of facilities and structures may occur no earlier than 21 days prior to the event, XXXX (day and date). Takedown and removal of all above ground material (items that could pose a hazard to other playa users) will be completed no later than 14 days after the event, XXXX (day and date) with the exception of the communications tower, which can remain on-playa through the cleanup period for safety purposes. The final phase of cleanup and restoration will be completed no later than thirty days after the event, XXXX (day and date). Minor adjustments to post event cleanup deadlines may be granted by the authorizing officer due to unforeseen weather conditions.
7. Upon advance notice to the permittee, 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 CFR 2932.56.
8. The permittee shall post a copy of the Special Recreation Permit (Form 2930-1); these permit 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 permit being issued.
9. Except as otherwise noted in special stipulation number one, violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 CFR 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 CFR Part 2932).
10. BRC shall make a member of its Board, or an authorized representative, available to BLM 24 hours a day, seven days a week during the event. This Board member or authorized representative must be authorized to represent and act on BRC's behalf to coordinate as needed with BLM, law enforcement and other event cooperators on issues requiring action.
11. BRC personnel shall meet with BLM staff and representatives from the various cooperators daily at 3:15 p.m. during the event period and at such other times and places as needed. At these meetings BRC shall provide daily attendance figures (as required in stipulation number one) and exchange other information necessary to allow all parties to effectively administer and assess daily the event.
12. Commercial activities are prohibited within BRC, unless specifically authorized in advance by the BLM and BRC. BRC will inform BLM representatives of unauthorized commercial operations discovered at the event and the corrective actions being implemented within a reasonable time of learning about the activities. This includes but is not limited to commercial film production, photography, food services or other independent commercial ventures not affiliated with BRC.

13. BRC shall cooperate with the BLM or other law enforcement agencies in evaluating any request to remove individuals from the event as provided in 43 CFR 2932.57(a)7. At the request of a designated official of the BLM, BRC shall conduct a prompt, independent evaluation of eviction requests.
14. BRC shall comply with all applicable supplemental regulations as promulgated in the Closure Orders published in the Federal Register prior to the XXXX (year) event.
15.
 - 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. The BLM shall be notified immediately upon discovery of archaeological artifacts (objects greater than 50 years old) or human remains.
 - b. BRC shall comply with 43 CFR 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 authorized officer.
16. BRC will provide the appropriate identification to 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. BRC shall ensure there are adequate numbers of toilets and that there is suitable placement of toilets as needed throughout Black Rock City according to BRC's Operation Plan. Due to the increase in population anticipated in this Environmental Analysis, additional portable toilets should be supplied at areas likely to be used after dark and their lighting should be increased. BRC shall ensure the toilets are lit and visible from the Art area during nighttime activities. BRC shall continue to educate the event participants regarding the importance of appropriate disposal of human waste.
18. Prior to release of information regarding the XXXX (year) 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 including the possible revocation of permits, see NAC 444.5466 Disposal of sewage; plumbing (for Camping) and NAC 444.5492 (regarding provision of toilet facilities for mass gatherings).
19. 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)(Note: Transportation engineers and planners commonly use the term level of serve (LOS) 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).
20. Speed limit trailers shall be installed in Gerlach, Empire, and Nixon to encourage drivers to maintain the legal speed limit. Speed limit trailers act as a traffic calming device by displaying a driver's speed as they pass by the trailer.

21. Flaggers shall be used at the intersection of SR-447 and SR-446 to allow left-hand turns within the Pyramid Lake Paiute Reservation.

COORDINATION

22. Meetings required with affected parties:
- a. The permittee 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 Public Works, Humboldt 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.
23. BRC shall complete formal agreements with all affected parties e.g. Pershing County Sheriff's Department, Washoe County Sheriff's Department, Nevada Department of Public Safety-Investigations Division, Nevada Highway Patrol, and Nevada Department of Health and Human Safety for the purpose of addressing concerns and impacts associated with social services e.g. law enforcement and emergency medical services and physical infrastructure e.g. transportation systems and human waste disposal. Written evidence of these agreements showing compliance with this stipulation must be provided to the BLM by BRC 30 days prior to the start of the event.
24. As described in the XXXX (year) 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.
25. BRC will develop and implement a plan to address exposing 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 Sheriffs' Department within 10 days of the issuance of the permit.
26. BRC LLC shall allow any tow truck, licensed to operate in the State of Nevada, access to the event 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. Such minor repairs include replacing hoses and drive belts, or the repair or replacement of tires. Within 10 days of the issuance of the permit, BRC LLC shall contact local tow companies known to respond to this event, including those in Gerlach, and Fernley, Nevada, and advise them of the process to enter the event without delay in order to respond to calls for service.
27. 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. Causes could 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
 - i. Emergency information shall be disseminated to participants by the Burning Man Website, and the Burning Man Survival Guide, and, if appropriate, other 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, appropriate time frame would be established by the BLM Incident Command in consultation with BRC and other cooperators to facilitate safe removal of people and property.

28. In cooperation with emergency services providers and law enforcement agencies, appropriate parties or their designated representatives shall, within a reasonable time after learning of them, notify each other 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.

29. The medical contractor shall report daily to the BLM and Pershing County (during the daily 3:15 agency meetings), 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 a written final statistical report of such medical cases to the BLM.

30. 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, will submit a written incident report to the BLM.

31. 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.

32. 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 XXXX (day and date). 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.

33. In order to quantify and assess how much oil might be deposited on the playa during the event, BRC shall fund and conduct an oil drip survey during 2012. BRC shall fund and conduct an additional oil drip survey during at least one additional year between 2013 and 2016, in the event that a permit or permits are granted for any of the years 2013-2016. The oil drip survey shall include a scientifically valid methodology for sampling collection, verifiable results, discussion regarding the results, as well as actions to reduce the amount of hydrocarbon waste (i.e., oil) if it is shown to be increasing at the playa. The study design (methodology) shall be coordinated with the BLM Hazardous Materials Specialist and approved by the BLM Authorized Officer prior to implementation. Personnel conducting the study shall be approved by the BLM Authorized Officer prior to study implementation. The applicant shall be responsible for costs associated with the monitoring program and any potential operational changes that may be necessary (as determined by the BLM) as indicated by the research results.
34. 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 a best-faith effort 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 encroachments permits. Clean-up staff should wear appropriate safety vests and hats and drive vehicles with flashing lights to ensure safety during trash collection.
35. 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 "Black Rock City Work Ranch" in the Hualapai Valley, approximately 10 miles north of the event site.
36. BRC's Traffic Management Plan shall be expanded to include more detail on ingress and egress. This plan will be approved by the authorized officer or the authorized officer's agent.
37. Prior to the event, BRC shall coordinate with NDOT regarding the type of traffic control devices to be used in accordance with NDOT requirements.
38. BRC shall cooperate with Washoe County Sheriff's Office and NDOT to install temporary speed limit reductions through the town of Empire. A maximum speed limit of 25 mph is recommended. A reduced speed limit would improve the safety of parking along SR-447 through Empire and pedestrians crossing the roadway.
39. A copy of all necessary permits for encroachment within Tribal, NDOT, and county 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.

40. BRC shall provide traffic control, using traffic control devices as determined by 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.
41. 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 Environmental Coordinator of 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.
42. BRC and the Pyramid Lake Paiute Tribe shall agree to enter into a formal agreement that covers arrangements for traffic control devices. A draft agreement should be submitted to the BLM prior to a decision being made.
43. Traffic flow monitoring shall occur at the intersection of SR-427 and SR-447. (This topic came up during the course of Native American consultation and NDOT discussions. BRC should confer with NDOT on implementation of this special stipulation).

FEE SCHEDULE

44. Commercial Use Fees

The BLM shall collect a fee from BRC for the use of public lands for the event. The fee, as set by regulation 43 CFR 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 fees (3% of estimated gross receipts) must be received prior to the start of the event.

Determination of gross income will be based on the following:

- a. Ticket Sales
- b. Coffee and Ice Sales
- c. Other 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	(date, year)	The remaining balance of commercial use fees

45. Cost Recovery Payment

Black Rock City LLC is responsible for payment of the actual costs of administering the Special Recreation Permit, including all direct and indirect costs, in addition to the commercial use fees. In order to initiate BLM planning for the event, a payment of

\$XX,XXX was received in (month, year). A Cost Recovery Agreement must be in place 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 for in the Cost Recovery Agreement.

COMPLIANCE INSPECTIONS

46. BRC operation and compliance with the terms, conditions and stipulations of the permit will be evaluated through performance inspections before, during and following the event.
47. 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 in pre-event condition.
48. 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. Post-Event Cleanup Standard: The average total surface area of debris collected from either the fall or spring transects will not exceed the equivalent of 1 square foot per acre from any inspection area.
49. An extension for the completion of the cleanup will be considered if weather or some other catastrophic event interferes with access to the site for cleanup purposes. The permittee shall make a written request to the authorized officer immediately upon such an occurrence.
50. If cleanup studies indicate the 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 cleanup standard will not be exceeded during the life of the permit.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....	A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).		
2. WHERE TO FILE NOTICE OF APPEAL.....	US Dept of the Interior Bureau of Land Management 5100 E Winnemucca Blvd Winnemucca NV 89445	And	US Dept of the Interior Office of Hearings & Appeals Interior Board of Land Appeals 801 N Quincy St MS 300-QC Arlington VA 22203
WITH COPY TO SOLICITOR.....	US Dept of the Interior Office of the Solicitor Pacific Southwest Region 2800 Cottage Way Rm E-2753 Sacramento CA 95825-1890		
3. STATEMENT OF REASONS	Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).		
WITH COPY TO	US Dept of the Interior Office of the Solicitor Pacific Southwest Region 2800 Cottage Way Rm E-2753 Sacramento CA 95825-1890	And	US Dept of the Interior Bureau of Land Management 5100 E Winnemucca Blvd Winnemucca NV 89445
4. ADVERSE PARTIES.....	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.		
5. PROOF OF SERVICE.....	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).		
6. REQUEST FOR STAY.....	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.		
	Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.		

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)