



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Tonopah Field Office

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http://www.blm.gov/nv/st/en/fo/battle_mountain_field.html

AUG 17 2009

In Reply Refer To:

2930 (NVB0200)

LLNV-B020-SRP09-01

DECISION

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Special Recreation Permit Approved for the Best in the Desert Vegas to Reno OHV Race

Dear Interested Public:

INTRODUCTION

In October 2008, a Special Recreation Permit (SRP) application was submitted to the Nevada State Office, BLM, by Mr. Casey Folks, Best in the Desert Racing Association (BITD) requesting authorization to conduct the annual Vegas to Reno Off Highway Vehicle (OHV) Race.

The Bureau of Land Management, Tonopah Field Office (TFO) proposes to issue an annual Special Recreation Permit to BITD for conducting the Vegas to Reno OHV Race. The dates for the 2009 race would be August 20, 21, and 22. The race would start south of Beatty, and travel north through Nye and Esmeralda Counties. The race would be conducted along 819 miles of dirt roads and sandy washes. Day 1 of the 2009 proposed course would start in the Fluorspar Canyon area, and finish in Tonopah, Nevada. Day 2 the race would start in Tonopah and finish in Hawthorne, and day 3 of the race would start in Hawthorne and finish in Dayton, Nevada. There would be a total of 19 pit areas and 76 checkpoints along the entire racecourse to accommodate refueling, mechanical repairs and related support of the race participants, and their race vehicles. Commercial filming or digital photography may take place in each of the pit areas and checkpoints. It is anticipated that there would be approximately 250 to 300 entrants and 1000 or more spectators.

BACKGROUND

The BITD Las Vegas to Reno OHV race event has taken place annually over the last 13 years since 1996, and has used the same race routes. Exceptions have been the year 2000 when a 2000 mile, statewide event was conducted to celebrate the millennium, and 2002 when the Tonopah 300 and Nevada 1000 replaced the event. Prior to 1996, the Frontier 500 was conducted along the same or similar routes with BLM permits in 1983 and 1985. Races have usually occurred during the months of March, June, July, August, September and October.

The Acerbis Motorcycle races used the same route combinations from 1993 to 1995. Varying combinations of the routes used by these previous events and those routes currently used for localized loop type OHV races are continuing to be used for the current Las Vegas to Reno and other OHV races.

BLM field personnel have monitored the races each year to ensure that the racecourse follows the authorized route, to observe whether or not natural and historic resources are being affected by event participants or spectators, to evaluate whether or not the permittee is conducting the event according to specified race rules and permit stipulations, and to ensure that public and participant safety is adequately accommodated.

A project kick-off meeting was held on January 13, 2009 at the TFO. Participants at the meeting included the BLM Interdisciplinary Team (ID Team) members, as well as representatives from BITD, and Nye and Esmeralda Counties. A press release was issued on January 30, 2009, that informed the public of the SRP application, the public scoping period, and public meetings to be held in the towns of Beatty and Goldfield, Nevada. Public scoping was conducted through a 30 day comment period that ended on March 6, 2009. The mailing list for public scoping included grazing allotment permittees, utility corridor right-of-way holders, interested local residents, commercial businesses, local newspapers, State and Federal natural resource management agencies, historic preservation representatives, Non-Governmental Organizations, and Native American representatives. The public scoping letter advised the public of the Special Recreation Permit application and requested public comment regarding the proposed event. Public meetings were held in the town of Beatty on February 24, 2009 and the town of Goldfield on February 25, 2009. Comment forms were handed out at the beginning of the meetings, and comments were accepted at the meetings or could be mailed to the TFO. Issues identified during the kick-off meeting and public scoping process were carried forward and considered in an environmental assessment (EA).

Native American tribal representatives were included on the mailing list for the initial external scoping. On April 17, 2009, project specific consultation initiation letters were sent to tribal representatives including the Yomba Shoshone Tribe, Pahrump Paiute Tribe, Duckwater Shoshone Tribe, and the Timbisha Shoshone Tribe. Their comments and participation were requested. The Tribes were also invited to attend the scoping meetings in Beatty on February 24, 2009, and Goldfield on February 25, 2009. Representatives of the Timbisha Shoshone Tribe participated in the scoping meeting in Beatty and submitted comments at that time. They also requested a field trip to see areas along the route that were of concern. A fieldtrip was arranged for May 14, 2009. Tribal representatives asked questions about the race route and discussed

some of their concerns with BLM. Discussions with the tribe are on-going. To date, only the Timbisha Shoshone tribal representatives have expressed an interest in the project. However, participation and communication opportunities continue to be available to the contacted Tribes and their community members.

The EA (DOI-BLM-NV-B020-2009-0064-EA) went through a 30-day public comment period ending on July 31, 2009. Copies of the EA were sent out to persons and agencies found on the project mailing list. A press release was issued notifying the public of the availability of the EA. An announcement of the availability of the EA and public comment period was posted on the Battle Mountain District Office NEPA webpage, and the BLM ePlanning public web site (DOI-BLM-NV-S030-2009-1001-EA). The comments received and responses to these comments can be found in Enclosure 2. None of the comments received resulted in substantial changes to the EA nor did the comments identify new issues, concerns, or resource impacts. All correspondence relative to this planning process is part of the public record and available for review at the TFO.

DECISION

After carefully considering the comments and input received from the public and determining there will be no significant impacts from the proposed action (See enclosure 1 Finding of No Significant Impact), it is my decision to approve the application to conduct an off-highway vehicle event in August, 2009. The authorized event comprises a point-to-point race beginning August 20 at Flurospar Canyon south of Beatty, Nevada and finishing near Dayton, Nevada on August 22. Individual SRP applications will be submitted and evaluated for subsequent race events. BITD would commit to the environmental protection and mitigation measures listed below. Additionally, BITD would be required to comply with the permit stipulations outlined in the SRP (Enclosure 3). These protection measures and stipulations were developed through the environmental review process in order to prevent unnecessary and undue degradation during the Vegas to Reno OHV race event. In accordance with 43 CFR 2931.8, this decision is effective upon issuance. This decision approves the SRP for BITD for the Vegas to Reno OHV race event.

Air Quality

Nevada Division of Environmental Protection, Air Pollution Control may monitor the OHV race events to observe the production of pm 10 fugitive dust.

Cultural Resources

All eligible or unevaluated cultural resources would be avoided to ensure compliance of Section 106 of the National Historic Preservation Act.

Although the possibility of disturbing Native American gravesites within the Project Area is extremely low, inadvertent discovery procedures must be noted. Under the Native American Graves Protection and Repatriation Act, section (3)(d)(1), it states that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity, which caused the discovery, is to cease and the materials are to be protected until the BLM authorized officer can respond to the situation.

During Project activities, if any cultural properties, items, or artifacts (stone tools, projectile points, etc...) are encountered, it must be stressed to those involved in the proposed Project activities that such items are not to be collected. Cultural and Archaeological resources are protected under the Archaeological Resources Protection Act (16 U.S.C 470ii) and the Federal Land Management Policy Act (43 U.S.C. 1701).

Pursuant to 43 CFR 10.4(g), BITD would notify the BLM authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4 (c) and (d), the operator would immediately stop all activities within approximately 300 feet (100 meters). BITD would appropriately protect the site until the BLM authorized officer issues a Notice to Proceed. The BLM would notify the State Historic Preservation Office (SHPO) and consider SHPO's initial comments on the discovery. If archaeological resources are damaged it is possible that fines could be assessed under provisions of the Archaeological Resources Protection Act (ARPA) found at 43 CFR 7.

Native American Concerns

Tribal representatives and/or lineal descendants, along with BLM cultural resources specialists, may periodically monitor identified sites (pre-identified or inadvertent discovery of any new site). This monitoring may continue throughout the life of the proposed project.

With the implementation of the protection/avoidance/monitoring measures previously described above, no additional mitigation measures are necessary at this time (pending continued consultation). However, as the race route continues to be utilized and/or new routes are designated, consultation can be reinitiated for the same activity at any time. Depending on observed impacts, monitoring, identified mitigation measures, unforeseen impacts, growth of the event, and continued tribal participation, consultation can occur throughout the life of this particular annual race event.

Hazardous or Solid Wastes

Regulated wastes would be removed from the Project Area and disposed of in a state, Federally, or locally designated area.

Human Health and Safety

BITD would be responsible for containing and monitoring pit areas and check points to ensure the safety of spectators and event participants. Pit areas would be delineated by tape or other type of barricade and closed off to spectators. BITD would ensure that spectators do not enter the pit areas.

The proponent is responsible for identifying any hazards and informing the race teams, participants, and spectators of the hazards near the racecourse.

In order to ensure the safety of race participants, pit crew members, and the general public, BITD

would provide the BLM with a written plan for emergency services that would include aid and evacuation procedures, emergency notification numbers and procedures, as well as the location and types of rescue equipment and personnel that would be available.

Additional health and human safety measures are detailed in the SRP stipulations (Enclosure 3).

Fire Management

In the event the Project should start a fire, BITD would be responsible for all the costs associated with suppression.

All vehicles should carry fire extinguishers.

Adequate firefighting equipment (i.e., shovel, pulaski, extinguisher(s), and/or an ample water supply should be kept at each pit stop site.

All vehicles are required to have functioning mufflers and spark arresters. The event personnel would check for this during the prerace technical inspection.

Report wild land fires immediately to the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444.

BITD must contact the BLM Battle Mountain District Office, Division of Fire and Aviation at (775) 635-4000 to find out about any fire restrictions in place for the area of operation and to advise this office of approximate beginning and ending dates of activities. Prevention/restriction measures would be provided closer to the race date.

Wildlife (including migratory birds)

The proponent must comply with the Migratory Bird Treaty Act (MTBA) and avoid potential impacts to protected birds within the project area. To prevent violation of the MBTA, BITD would conduct activities outside the migratory bird nesting season from May 1st to July 31st.

Racing would occur upon established roads, trails and washes available for motorized use and participants would adhere to the predetermined, authorized, and pre-flagged route.

Race events would occur outside of the identified nesting and breeding season for migratory birds. If an event was to be scheduled during the nesting and breeding season, the permittee would be required to have surveys for migratory birds conducted prior to the event being permitted.

During the race event, BITD event personnel and BLM staff to include the Outdoor Recreation Planner, Law Enforcement Rangers and other resources specialists would be present at various locations along the racecourse to monitor race activities and to ensure that participants and spectators are not harassing or collecting wildlife, and are not driving outside of the approved racecourse and existing roads.

Noxious Weeds, Invasive & Non-native Species

Noxious weeds shall be controlled by implementing the BLM Battle Mountain District, MLFO/Tonopah Field Office *Invasive Plants, Noxious Weeds, and Pests Prevention Schedule and Best Management Practices*.

Prior to each event, all race vehicles would be inspected by BITD to ensure that they have been cleaned. If any race vehicle was not cleaned, the participant would be subject to penalty and/or disqualification from the event.

Participants would also be encouraged to wash vehicles at the nearest available washing facility between each day of the event.

During the race event, BITD event personnel and BLM staff to include the Outdoor Recreation Planner, Law Enforcement Rangers and other resources specialists would be present at starting points and at various locations along the racecourse to monitor race activities and to ensure that event personnel and participants are complying with SRP stipulations and mitigation.

Recreation

Monitoring has been completed for pre-race assessment and would be conducted during the race and as a post-race assessment. The only anticipated mitigation would be for road rehabilitation, which would also be required for other resource mitigation measures, but also to ensure continued access for other forms of recreation along and crossing the proposed race route.

Soils

Racing would occur upon established roads, trails and washes available for motorized use and participants would adhere to the predetermined, authorized, and pre-flagged route.

An annual pre-race evaluation of the racecourse would be conducted by the BLM Outdoor Recreation Planner using photography and/or videotaping in order to assess pre-race route conditions and provide a baseline for the post race evaluation.

During the race event, BITD event personnel and BLM staff to include the Outdoor Recreation Planner, Law Enforcement Rangers and other resources specialists would be present at various locations along the racecourse to monitor race activities and impacts. If course cutting or driving off course should occur, event and BLM personnel would quickly disqualify the participant. Checkpoints would be established along the racecourse to monitor participants and prevent short coursing and driving off course.

A post race evaluation would be conducted by the BLM and the permittee following completion of each event, and the permittee would be required to grade, rip, and reseed any areas that were determined to be in need of rehabilitation as a result of the events. Additionally, mitigation measures for road condition would include, per SRP stipulations, required blading of specific race route impacted sections to pre-race conditions. Locations of rehabilitated areas or reclaimed

roads would be documented using a Global Positioning System (GPS) and these areas would be photographed or videotaped to evaluate the success of reclamation efforts and the need for any additional work.

These pre and post race evaluations would ensure that reclamation and reseeding efforts are successful in stabilizing any area identified as damaged.

Noise

If the BLM determines that noise generated as a result of proposed race activities is excessive, the BLM may initiate mitigation to reduce these impacts. Possible mitigation may be slight alterations of the race route, changing race starting times, or longer intervals between vehicle start times.

RATIONALE

The purpose of issuing the SRP and implementing the proposed action is to conduct an annual competitive OHV race on BLM managed lands in Nevada. The proposed action is needed to provide for motorized events and the opportunity for the public to experience a long distance competitive event in a directed, controlled and organized setting. The high percentage of public lands administered by federal agencies and the network of available roads and trails make Nevada suitable for OHV events such as the Vegas to Reno OHV Race. These types of activities also rely on public lands to provide a large geographical area of undeveloped lands not typically found in the private sector. Historic use and Presidential Executive Order (EO) 11644, as amended by EO 11989, and BLM regulations 43 CFR 2930 provide for these types of OHV activities as a legitimate use of public lands, if conducted in a manner that minimizes conflicts with resources and other users, and maximizes public safety.

The BITD SRP coupled with design features, mitigation, stipulations, and environmental protection measures detailed in EA and the enclosed Finding of No Significant Impact (FONSI) show that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not occur as a result of implementation of the BITD SRP.

The project is in conformance with the current Tonopah Resource Management Plan (RMP) and Record of Decision (ROD). The RMP/ROD states "Decision: Page 34, Paragraph 4 "All BLM lands not limited in the RMP are open to all individual, commercial, and competitive outdoor recreation uses."

Objective: Page 20 (for General Recreation Management) "To encourage safe, public access and recreational use of public lands while ensuring protection of important resource values."

Objective: Page 21 (Specific to Extensive Recreation Management) "To provide dispersed recreation opportunities on all lands which are not designated as Special Recreation Management Areas."

Objective: Page 21 (Specific to Recreation Opportunity Spectrum) “To provide a full range of recreational settings, from rural to wilderness, for the pursuit of a wide variety of recreational opportunities.”

AUTHORITY

The authority for this decision is contained in the Federal Land Management Act (FLPMA) sections 501(a) [43 USC 1761] and 507(a) [43 USC 1767] and Title 43 of the Code of Federal Regulations (CFR) under Subpart 2930 including, but not limited to the following:

CFR 2931.3 (a): “The statutory authorities underlying the regulations in this part are the Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*, and the Land and Water Conservation Fund Act, as amended, 16 U.S.C. 4601-6a.”

CFR 2931.3 (a)(1): “The Federal Land Policy and Management Act (FLPMA) contains the Bureau of Land Management’s (BLM’s) general land use management authority over the public lands, and establishes outdoor recreation as one of the principle uses of those lands (43 U.S.C. 1701(a)(8)). Section 302(b) of FLPMA directs the Secretary of the Interior to regulate through permits or other instruments the use of the public lands, which includes commercial recreation use. Section 303 of FLPMA contains the BLM’s authority to enforce the regulations and impose penalties.”

APPEAL PROVISIONS

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in this office (Tonopah Field Office) within 30 days from the effective date of this decision. The appellant has the burden of showing that the decision appealed from is in error.

U.S. Department of the Interior
Board of Land Appeals,
Office of Hearings and Appeals
801 North Quincy Street
Arlington, VA 22203

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named on this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 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.

WHERE TO FILE
NOTICE OF APPEAL. . . .

U.S. Department of the Interior
Bureau of Land Management
Tonopah Field Office
PO Box 911
1553 South Main Street
Tonopah, NV 89049

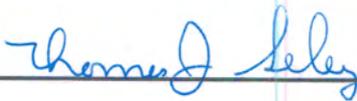
SOLICITOR
ALSO COPY TO. . . .

U.S. Department of the Interior
Office of the Field Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

Standards for Obtaining a Stay:

Except as otherwise provided by law or other pertinent regulation, 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.



Aug 17, 2009
Date

Thomas J. Seley
Field Manager
Tonopah Field Office

Enclosures:

- 1.) Finding of No Significant Impact for DOI-NV-B020-2009-0064-EA
- 2.) Summary of public comments received and revisions made
- 3.) SRP Stipulations

ENCLOSURE 1**FINDING OF NO SIGNIFICANT IMPACT
FOR THE****Best in the Desert Vegas to Reno OHV Race Environmental Assessment
Project Number: DOI-BLM-NV-B020-2009-0064-EA**

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-B020-2009-0064-EA for the Best in the Desert Vegas to Reno OHV Race, dated July, 2009. After consideration of the environmental effects of the Bureau of Land Management's (BLM's) preferred alternative (Proposed Action) described in the EA and supporting documentation, I have determined that the Proposed Action, when conducted with the mitigation and monitoring identified in the EA, is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as described in 40 CFR 1508.27. Therefore, preparation of an Environmental Impact Statement is not required.

I have determined the Proposed Action is in conformance with the approved Tonopah Resource Management Plan, and is consistent with the plans and policies of neighboring local, county, state, tribal and federal agencies and governments. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ's) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context:

In October 2008, a Special Recreation Permit (SRP) application was submitted to the Nevada State Office, BLM, by Mr. Casey Folks, Best in the Desert Racing Association (BITD) requesting authorization to conduct the annual Vegas to Reno Off Highway Vehicle (OHV) Race.

The Bureau of Land Management, Tonopah Field Office (TFO) proposes to issue an annual Special Recreation Permit to BITD for conducting the Vegas to Reno OHV Race. The dates for the 2009 race would be August 20, 21, and 22. The race would start south of Beatty, and travel north through Nye and Esmeralda Counties. The race would be conducted along 819 miles of dirt roads and sandy washes. Day 1 of the 2009 proposed course would start in the Fluorspar Canyon area, and finish in Tonopah, Nevada. Day 2 the race would start in Tonopah and finish in Hawthorne, Nevada and day 3 of the race would start in Hawthorne and finish in Dayton, Nevada. There would be a total of 19 pit areas and 76 checkpoints along the entire racecourse to accommodate refueling, mechanical repairs and related support of the race participants, and their race vehicles. Commercial filming or digital photography may take place in each of the pit areas and checkpoints. It is anticipated that there would be approximately 250 to 300 entrants and 1000 or more spectators.

A project kick-off meeting was held on January 13, 2009 at the TFO. Participants at the meeting included the BLM Interdisciplinary Team (ID Team) members, as well as representatives from

BITD, and Nye and Esmeralda Counties. A press release was issued on January 30, 2009, that informed the public of the SRP application, the public scoping period, and public meetings to be held in the towns of Beatty and Goldfield, Nevada. Public scoping was conducted through a 30 day comment period that ended on March 6, 2009. The mailing list for public scoping included grazing allotment permittees, utility corridor right-of-way holders, interested local residents, commercial businesses, local newspapers, State and Federal natural resource management agencies, historic preservation representatives, Non-Governmental Organizations, and Native American representatives. The public scoping letter advised the public of the Special Recreation Permit application and requested public comment regarding the proposed event. Public meetings were held in the town of Beatty on February 24, 2009 and the town of Goldfield on February 25, 2009. Comment forms were handed out at the beginning of the meetings, and comments were accepted at the meetings or could be mailed to the TFO. Issues identified during the kick-off meeting and public scoping process were carried forward and considered in the EA.

The EA went through a 30-day public comment period ending on July 31, 2009. Copies of the EA were sent out to persons and agencies found on the project mailing list, and those whom expressed an interest and requested to be placed on the mailing list during the public scoping period. The EA was posted on the Battle Mountain District Office webpage and the BLM ePlanning public web site. A press release was issued notifying the public of the availability of the EA and the comment period. The comments received and responses to these comments can be found in Enclosure 2 of the Decision. None of the comments received resulted in substantial changes to the EA nor did the comments identify new issues, concerns, or resource impacts.

All correspondence relative to this planning process is part of the public record and available for review at the Tonopah Field Office. Information gathered as a result of the above mentioned contacts and correspondence was utilized by BLM staff to identify issues and formulate alternatives.

The purpose of issuing the SRP and implementing the proposed action is to conduct an annual competitive OHV race on BLM managed lands in Nevada. The proposed action is needed to provide for motorized events and the opportunity for the public to experience a long distance competitive event in a directed, controlled and organized setting. The high percentage of public lands administered by federal agencies and the network of available roads and trails make Nevada suitable for OHV events such as the Vegas to Reno OHV Race. These types of activities also rely on public lands to provide a large geographical area of undeveloped lands not typically found in the private sector. Historic use and Presidential Executive Order (EO) 11644, as amended by EO 11989, and BLM regulations 43 CFR 2930 provide for these types of OHV activities as a legitimate use of public lands, if conducted in a manner that minimizes conflicts with resources and other users, and maximizes public safety.

Intensity:

1) *Impacts that may be both beneficial and adverse.*

The EA considered both beneficial and adverse impacts of the Proposed Action and the No Action Alternative.

The resources analyzed for impacts, including cumulative impacts, are air quality, cultural resources, Native American traditional values, noxious weeds/invasive non-native species, wildlife (including threatened and endangered species, special status species, and migratory birds), waste – hazardous and solid, human health and safety, lands and realty, recreation, socioeconomics, soils, vegetation, wild horses and burros, noise, and visual resources. Impacts of the Proposed Action include the following:

The Proposed Action could possibly disrupt wildlife, including migratory birds and special status species; impact soils and vegetation; contribute to the introduction of noxious weeds, invasive & non-native species in the areas of the racecourse; temporarily restrict access to other land uses and recreational activities along the racecourse; result in the temporary increase of noise levels along the racecourse that could have a short-term impact on wildlife use of vegetation and water along the racecourse; and may result in short-term visual impacts associated with line and color, and generate dust clouds from vehicles that could be seen from long distances. The Proposed Action has the potential to provide a range of short-term annual economic benefits to rural communities in Nevada from event participants and spectators purchasing goods from local retailers, staying at motels or hotels, and eating at local restaurants.

These impacts which are described in Chapter 4 of the EA would be minimized by the design features of the proposed action, environmental protection measures, and mitigation and monitoring that is described in the EA. Additionally, the proposed action would require the issuance of an SRP, with associated stipulations described in Appendix B of the EA. None of the environmental impacts disclosed above and discussed in detail in Chapter 4 of the EA are considered significant.

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

Implementation components of the Proposed Action would not result in potentially substantial or adverse impacts to public health and safety.

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

There are no known significant historic or cultural resources, unique park lands, prime or unique farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the vicinity of the proposed racecourse.

Cultural surveys performed to date have not identified any unique historic or cultural resources. The proposed action was designed to avoid known unique cultural sites. The BLM Tonopah Field Office has documentation on file for the cultural resources. In addition, the EA did not identify any significant impacts to unique species or their habitats that occur in the analysis area or historic and cultural resources.

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

The degree in which the Proposed Action affects the human environment is not expected to be highly controversial, though a few individuals and organizations have expressed concern for potential impacts to wildlife and special status species, air quality, damage to roads and post race reclamation and clean up, potential impacts to other land use authorizations, and the potential for trespass onto private property. The BLM has been coordinating with other permitted users of the public lands, interested publics, the U.S. Fish and Wildlife Service, the Nevada Department of Wildlife, and Nye and Esmeralda Counties throughout the development of the proposed action and the analysis presented in the environmental assessment. A press release was issued on January 30, 2009 to inform the public of the Proposed Action, the times and locations of any public meetings, as well as to request input from the public for the purpose of identifying potential issues. A 30-day public scoping was conducted that ended on March 6, 2009, and public meetings were held in Beatty, NV on February 24, 2009 and Goldfield, NV on February 25, 2009. A 30-day public comment period was provided for the EA, and ended on July 31, 2009. Interested parties, Tribes, and other local, state, and Federal agencies were sent a copy of the environmental assessment and their input was requested. Comments were received and considered (Enclosure 2). However, none of the comments received resulted in substantial changes to the EA, identified previously unknown impacts, or warranted additional mitigation or analysis.

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

There are no known effects of the Proposed Action identified in the EA that are considered uncertain or involve unique or unknown risks. This is demonstrated through the effects analysis in the EA.

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

The issuance of the SRP and approval of the 2009 BITD Vegas to Reno OHV race would not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. If approved, the SRP would be renewed annually for the BITD Vegas to Reno OHV race. Any other future proposed actions would be analyzed under their own merits and impacts would be analyzed in a site-specific environmental analysis document.

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

The reasonably foreseeable future actions have been considered in the cumulative impacts analysis within the EA in Chapter 4 and are not considered cumulatively significant. In addition, for any actions that might be proposed in the future, further environmental analysis, including assessment of cumulative impacts, would be required prior to authorization of surface disturbing activities.

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

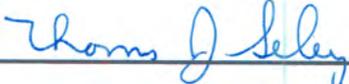
The activities would be located on existing roads, areas of existing disturbance, and in areas where Class III cultural resource surveys have been completed. All cultural and historic resources eligible for the National Register as well as unevaluated cultural and historic sites would be avoided. The action complies with Section 106 of the National Historic Preservation Act. Implementation of the proposed action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause the loss or destruction of significant scientific, cultural, or historical resources.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA), as amended, of 1973.*

The action complies with the ESA, in that potential effects of this decision on listed species have been analyzed and documented in the EA and through Section 7 consultation with the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service (USFWS) Biological Opinion (File No. I-5-98-F-053 as amended) analyzed the impacts of actions, including non speed portions of speed based events, and determined that the authorization of events such as the Proposed Action in conformance with the Terms and Conditions of the Biological Opinion would not jeopardize the continued existence of the desert tortoise. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973, as amended.

10) *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

The Proposed Action would not violate or threaten to violate any federal, state, or local law or requirement imposed for the protection of the environment.



Thomas J. Seley
Field Manager
Tonopah Field Office

Aug 17, 2009
Date

ENCLOSURE 2

RESPONSE TO COMMENTS

Agency/ Organization/ Individual Submitting Comment	Comment	BLM Response
ASU, Matt Chew#1, 7/30/09	Alternative of last year's route not considered.	Please see response to Emmerich #8.
ASU, Matt Chew#2, 7/30/09	Previous EAs incorporated by reference were not clearly quoted, appended, or made available online for review; nor were they listed in the document's references.	Please see EA Chapter 1 (Introduction). Request for specific EA documents can be made to the associated BLM District/Field Office.
SW PEER/Daniel R. Patterson #1, 7/30/09	This is a big proposal for 1300+ off-road racers and spectators that requires an EIS. BLM must complete and EIS or likely will be taken to court and found in violation of the law (NEPA). Why is BLM not yet preparing the required EIS? The off-road lobby proponents should pay full cost of the EIS and entire NEPA process. Furthermore your EA fails NEPA by not presenting a 'reasonable range of alternatives', as required by law. Why did you decide to only analyze 'no action', which is required by law and cannot be eliminated, and the ORV lobby's proposal?	It was determined that the Proposed Action, when conducted with the mitigation and monitoring identified in the EA, is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Additional explanation of the criteria for significance with regard to context and intensity of the proposed action is provided in the enclosed FONSI. Please see Enclosure 1 (FONSI), specifically; "No environmental effects meet the definition of significance in context or intensity as described in 40 CFR 1508.27. Therefore, preparation of an Environmental Impact Statement is not required." Also, see response to Emmerich#8.
SW PEER/ Daniel R. Patterson #2, 7/30/2009	BLM operates several huge ORV 'open areas' in California, some that are hundreds of thousands of acres each. Why not direct the proponents to design a long route and hold the event within ORV	The proposed race route takes place entirely on land designated as open in the Tonopah RMP. The SRP application and the impacts of the proposed activities must be evaluated on their own merits.

	open areas?	Historic use and Presidential Executive Order (EO) 11644, as amended by EO 11989, and BLM regulations 43 CFR 2930 provide for these types of OHV activities as a legitimate use of public lands, if conducted in a manner that minimizes conflicts with resources and other users, and maximizes public safety.
SW PEER/ Daniel R. Patterson #3, 7/30/2009	This race undoubtedly would pull most, if not all, BLM Law Enforcement and other Rangers from across the state and perhaps even from other states and federal agencies. Who would pay for this? How would BLM ensure other public lands that would lose Rangers to watch this race would be patrolled? The American taxpayers should not have to and don't want to subsidize off-road racing on our public lands.	The proposed race will not require the use of "most, if not all" of BLM Law Enforcement Officers (LEO). BMD LEO will determine the appropriate level of enforcement participation necessary to manage the proposed race. Please see Appendix B, # 29; Payment due to the government shall be in conformance with existing regulations. If the Special Recreation Permit minimum fee (currently \$95.00) has been charged in advance it will be deducted from the fees due. Cost Reimbursement shall be actual costs to the government for processing the permit and monitoring all pre, actual and post permitted activities as reflected by charges, including salaries (direct and indirect costs), vehicle mileage, per diem, and administrative costs, made to a special account established to track event processing costs. Estimated fees or costs shall be provided to the applicant prior to permit approval and must be paid in advance.
SW PEER/ Daniel R. Patterson #4, 7/30/2009	The Desert Tortoise is a federally listed threatened species along much of the course. Do you have a proper, up-to-date and legally sound ESA section 7 consultations and biological opinion from the	Refer to the EA, Page 37, Section 4.5. The Biological Opinion (File No. I-5-98-F-053) that we used for section 7 consultation was amended in 2003. The document is still accurate and up-to-date. Some

	<p>US Fish and Wildlife Service? The course is also too close to Amargosa toad habitat near Beatty, a species being considered for needed ESA listing as threatened or endangered. Why is the course so close to Amargosa toad habitat and how would this race affect possible listing?</p>	<p>alterations were made to the terms and conditions to better fit the 2009 Vegas to Reno race. The proposed racecourse was provided to and discussed with NDOW and the USFWS before being finalized. It was determined that by moving the route from the west to the east side of highway 95 that impacts to the Amargosa Toad would be mitigated. The race should have minimal impacts to the toad due to the timing of the proposed race. The race will take place in daylight hours during the hottest time of the year. The race route does not cross any open water, and the toad's movements during the timeframe of the race will be very minimal. This race should have very little to no affect on the listing of the Amargosa Toad.</p>
<p>SW PEER/ Daniel R. Patterson#5, 7/30/2009</p>	<p>Desert washes (ephemeral streams) are not appropriate for ORV racing as they are critical for wildlife, low impact recreation and endangered species. Why are washes included in the race route?</p>	<p>Most wildlife would be more dependent on permanent water sources. Wildlife will opportunistically use desert washes when there is water in them, but they are not dependent on them. During the time of the race, washes would not be expected to have water in them. Washes that are part of the racecourse are outside of critical habitat for any T&E species, and the area of Beatty Wash that the racecourse crosses would be surveyed for Desert tortoise prior to the race.</p>
<p>SW PEER/ Daniel R. Patterson#6, 7/30/2009</p>	<p>We are also very concerned about the harmful air pollution and other impacts this proposed race would have on Death Valley National Park. Why is the route so close to the park?</p>	<p>The racecourse is more than five miles from Death Valley National Park at the closest point.</p>

<p>Kevin Emmerich #1, 7/20/2009</p>	<p>Purpose and Need for Action: From the EA: “The proposed action is needed to meet public demand for motorized events and to provide the public an opportunity to experience a long distance competitive event in a directed, controlled and organized setting.”</p> <p>We believe this statement overestimates the demand for such a specialized event. The statement reflects the wishes of one user group. The scope of this race is beyond the capabilities of the average off highway vehicle user. It should not be assumed that the larger percentage of BLM user groups approve of races like this.</p>	<p>EA Page 2, Section 1.2. The high percentage of public lands administered by federal agencies and the network of available roads and trails make Nevada suitable for OHV events such as the Vegas to Reno OHV Race. These types of activities also rely on public lands to provide a large geographical area of undeveloped lands not typically found in the private sector. Historic use and Presidential Executive Order (EO) 11644, as amended by EO 11989, and BLM regulations 43 CFR 2930 provide for these types of OHV activities as a legitimate use of public lands, if conducted in a manner that minimizes conflicts with resources and other users, and maximizes public safety.</p>
<p>Kevin Emmerich #2, 7/20/2009</p>	<p>Environmental Protection Measures: From the EA: “The proposed course for this OHV event has been limited to existing roads and washes to the extent possible in order to avoid impacts to environmental resources. There is approximately nine miles of new course segments.”</p> <p>Allowing the race to take place in washes creates many environmental problems. The route becomes widened, hazardous fluids from vehicles have the potential to leak into flood plains and can be distributed during rain, animals can get crushed directly or in burrows, Noise from vehicles can deafen animals, invasive weeds spread; creating fire hazards and any cultural sites are destroyed. Even though we alerted BLM to the width of the route</p>	<p>Potential impacts to the resources outlined in the comment associated with the proposed action were considered and evaluated by the BLM. Please see sections 1.4 (Environmental Protection Measures), 4.2 (Cultural and Historic Resources), 4.4 (Noxious Weeds/Invasive Non-Native Species), 4.17 (Noise), 4.14 (Soils), and 4.8 (Waste-Hazardous/Solid). The mitigation and environmental protection measures described in the EA would be implemented by BITD in order to avoid or minimize potential resource effects. Specifically, the following mitigation was developed to address the course widening concerns:</p> <p>Racing would occur upon established roads, trails and washes available for motorized use</p>

during the scoping meetings, there is still no information in the EA about the width of the route. We measured the route near in several places after the 2008 race and found that the racers had expanded the route to 250 feet wide. We found entire Joshua trees that had been destroyed by the reckless racers. We even provided BLM with photos and BLM still will not even acknowledge this problem. Please keep the race OUT of washes and fine Best in the Desert if they widen the route more than 100 feet.

and participants would adhere to the predetermined, authorized, and pre-flagged route.

An annual pre-race evaluation of the racecourse would be conducted by the BLM Outdoor Recreation Planner using photography and/or videotaping in order to assess pre-race route conditions and provide a baseline for the post race evaluation.

During the race event, BITD event personnel and BLM staff to include the Outdoor Recreation Planner, Law Enforcement Rangers and other resources specialists would be present at various locations along the racecourse to monitor race activities and impacts. If course cutting or driving off course should occur, event and BLM personnel would quickly disqualify the participant. Checkpoints would be established along the racecourse to monitor participants and prevent short coursing and driving off course.

A post race evaluation would be conducted by the BLM and the permittee following completion of each event, and the permittee would be required to grade, rip, and reseed any areas that were determined to be in need of rehabilitation as a result of the events. Additionally, mitigation measures for road condition would include, per SRP stipulations, required blading of specific race route impacted sections to pre-race conditions. Locations of rehabilitated areas or reclaimed

		<p>roads would be documented using a Global Positioning System (GPS) and these areas would be photographed or videotaped to evaluate the success of reclamation efforts and the need for any additional work.</p> <p>These pre and post race evaluations would ensure that reclamation and reseeding efforts are successful in stabilizing any area identified as damaged.</p>
<p>Kevin Emmerich #3, 7/20/2009</p>	<p>Reclamation: From the EA: "Clean up to include the removal of staking, flagging, litter, equipment and all other event related waste and debris from the racecourse, pit areas, check points, staging areas, and other locations used for this event would be completed to BLM standards following completion of the event."</p> <p>When we checked out the southern race route in November of 2008, we found several litter items left over that BTID simply left out there. We also sent you photos of the trash. We also request that BTID be required to pay for revegetation of the sections of the race in which they expanded the width of the route to 250 feet.</p>	<p>Please see EA Appendix B SRP Stipulations, specifically: 45. The permittee will be responsible for the prompt repair of any event related damages to utility rights-of-way and related improvements within 72 hours after the event. If they are not returned to a condition that is satisfactory to the Authorizing Official and the Utility Company, the permittee will be assessed a fine to cover the cost of a contractor to get the work completed.</p> <p>46. Staking, flagging materials, equipment, temporary facilities, litter and all other event related materials will be completely removed to an approved land fill by the permittee within 15 days following the event. If BLM post race field checks reveal event related materials that have not been removed, BLM shall notify permittee and allow an additional 7 days for removal. Permittee shall be required to reimburse BLM for costs of subsequent field checks. If event materials remain after the field check, BLM shall effect their removal by both contract or BLM personnel, and bill the permittee</p>

<p>Kevin Emmerich #4, 7/20/2009</p>	<p>Cultural Resources: From the EA: "The approximately five mile new segment near Oasis Valley was burned during the Beatty Fire in June 2006, and there is evidence of past disturbance from wheeled vehicle use in the area." Comment: "What sites were destroyed? Please provide a list. Are you saying that all wildfire destroy all cultural sites? Please provide more information."</p>	<p>for any associated costs. EA, Page 35, Section 4.2. "No significant cultural or historic resources were identified on the new segments in Oasis Valley or Blair Junction." No sites were destroyed. Information concerning specific cultural resources is proprietary and cannot be released to the public.</p>
<p>Kevin Emmerich #5, 7/20/2009</p>	<p>Native American Traditional Values: From the EA: "If any traditional cultural properties, tribal resources/activities, sacred sites, etc. are identified within or in close proximity to the Project activities, a protective "buffer zone" may be acceptable, if doing so satisfies the needs of the BLM, the proponent, and affected Tribe. The size of any "buffer zone" would be determined through coordination and communication between all participating entities." Comment: Why did you not gather this information BEFORE you were about to approve this event?</p>	<p>This is language in the EA explaining what processes would be followed should an inadvertent discovery occur at anytime during the activity being proposed. The BLM coordinated the race with the Tribes and continues to actively communicate with the Tribes regarding the race and potential impacts to resources along the racecourse.</p>
<p>Kevin Emmerich #6, 7/20/2009</p>	<p>Noxious Weeds and Invasive Non Native Species: From the EA: "Noxious weeds shall be controlled by implementing the BLM Battle Mountain District, MLFO/Tonopah Field Office Invasive Plants, Noxious Weeds, and Pests Prevention Schedule and Best Management Practices." Please explain these "best management practices". Will herbicides be used? If so, which</p>	<p>Refer to the EA, Page 37, Section 4.4.1, and the SRP Stipulations in Appendix B of the EA. Herbicides would not be used.</p>

	<p>ones? What would the effects of spraying be and the potential problems. If hazardous herbicides are employed, the public should be full informed.</p>	
<p>Kevin Emmirich#7, 7/20/2009</p>	<p>Would BTID be responsible for loss of private property due to their irresponsible activity? BLM will not even issue us a wood cutting permit until October because they are worried that a spark from a chainsaw will ignite a wildfire, yet they will allow several hundred gas powered vehicles to exceed speeds of 100 miles an hour on the same lands in August? Can you even see the hypocrisy of this? This has been brought to your attention twice, yet you have nothing to say about it. BLM should not even be considering permitting such an event until after October.</p>	<p>Please see EA section 1.4. Specifically, BITD must contact the BLM Battle Mountain District Office, Division of Fire and Aviation at (775) 635-4000 to find out about any fire restrictions in place for the area of operation and to advise this office of approximate beginning and ending dates of activities. Prevention and restriction measures would be provided closer to the race date. Also, Appendix B, #60; The permittee or any participant may be held accountable for suppression of a wildland fire determined to be directly caused by those associated with the event.</p>
<p>Kevin Emmerich #8, 7/20/2009</p>	<p>Alternatives: There is only the proposed alternative (which you prefer) and a no action alternative. BLM did not commit enough time to coming up with a lower impact alternative. There are not enough options. Take more time and come up with some different alternatives.</p>	<p>The BLM consulted and coordinated with outside agencies, resource specialist, and interested publics on the proposed race route. Resource concerns were incorporated into the proposed course and the route was designed to minimize impacts to resources while simultaneously meeting the purpose and need. The proposed race route represents the action alternative that would result in the least amount of environmental impact while maintaining the objectives of the purpose and need. Other alternatives were considered but were eliminated from further detailed analysis because of potential unacceptable resource impacts. Additionally, the BLM may eliminate an action alternative from detailed analysis if it is ineffective (does not meet</p>

		<p>the purpose and need), is technically or economically infeasible, is substantially similar in design to an alternative that is analyzed, or would have substantially similar effects to an alternative that is analyzed. The proposed action alternative represents the only real viable alternative, therefore, no other alternative analysis is necessary.</p>
<p>Kevin Emmerich #9, 7/20/2009</p>	<p>Affected Environment: The Table that attempts to summarize the impacts falls short of recognizing all the potential problems.</p>	<p>To comply with the National Environmental Policy Act (NEPA), the BLM is required to address specific elements of the environment that are subject to requirements specified in statute or regulation or by Executive Order. The Supplemental Authorities table used in the EA is provided for in the BLM NEPA Handbook H-1790-1, Appendix 2, Page 139 (as amended in January 2008) and provides a list of authorities that may apply to BLM actions. The list that is used by the BLM in Nevada is further expanded to include additional authorities that also may apply to BLM actions and are established in Instruction Memorandum No. NV-2009-030.</p>
<p>Kevin Emmerich #10, 7/20/2009</p>	<p>What defines prime or unique farm lands? The race comes very close to the historical and active Coffey Ranch. This would be what we would consider a unique agricultural area.</p>	<p>Coffey Ranch does not meet the definition of a prime and unique farmland as defined in 7 USC 4202: (A) prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion, as determined by the Secretary. Prime farmland includes land that possesses the</p>

		<p>above characteristics but is being used currently to produce live stock and timber. It does not include land already in or committed to urban development or water storage;</p> <p>(B) unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the Secretary. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables; and</p> <p>(C) farmland, other than prime or unique farmland, that is of statewide or local importance for the production of food feed, fiber, forage, or oilseed crops, as determined by the appropriate State or unit of local government agency or agencies, and that the Secretary determines should be considered as farmland for the purposes of this subtitle.</p>
Kevin Emmerich #11, 7/20/2009	Floodplains: Are not the Amargosa River and the countless washes the route crosses potential flood areas?	The Area in the immediate vicinity of the Amargosa river and the washes adjacent to it do not meet the BLM criteria for designated floodplains.
Kevin Emmerich #12, 7/20/2009	Riparian/Wetlands: The upper Amargosa River is a riparian area and the race comes very close to it.	The racecourse is on existing roads and washes that are outside of riparian areas or wetlands. The racecourse does not go through any areas that are designated or meet the requirements for riparian or wetlands. Vegetation along the racecourse does not exhibit

		characteristics associated with riparian areas or wetlands.
Kevin Emmerich #13, 7/20/2009	Wild and Scenic Rivers: The lower Amargosa was recently designated Wild and Scenic. The legislation requires that any projects/activities taking place on lands upriver be examined by the BLM. Because the race crosses the river and vehicles have the potential to spill hazardous fluids in the river, this needs to be examined more closely.	The Wild and Scenic designation was given to a California portion of the Amargosa River. The racecourse does not cross the Amargosa River, even in Nevada. See the EA for where the racecourse is proposed. See also attached link: http://media.lvrj.com/images/3340895.jpg And also, Wild & Scenic Rivers Act, October 2, 1968: "...their immediate environments shall be protected for the benefit and enjoyment of present and future generations..."
Kevin Emmerich #14, 7/20/2009	Wilderness: The race does not take place in wilderness areas but takes place directly adjacent to some wilderness. The disturbance to the air quality of Death Valley National Park was enough of an impact for you to put this in an EA.	The racecourse is not "...directly adjacent to..." designated Wilderness, at all. The proposed racecourse does approach within 5 miles of Grapevine and Queer Mountain Wilderness Study Areas. Death Valley National Park is not a BLM designated Wilderness, and is not Bureau of Land Management administered land. Death Valley National Park is administered by the National Park Service.
Kevin Emmerich #15, 7/20/2009	Paleontological Resources: The race goes through several areas that have limestone and shale deposits. These areas do have fossils yet this issue is overlooked in the EA.	The Potential Fossil Yield Classification (PFYC) system aids in assessing the potential for discovery of significant paleontological resources or the impact of surface disturbing activities to these resources. Significant paleontological resources are defined as any paleontological resource that is considered to be of scientific interest, including most vertebrate fossil remains and traces, and certain rare or unusual invertebrate and plant fossils. None of these

		circumstances occur along the proposed race route.
Kevin Emmerich #16, 7/20/2009	<p>“Tortoises are actually found up to the south facing creosote uplands north of Scotty’s Junction.”</p> <p>“What surveys has BLM done in the area? When were the surveys and who did them? We request that BLM requires BTID to hire tortoise monitors for the portion of the race that occurs from Beatty to Scotty’s Junction.”</p>	The portions of the race route to be surveyed for Desert tortoise were established through consultation with USFWS. This will include both a pre and post race survey. Surveys will Start in Fluorspar Canyon and continue north for approximately 20 miles.
Kevin Emmerich#17, 7/20/2009	Because BLM refuses to enforce BTID’s reckless new route cutting and their expansion of the width of the route, this statement is false. Habitat has been destroyed by the race in the past.	Please see response to Emmerich’s comments #2 and 3.
Kevin Emmerich#18, 7/20/2009	How will the race affect Pronghorn antelope in places like the basins of Lida-Gold Point and Alkali Lake. Will the race disturb herds of antelope, wild horses, and burros that use Alkali Spring and other wetlands important in summer?	Please see EA sections 3.16 and 4.15.
Kevin Emmerich#19, 7/20/2009	Will the race impact bird habitat for Nevada Bird Species of Conservation Priority and Stewardship Species as Burrowing owl, Loggerhead shrike, Sage thrasher, LeConte's thrasher, Sage sparrow, Brewer's sparrow, Black-throated sparrow, Western scrub jay, Gray vireo, Pinyon jay, Prairie falcon, Lesser nighthawk, Gray flycatcher, Ash-throated flycatcher, Juniper titmouse, Black-throated gray warbler, Yellow-breasted chat.	Please see EA sections 1.4, 3.7, and 4.7.
Kevin Emmerich #20, 7/20/2009	Amargosa Toad and Coffey Ranch. Fluid spill from vehicles contaminating water.	As mentioned in the EA, Page 38 Section 4.6, it will be very unlikely for any Amargosa Toad to be active during the timeframe of the race. Rain or high humidity

		<p>may trigger movements of toads during the day, but BLM records show no Amargosa Toad observations as far north as Coffey Ranch. The racecourse does not cross surface water during this portion of the race. There would be no impact to water sources if a fluid spill were to occur. Any fluid spill from a race vehicle would be cleaned up immediately by BITD and race event staff.</p>
Kevin Emmerich #21, 7/20/2009	How will bighorn sheep be affected from the stress of the race? Will noise scare them from water sources?	<p>Refer to the EA Section 4.6 and 4.15.</p> <p>Sound may temporarily displace some sheep, but any impacts would be temporary and displaced sheep and other wildlife would return to water sources after race vehicles have left the area.</p>
Kevin Emmerich #22, 7/20/2009	Address how race will affect Mule deer Corridors.	<p>Refer to the EA, Section 4.15.</p> <p>Any impacts to Mule Deer, as with other wildlife, would be temporary. It is possible that individual Mule Deer may be temporarily displaced during the event, but would return to use areas once race vehicles have left the area.</p>
Kevin Emmerich #23, 7/20/2009	How will burrows of Kit foxes be avoided? Will burrows be destroyed by the race?	<p>The race route follows existing road ways. If kit fox dens are located on roadways most likely everyday use by the public will have already affected dens prior to race. The race is not likely to further affect Kit fox dens.</p>
NDOW/ Brad Hardenbrook 7/22/2009	Migratory Bird Breeding/ Nesting Seasons. Different dates from scoping to Draft EA.	<p>The migratory breeding and nesting season will remain March 15th to July 31st as stated in the EA. These dates are consistent with the type of habitat that the racecourse will be traveling through within the Tonopah Field Office administrative boundary. The racecourse does not go through riparian or upland habitat,</p>

		which would extend the dates to August 31 st . The race will take place after the majority of chicks have fledged reducing impacts to migrants.
NDOW/ Brad Hardenbrook 7/22/2009	Page 23, Middle of 3 rd Paragraph: "The House Sparrow is not among species protected by the Migratory Bird Treaty Act (10.13 CFR 50) or the State of Nevada (NAC 503.055)."	Comment accepted and reference to the House Sparrow has been removed from the Migratory Bird Section of the EA, Page 39, Section 4.7.
NDOW/ Brad Hardenbrook 7/22/2009	Editorial comment: <i>The proposed action could affect the movements of bighorn sheep to resource (plant communities, water) for a short term period of time. This temporary displacement should have no adverse effects on bighorn movements and habits unless water stress brought on by dry, hot conditions cause bighorn to attempt more frequent visits to watering areas. Physiological consequences to bighorn would be expected to increase but measurably indeterminable as would the potential for encounters with race participants. While collisions between a bighorn sheep and a vehicle are possible, they are remote. There have been no incidents of animal collisions during any of the previous race events. In the unlikely event of an animal collision, the incident would be reported immediately to the BLM or NDOW in order to remedy aid or reduce suffering. Race participants would be informed to areas that encounters may take place. They will be asked to yield to any wildlife encountered along the race route.</i>	Comment has been accepted and incorporated into the EA.
NDOW/ Brad Hardenbrook	"The Department is concerned why other routes heading north	The route analyzed was selected by the SRP applicant to reduce

7/28/2009	from Fluorspar Canyon avoiding the upper Beatty Wash area and the 2006 Beatty Burn area were not considered in the Draft EA, or even a start north of Beatty outside of Amargosa Toad habitat and desert bighorn habitat and movement corridors. Allowing the new course without stating the compelling rationale would seem to go against resource protection policy of burn areas by avoiding not only the direct effects by the OHV event as proposed, but the after-effects of future casual and organized uses.”	conflicts with resources and to maintain the desired distance to the proposed racecourse. Mitigation measures and stipulations were provided in the EA for fire management and to prevent impacts to resources. Please refer to the EA sections 1.4, the mitigation text in the Environmental Affects for each resource (Chapter 4), and Appendix B. Survey and analysis by BLM staff concluded that the selected route would have the least potential to impact resources in the area. Further, the route selected avoids and prevents impacts to the historic Chinese Road.
NDOT, C. Cliff Creger 8/04/2009	Questions about potential impacts to three cultural sites near the race route.	The racecourse does not have the potential to impact the three cultural sites that are of concern. The proposed racecourse is more than ¼ mile from the closest site.
Nevada State Clearinghouse, Skip Canfield, 07/17/2009	Small rural counties have a difficult time dealing with these impacts because of extremely limited resources. Most participants and spectators do not even have a positive economic benefit to these counties since they camp on site and stock up in Las Vegas or Reno. Nye County has been forced to go so far as enact their own ordinance requiring bonding of the race to help mitigate the negative impacts there.	Please see EA section 4.13, Socioeconomics.
Center for Biological Diversity, Rob Mrowka #1, 07/27/2009	The BLM should have prepared an Environmental Impact Statement rather than an Environmental Assessment.	Please see response to SW PEER/Daniel R. Patterson#1, 7/30/09
Center for Biological Diversity, Rob Mrowka #2, 07/27/2009	Tiering to Out of Date NEPA Documents for the Out of Date RMPs Is Not Sufficient.	In reference to the three bullets under the #2 statement, the proposed race route does not cross into areas analyzed under the Shoshone-Eureka RMP. Decision

		<p>and determinations made or carried forward through the Tonopah RMP remain valid. Although not specifically analyzed in the RMP, the proposed race in in conformance with the recreation objective outlined in the RMP as stated in the EA, section 2.3.1. Implementation of some RMP determinations could have begun immediately upon signing of the RMP ROD, most proposed project activities are implemented through site specific analysis.</p>
Center for Biological Diversity, Rob Mrowka #3, 07/27/2009	Impacts to species listed or petitioned to be listed under the Endangered Species Act (ESA).	Please see response to comment SW PEER/Daniel R. Patterson #4 and Emmerich #4. Aslo, please see EA section 4.6
Center for Biological Diversity, Rob Mrowka #4, 07/27/2009	The BLM has chosen to ignore the carbon footprint of this event and the impacts on climate change.	The assessment of GHG emissions and climate change is an ongoing scientific endeavor. Many existing climate prediction models are global in nature; however, climate change science is rapidly advancing, and is increasingly able to predict likely future conditions at regional levels. However, scientific uncertainty does remain, and the lack of proven scientific tools designed to predict climate change on local scales limits the ability to project potential future impacts of climate change on the specific area for this proposed action.
Center for Biological Diversity, Rob Mrowka #5, 07/27/2009	Monitoring, Mitigation and Implementation.	Please see EA section 1.4, the mitigation text in the Environmental Affects for each resource (Chapter 4), and Appendix B.
Schroeder Law Offices P.C, Therese Ure, 07/30/2009	Comments basically stated that BLM enforce the SRP mitigations and stipulations	Please see EA section 1.4, the mitigation text in the Environmental Affects for each resource (Chapter 4), and Appendix B.
Sierra Club, Stan	Comments that the BLM should	Please see response to comment

Haye, 07/28/2009	have done an EIS to analyze the proposed action.	SW PEER, Daniel R. Patterson #1, 07/30/09. Also, please see EA section 1.4, the mitigation text in the Environmental Affects for each resource (Chapter 4), and Appendix B.
Wendy Seley, BLM	Filming Permit Stipulations were not included in the EA.	Comment accepted and filming permit stipulations have been incorporated into the EA.
Community ORV Watch, 07/22/2009	“The BLM’s Environmental Assessment (EA) is an incomplete analysis that ignores scientific evidence of the potential impacts and leaves the agency vulnerable to legal action. The EA fails to adequately consider the lasting effects of the event and the cumulative impacts that this event would have on the desert ecosystem.”	Please see response to comment SW PEER, Daniel R. Patterson #1, 07/30/09. Also, please see EA section 1.4, the mitigation text in the Environmental Affects for each resource (Chapter 4) and Appendix B, and the analysis of Cumulative Effects in Section 4.20.

ENCLOSURE 3

Special Recreation Permit Stipulations

1. This permit is issued for the period specified herein. It is revocable for any breach of conditions here of or at the discretion of an authorized officer(s) of the Bureau of Land Management, at any time upon notice. This permit is subjected to valid adverse claims heretofore or hereafter acquired.
2. This permit is subject to all applicable provisions of the regulations (43 CFR Group 2930) which are made a part hereof.
3. This permit is subject to the provisions of Executive Order no. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the signing officer.
4. This permit may not be reassigned or transferred by permittee.
5. Permittee shall pay the sum of estimated user fees in advance of permit issuance. Adjustments to use fee charges would be based on actual use reported on the Post Use Report.
6. Permittee shall observe all federal, state, and local laws and regulations applicable to the premises; to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and animals, and shall keep the premises in a neat, orderly manner, and sanitary condition.
7. Permittee shall take all reasonable precautions to prevent and suppress forest, brush, and grass fires, and to prevent polluting of waters on or in vicinity of the public lands.
8. Permittee shall not enclose roads or trails commonly in public use.
9. Permittee shall pay the United States for any damage to its property resulting from this use.
10. Permittee shall notify the authorized officer of address change immediately.
11. Permittee shall not cut any timber from the public lands without prior written permission from the authorized officer.
12. Permittee shall indemnify, defend, and hold harmless the United States and / or its agencies and representatives against and from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to, damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the permittee's use and occupancy of the public lands described in this permit or with the event authorized under this permit.
13. Authorized representatives of the Department of the Interior, other federal agencies, and game wardens must at all times, have the right to enter the premises on official business.
14. Permittee shall abide by all special stipulations attached hereto.
15. Permittee shall not disturb archeological and historical values, including, but not limited to, petroglyphs, ruins, historic buildings, and artifacts.
16. Permittee shall leave in place any hidden cultural values uncovered through authorized operations.

Issuance of Permit

17. The permittee shall comply with all federal, state, and local laws; ordinances; regulations; orders, postings; or written requirements applicable to the area or operations covered by the *Special Recreation Permit* (SRP). The permittee shall ensure that all persons operating under the authorization have obtained all required federal, state, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
18. An SRP authorizes special uses of the public lands and related waters and, should circumstances

warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or because of noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a SRP are appealable.

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

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

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

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

23. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.

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

25. Unless specifically authorized, an SRP does not authorize the permittee to erect, construct, or place any building, structure, or other fixture on the public lands. Upon leaving, the lands must be restored as nearly as possible to preexisting conditions.

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

27. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or permittee's operator, employee, or agent for up to 3 years after expiration of the permit.

28. The permittee must submit a Post Use Report to the authorized officer for every year the permit is in effect. If the post use report is not received by the established deadline, the permit will be suspended and/or fines assessed.

Permit Fees

29. Payment due to the government shall be in conformance with existing regulations. If the Special Recreation Permit minimum fee (currently \$95.00) has been charged in advance it will be deducted from the fees due. Cost Reimbursement shall be actual costs to the government for processing the permit and monitoring all pre, actual and post permitted activities as reflected by charges, including salaries (direct and indirect costs), vehicle mileage, per diem, and administrative costs, made to a

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

Post Use

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

Safety and Hazard Mitigation

31. The permittee will be responsible for public safety in the event area. The permittee is required to post warning signs, at all known mine shafts and other hazardous areas which occur within 100 feet of the racecourse or pit/spectator area and will verbally inform race participants of all hazards at the prerace meeting.

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

Medical Attention

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

For LONG DISTANCE COMPETITIONS, AND EVENTS COVERING MORE THAN ONE JURISDICTION where the provision of a single dedicated system would not be possible: (i.e. point to point or single lap races where the distance is greater than 150 miles)

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

Fuel and Fluids Management

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

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

ALL PITS WITH 50 OR MORE GALLONS OF FUEL All pits that have 50 or more gallons of fuel available, whether in drums or dump cans, must provide for fuel containment. At a minimum this requires:

1) an impermeable membrane with raised edges capable of containing all fuels on site should the containment vessel fail and

2) absorbent materials (commercially produced spill pads, diapers) available to soak up spilled fuels. This does not apply to fuels located within fuel trucks or fuel drums not in use stored in trucks or trailers.

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

Known product suppliers that could be contacted for information (no requirement to use these companies, information only): Fuel containment New Pig Corporation 1-800-468-4647 Product suppliers Lab Safety Supply 1800-356-0783

Environmental Stipulations

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

37. The permittee shall do everything possible to insure that event participants and spectators do not harass or collect wildlife, plants, livestock or archaeological features or artifacts. The event will avoid stock watering tanks, springs, wells, wildlife improvements, corrals, etc., by no less than one - quarter mile unless otherwise approved by the BLM authorizing officer. The event may not utilize, other than on designated roads passing through, for any activities, any burned area(s) which is/are recovering from the impacts of wildfire.

Racecourse Stipulations

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

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

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

41. No less than 15 days prior to use (or earlier if required by the Authorized Officer), the requested use area, course route and/or spectator/pit area(s) shall be marked sufficiently to allow BLM personnel to easily determine the location, size and extent of the requested use area. The use area(s), racecourse(s) and spectator/pit area(s) shall be confined entirely to the designated areas as approved by BLM. Spectator area/pit boundaries shall be clearly marked and monitored to the extent necessary to restrict spectators, pit crews and others to the confines of the designated areas. All event staff must stay in areas assigned. The permittee will be responsible for marking the use area, racecourse and boundaries of spectator parking and pit areas to the satisfaction of the authorized officer. The permittee will not mark the course by painting rocks or plants or other land features.

42. The permittee will allow the public to utilize the roads when it is safe to do so.

43. Starting interval allowed for cars/trucks/buggies/UTVs: 1 to 2 every 3060 seconds.

44. Starting interval allowed for motorcycles/ATVs: By class, on a case by case, not to exceed 12 at a time. The starting interval is 5 to 10 minutes depending on the size of the vehicle.

Post Activity Stipulations

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

46. Staking, flagging materials, equipment, temporary facilities, litter and all other event related materials will be completely removed to an approved landfill by the permittee within 15 days following the event. If BLM post-race field checks reveal event related materials that have not been removed, BLM shall notify permittee and allow an additional 7 days for removal. Permittee shall be required to reimburse BLM for costs of subsequent field checks. If event materials remain after the field check, BLM shall effect their removal by both contract or BLM personnel, and bill the permittee for any associated costs.

Spectator Areas

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

Sanitation

48. Permittee shall provide a minimum of two (2) restrooms at every start/finish (S/F) area, pit location and/or spectator area on public lands which will be occupied for more than four (4) hours; and additional units if; 1) the S/F, pit, or spectator areas are split by the course route or a physical barrier, two restrooms shall be provided on either side; or if 2) the S/F, pit or spectator area is in excess of 1/4 mile (1,320 feet) in length, restrooms (2) shall be provided at both ends. Restrooms may be provided through rental of units, use of self contained trailers or motor homes or any other means providing access to the general public in S/F and spectator areas and all crews in pit areas. If restrooms other than rental units are used, adequate signage must be provided to make their presence known. All refuse must be removed from the event area and deposited in an approved treatment facility or landfill. Exceptions to this stipulation include; 1) Check points manned by only a few personnel; 2) S/F, pit or spectator areas adjacent to hotel or casino properties offering restroom facilities; 3) Events where there are no specified S/F, pit or spectator areas (i.e. Tour and Trail rides); and 4) Pit areas for point to point events where pit crews stay only long enough to service their vehicle then move onto the next point (S/F and spectator areas for these type events still require restrooms if used in excess of four (4) hours). All restroom facilities must be removed from area within 24 hours after the event.

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

Activity Site Rehabilitation

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

Media

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

52. A copy of video will be submitted to the Authorized Officer of the BLM.

53. Provision for credit will be listed on subject as: USDI, Bureau of Land Management Tonopah Field Office, Nevada.

54. Use of event site for Media Pre-running of racecourses will not be allowed without written permission from the BLM Authorized Officer.

55. Media personnel must stay on existing roads and are not permitted to travel cross country at any time. Media personnel driving backwards on portions of the racetrack will be escorted off the racecourse and cited.

56. Media personnel must wear the appropriate safety vests, and displayed the proper credentials at all times. This includes have the vehicle pass properly affixed to the windshield of the media vehicle.

57. Stay off the track. Media personnel are allowed to stand near the track but please stay off. Media personnel seen on the track will be escorted off the race site and not be allowed back to the event.

58. Media interfering with law enforcement or emergency personnel will be prosecuted under federal and/or local laws.

59. All aircraft, fixed or rotor wing, must use designated airports for staging, refueling, and long term stationing. Helicopter landing areas must be on lands other than public unless authorized by the Special Recreation Permit. In-flight emergencies and life-flights are exempt.

60. All Aircraft refueling operations, fixed or rotor-wing, occurring on public lands must conform to the "Fuel and Fluids Management" stipulations listed above.

Wildland Fire Precautions

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

Noxious Weed Prevention

62. The permittee will inspect all race vehicles to ensure they have been cleaned prior to the race. This is an effort to prevent the introduction of any new weed populations. Any race vehicle not cleaned before the race will be subject to penalty and/or disqualification. The permittee will also make an honest effort to encourage those at the race to wash all vehicles at the nearest washing facility.

Compliance and Monitoring Standards

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

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

**Environmental Assessment DOI-BLM-NV-B020-2009-0064-EA
DATE: July 2009**

**Best in the Desert Vegas to Reno OHV Race
ENVIRONMENTAL ASSESSMENT**

File Number: NV-B020-SRP09-01

Tonopah Field Office
P.O. Box 911
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Tonopah, NV 89049
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Chapter 1. Introduction

In October of 2008, Best in the Desert (BITD) submitted a Special Recreation Permit (SRP) application to conduct an annual competitive off highway vehicle (OHV) race in Nevada, the 2009 TSCO Las Vegas to Reno OHV Race. The OHV race would be an annual one to three day event that would utilize public lands administered by the Bureau of Land Management (BLM), Battle Mountain District, Tonopah Field Office. The 2009 proposed event would take place on August 20, 21, and 22. This environmental assessment (EA) is being developed in accordance with the National Environmental Policy Act of 1969 in order to analyze the potential effects of the proposed race on the 819 miles of proposed racecourse in the Battle Mountain District, Tonopah Filed Office planning area.

The proposed racecourse has been used annually since 1996 for OHV competitive races and events. The following is a list of EA's that have been prepared since 1996 to analyze the potential impacts of OHV race events along the proposed racecourse. These EA's are incorporated by reference.

- Environmental Assessment (NV-056-96-041: Best in the Desert Racing Association Inaugural 1996 "Vegas to Reno" OHV Race) was prepared in 1996 by the BLM Las Vegas Field Office. Each affected Field Office, or at that time Resource Areas within each District, along the 550 mile route contributed relevant evaluations of the proposed action within their respective management areas. The information was incorporated into the EA. A Finding of No Significant Impact was made.
- In 2003, an Environmental Assessment (EA-NV-030-03-34: Hawthorne Off Highway Vehicle Race V.O.R.R.A.) was prepared by the BLM Carson City Field Office for the 55 mile race route. A Finding of No Significant Impact was made.
- In 2004, an Environmental Assessment (EA-NV-030-03-013: Vegas to Reno OHV Races Best in the Desert Racing Association) was prepared by the BLM Carson City Field Office. Each affected Field Office along the 500+ mile route contributed relevant evaluations of the proposed action within their respective management areas. The information was incorporated into the EA. A Finding of No Significant Impact was made.
- In 2005, an Environmental Assessment (EA-NV-065-2005-025: Nevada 1000 OHV Races Best in the Desert Racing Association) was prepared by the BLM Battle Mountain Field Office. Each affected Field Office along the 1,000+/- mile route (125 miles in CCFO) contributed relevant evaluations of the proposed action within their respective management areas. The information was incorporated into the EA. A Finding of No Significant Impact was made.
- Environmental Assessment (NV-030-08-036: Best in the Desert "Vegas to Reno" Competitive Off Highway Vehicle Event) was prepared in 2008 by the BLM Carson City Field Office. The data and information analyzed in this document led to a Finding of No Significant Impact for approximately 532 miles of course route for racing purposes within the administrative boundary of the Carson City Field Office.

1.1. Identifying Information: History

The BITD Las Vegas to Reno OHV race event has taken place annually over the last 13 years since 1996, and has used the same race routes. Exceptions have been the year 2000 when a 2000 mile, statewide event was conducted to celebrate the millennium, and 2002 when the Tonopah 300 and Nevada 1000 replaced the event. Prior to 1996, the Frontier 500 was conducted along the same or similar routes with BLM permits in 1983 and 1985. Races have usually occurred during the months of March, June, July, August, September and October.

The Acerbis Motorcycle races used the same route combinations from 1993 to 1995. Varying combinations of the routes used by these previous events and those routes currently used for localized loop type OHV races are continuing to be used for the current Las Vegas to Reno and other OHV races.

BLM field personnel have monitored the races each year to ensure that the race course follows the authorized route, to observe whether or not natural and historic resources are being affected by event participants or spectators, to evaluate whether or not the permittee is conducting the event according to specified race rules and permit stipulations, and to ensure that public and participant safety is adequately accommodated.

1.1.1. Title, EA number, and type of project:

BITD "TSCO Vegas To Reno - The Long Way", DOI-BLM-NV-S030-2009-1001-EA, Competitive OHV Race

1.1.2. Location of Proposed Action:

Nye and Esmeralda Counties in Nevada, TFO. BLM management offices and approximate mileages within each include: TFO (819 miles) and 245 miles CCDO.

1.1.3. Name and Location of Preparing Office:

Lead Office - Tonopah NVB020

Tonopah Field Office

1553 South Main Street

Tonopah, Nevada 89049

1.1.4. Identify the subject function code, lease, serial, or case file number:

LLNV-B020-SRP09-01

1.1.5. Applicant Name:

Casey Folks, Director, Best In The Desert Racing Association (BITD)

1.2. Purpose and Need for Action:

The purpose of the proposed action is to conduct an annual competitive OHV race on BLM TFO managed lands in Nye and Esmeralda Counties, Nevada.

The proposed action is needed to meet public demand for motorized events and to provide the public an opportunity to experience a long distance competitive event in a directed, controlled and organized setting. The high percentage of public lands administered by federal agencies

and the network of available roads and trails make Nevada suitable for OHV events such as the Vegas to Reno OHV Race. These types of activities also rely on public lands to provide a large geographical area of undeveloped lands not typically found in the private sector, therefore this proposed race would provide a unique recreational experience not typically found in the geographic area if approved.

Historic use and Presidential Executive Order (EO) 11644, as amended by EO 11989, and BLM regulations 43 CFR 2930 have set a precedent for this type of OHV activity as a legitimate use of public lands, if conducted in a manner that minimizes conflicts with resources and other users, and maximizes public safety. The State of Nevada has a tourism based economy, which includes special events to attract people to the state and its rural communities.

1.3. Scoping, Public Involvement and Issues:

Internal and external scoping was conducted for this EA. A project kick-off meeting was held on January 13, 2009 at the TFO. Participants at the meeting included the BLM Interdisciplinary Team (ID Team) members, as well as representatives from BITD, and Nye and Esmeralda Counties. External scoping was conducted through a 30 day comment period that ended on March 6, 2009 and public meetings held in the town of Beatty on February 24, 2009 and the town of Goldfield on February 25, 2009. The mailing list for external scoping included grazing allotment permittees, utility corridor right-of-way holders, interested local residents, commercial businesses, local newspapers, State and Federal natural resource management agencies, historic preservation representatives, Non-Governmental Organizations, and Native American representatives. The public scoping letter advised the public of the Special Recreation Permit application and requested public comment regarding the event for the purpose of identifying potential issues and concerns to be carried forward for analysis in this EA.

Issues were identified through the internal and external scoping process and have been considered in this EA.

- Post race road conditions are unfavorable in certain locations;
- Pre and post race inspections of the race route need to be conducted;
- Reclamation of roads damaged during the event needs to be accomplished in a timely manner;
- The proposed route may cross habitat for sensitive or protected species;
- There may be areas not previously surveyed for cultural and historic resources;
- Air quality.

Internal scoping identified the following entities to be notified:

- Allotment permittees
- Active mining claims
- General public

The following issues were identified through external scoping:

- Post race road conditions and reclamation of roads;
- Race route width expansion due to participants leaving the approved route;
- Private property trespass;
- Pre and post race inspections to ensure racecourse is adequately reclaimed;
- Access to grazing allotments and road repairs;
- Air quality impacts from dust and vehicle emissions;

- Introduction and spread of invasive/non-native plant species;
- Conflicts with other land use authorizations;
- Affects on migratory birds, wildlife, Threatened and Endangered and special status species;
- Soils and erosion;
- Enforcement of permit conditions and stipulations.

A 30 day comment period is provided for this EA.

1.4. Environmental Protection Measures

The proposed course for this OHV event has been limited to existing roads and washes to the extent possible in order to avoid impacts to environmental resources. There is approximately nine miles of new course segments. BITD would commit to the following environmental protection measures to prevent unnecessary and undue degradation during the Vegas to Reno OHV race event. As part of the Proposed Action, the following environmental protection measures would be followed in order to avoid or minimize any potential adverse effects.

Reclamation

- Clean up to include the removal of staking, flagging, litter, equipment and all other event related waste and debris from the racecourse, pit areas, check points, staging areas, and other locations used for this event would be completed to BLM standards following completion of the event.

Cultural Resources

- All eligible or unevaluated cultural resources would be avoided to ensure compliance of Section 106 of the National Historic Preservation Act.
- Although the possibility of disturbing Native American gravesites within the Project Area is extremely low, inadvertent discovery procedures must be noted. Under the Native American Graves Protection and Repatriation Act, section (3)(d)(1), it states that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity, which caused the discovery, is to cease and the materials are to be protected until the BLM authorized officer can respond to the situation.
- During Project activities, if any cultural properties, items, or artifacts (stone tools, projectile points, etc...) are encountered, it must be stressed to those involved in the proposed Project activities that such items are not to be collected. Cultural and Archaeological resources are protected under the Archaeological Resources Protection Act (16 U.S.C 470ii) and the Federal Land Management Policy Act (43 U.S.C. 1701).
- Pursuant to 43 CFR 10.4(g), BITD would notify the BLM authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4 (c) and (d), the operator would immediately stop all activities within approximately 300 feet (100 meters). KGS would appropriately protect the site until the BLM authorized officer issues a Notice to Proceed. The BLM would notify the State Historic Preservation Office (SHPO) and consider SHPO's initial comments on the discovery. If archaeological resources are damaged it is possible that fines could be assessed under provisions of the Archaeological Resources Protection Act (ARPA) found at 43 CFR 7.

Noxious Weeds and Invasive Non-Native Species

- Noxious weeds shall be controlled by implementing the BLM Battle Mountain District, MLFO/Tonopah Field Office Invasive Plants, Noxious Weeds, and Pests Prevention Schedule and Best Management Practices.

Waste, Solid and Hazardous

- Regulated wastes would be removed from the Project Area and disposed of in a state, Federally, or locally designated area.

Migratory Birds

- The proponent must comply with the Migratory Bird Treaty Act (MTBA) and avoid potential impacts to protected birds within the project area. To prevent violation of the MBTA, BITD would conduct activities outside the migratory bird nesting season from March 15th to July 30th.

Fire Management

- In the event the Project should start a fire, BITD would be responsible for all the costs associated with suppression.
- All vehicles should carry fire extinguishers.
- Adequate firefighting equipment (i.e., shovel, pulaski, extinguisher(s), and/or an ample water supply should be kept at each pit stop site.
- All vehicles are required to have functioning mufflers and spark arresters. The event personnel would check for this during the pre-race technical inspection.
- Report wild land fires immediately to the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444.
- BITD must contact the BLM Mountain Lewis Field Office, Division of Fire and Aviation at (775) 635-4000 to find out about any fire restrictions in place for the area of operation and to advise this office of approximate beginning and ending dates of activities. Prevention/restriction measures would be provided closer to the race date.

1.4.1. Standard Operating Procedures:

The event would be conducted according to the BITD Rules and Operating Plan in addition to the BLM's Special Recreation Permit (SRP) Stipulations.

Special Recreation Permit (SRP) stipulations for this proposal are attached as Appendix B Appendix B, *Special Recreation Permit Stipulations*.

Chapter 2. Proposed Action and Alternatives

2.1. Description of the Proposed Action:

In October 2008, a Special Recreation Permit (SRP) application was submitted to the Nevada State Office, BLM, by Mr. Casey Folks, Best in the Desert Racing Association (BITD) requesting authorization to conduct the annual Vegas to Reno Off- Highway Vehicle (OHV) Race.

Under the Proposed Action, BITD would conduct an annual OHV race event that would start just south of Beatty, NV and finish southeast of Dayton, NV. The proposed dates for the race in 2009 are August 20, 21, and 22. The point to point (south to north) race would start within the Tonopah Field Office administrative boundary, in southern Nye County near Beatty, traveling north through both Nye and Esmeralda Counties. The race would be conducted along 819 miles of dirt roads and sandy washes. There would be a total of 19 pit areas and 76 checkpoints. These areas would accommodate refueling, mechanical repairs and related support of the race participants, and their race vehicles. In addition, commercial filming or digital photography may take place in each of the pit areas and checkpoints.

It is anticipated that there would be approximately 250 to 300 entrants and 1000 or more spectators. The event attracts local, national and internationally known professional and amateur status competitors. Spectators would be able to view the race from the start and finish points, and from pit areas and check points along the route. Day 1 of the 2009 proposed course would start in the Fluorspar Canyon area, south of Beatty, and finish in Tonopah, Nevada. Day 2 the race would start from Tonopah and finish in Hawthorne, and day 3 of the race would start in Hawthorne and finish in Dayton, Nevada. Race entrants include all types of motorized, rubber tired vehicles to include ATV, motorcycle, and two and four wheel drive cars and trucks of various sizes and power components.

Motorcycle and ATV entrants would be started in groups of no more than 4 every 5 minutes beginning at about 5:30 a.m. Approximately 2 hours following the start of motorcycle and ATV entrants, the cars, trucks and dune buggies would be started. These vehicles would be started one at a time every 60 seconds. The timing allows for vehicles to spread out over the route which would mitigate or reduce potential impacts to race entrants as well as to environmental resources.

Vehicles would pass each other at appropriate wide sections or the least vegetated areas along the race route. The slower vehicle would pull over to the side of the route to allow the faster vehicle to pass at speed in the race route.

Through an agreement arranged by Sopwith Motorsports, Best in the Desert events are proposed to be telecast on the Fox Network, the Outdoor Channel, MavTV, and America One. Commercial filming would consist of approximately 3-5 persons, using hand-held digital video cameras, tripods, microphones, and other portable camera equipment.

Chase vehicles, pit crews as well as commercial film and media personnel, would travel on highways and dirt access roads to and from the check points and proposed pit areas. Race participants would be tracked through radio communications and live computer graphic interactive tracking systems using Global Positioning Systems (GPS) and aircraft. The event promoter would provide for all emergency services, including rescue. This would require providing aircraft and ground support personnel. The promoter would also acquire paved road crossing permits from NDOT and coordinate with Nye and Esmeralda County Commissioners and road maintenance crews. Dirt and paved road crossing checkpoints, with safety flags, would be stationed at all cross roads. Race personnel would stop race traffic until the roads are safe to cross. Checkpoints serve

two purposes: to ensure that shortcuts are not taken and to ensure that each entrant is tracked for safety. Temporary directional signs would be placed throughout the course, as well as signs that would warn the driver of potentially hazardous areas. The entire course would be marked on both sides of the proposed route using colored flagging.

In addition to crossing public land, the event would use roads that traverse private lands, county maintained, and/or paved roads. Parts of the course would cross state highways. The permit applicant would be responsible for notifying private land owners and for securing additional permissions and permits from any other involved Federal agencies, state, counties, cities and towns if affected by the race event.

2.2. Description of Alternatives Analyzed in Detail:

2.2.1. No Action Alternative

In accordance with BLM NEPA guidelines H-1790-1, Chapter VI (BLM 2008), the EA evaluates the No Action Alternative. The objective of the No Action Alternative is to describe the environmental consequences that would result if the Proposed Action were not implemented. The No Action Alternative forms the baseline from which the impacts of all other alternatives can be measured.

Selection of this alternative would deny the applicant permission to conduct the event across public land.

2.2.2. Alternatives Considered But Eliminated From Detailed Analysis

Scoping comments requested the consideration of the use of private lands for such an event, however this is not a viable option for a long distance OHV race where public lands are dominant, such as in Nevada.

An alternative start location near Lathrop Wells, behind Nevada Joe's, was considered but eliminated due to desert tortoise and cultural resources concerns by the BLM, Pahrump Field Office.

The 2009 proposed BITD route is identical to the approved Special Recreation Permit 2008 BITD event authorized by the Carson City District Office (BITD Competitive Off Highway Vehicle Event EA #NV-030-08-026 FONSI/DR 2008). Therefore, there are no new decisions to be made by either the Stillwater or Sierra Front Field Offices within the CCDO.

2.3. Conformance

The EA is in conformance with the current Tonopah Resource Management Plan (RMP) and Record of Decision (ROD), approved October 2, 1997.

2.3.1. Recreation

The following Decision and Objectives from the Tonopah RMP/ROD apply:

*Chapter 2 Proposed Action and Alternatives
Description of Alternatives Analyzed in Detail:*

Decision: Page 34, Paragraph 4 “All BLM lands not limited in the RMP are open to all individual, commercial, and competitive outdoor recreation uses.”

Objective: Page 20 (for General Recreation Management) “To encourage safe, public access and recreational use of public lands while ensuring protection of important resource values.”

Objective: Page 21 (Specific to Extensive Recreation Management) “To provide dispersed recreation opportunities on all lands which are not designated as Special Recreation Management Areas.”

Objective: Page 21 (Specific to Recreation Opportunity Spectrum) “To provide a full range of recreational settings, from rural to wilderness, for the pursuit of a wide variety of recreational opportunities.”

2.3.2. Local Land Use Planning and Policy

The following local land use plans and policies for the use of public lands were reviewed for this EA. The plans do not specifically address OHV events, but do generally support the recreational use of public lands within the county.

- The Nye County Policy Plan for Public Lands
- Nye County Comprehensive Plan
- The Esmeralda County Policy Plan for Public Lands
- The Esmeralda County Master Plan

Chapter 3. Affected Environment

To comply with the National Environmental Policy Act (NEPA), the Bureau of Land Management is required to address specific elements of the environment that are subject to requirements specified in statute or regulation or by executive order (BLM 1988, BLM 1997, BLM 2008). The following table outlines the elements that must be addressed in all environmental analyses, as well as other resources deemed appropriate for evaluation by the BLM, and denotes if the Proposed Action or No Action Alternative affects those elements.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Quality			X	Carried forward for analysis.
Area of Critical Environmental Concern (ACEC)	X			There are no ACECs in the vicinity of the Project area.
Cultural/ Historical			X	Carried forward for analysis.
Environmental Justice	X			No minority or low-income population would be affected by the Proposed Action.
Farmlands Prime or Unique	X			The proposed Project is not located in or near any prime or unique farmlands.
Noxious Weeds / Invasive Non-native Species			X	Carried forward for analysis.
Native American Religious Traditional Values		X		Presently no impacts to Native American traditional values have been identified, but consultation is ongoing. Therefore, Native American traditional values are carried forward for analysis
Floodplains	X			There are no floodplains in the proposed project area.
Riparian / Wetlands	X			The proposed Project is not located near any wetlands and riparian zones.
Threatened, Endangered and Special Status Species.			X	Carried forward for analysis.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Migratory Birds			X	Carried forward for analysis.
Waste - Hazardous/Solid			X	Carried forward for analysis.
Water Quality	X			The Project area and Proposed Action would not affect sources of drinking or ground water.
Wild & Scenic Rivers	X			No Wild and Scenic rivers occur in the Project area.
Wilderness	X			No Wilderness Areas occur in the Project area.
Forests and Rangelands (HFRA only)		X		No forest or rangelands are present in the Project area. The Proposed Action would not affect forests or rangelands.
Human Health and Safety			X	Carried forward for analysis.

Other resources of the human environment that have been considered for this environmental assessment (EA) are listed in the table below. Elements that may be affected are further described in the EA. Rationale for those elements that would not be affected by the proposed action and alternative is listed in the table below.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Grazing Management		X		No grazing allotments would be affected by the Proposed Action, and there would be no loss vegetation available for forage.
Land Use Authorization			X	Carried forward for analysis.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Minerals	X			No mineral resources would be affected by the proposed action
Paleontological Resources	X			There are no known paleontological resources in the area of the proposed action.
Recreation			X	Carried forward for analysis.
Socio-Economic Values			X	Carried forward for analysis.
Soils			X	Carried forward for analysis.
Special Status Species			X	Carried forward for analysis.
Vegetation			X	Carried forward for analysis.
Visual Resources			X	Carried forward for analysis.
Wild Horses and Burros			X	Carried forward for analysis.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Wildlife			X	Carried forward for analysis.
Noise			X	Carried forward for analysis.

The following resources have been determined, through internal scoping, to be present and affected by the Proposed Action: Air Quality, Cultural/Historic Resources, Native American Traditional Values, Noxious Weeds/Invasive Non-Native Species, Threatened and Endangered Species, Migratory Birds, Wastes – Hazardous/Solid, Human Health and Safety, Land Use Authorizations, Recreation, Socio-Economic Values, Soils, Special Status Species, Vegetation, Visual Resources, Wild Horses and Burros, and Wildlife. These resources, as well as noise and fire management, will be brought forth for further analysis in this Environmental Assessment.

3.1. Air Quality

Ambient air quality and the emission of air pollutants are regulated under both federal and State of Nevada laws and regulations.

The Federal Clean Air Act (CAA), and the subsequent Federal Clean Air Act Amendments of 1990 (CAAA), require the Environmental Protection Agency (EPA) to identify national ambient air quality standards (NAAQSs) to protect public health and welfare. The CAA and the CAAA established NAAQSs for seven pollutants, known as "criteria" pollutants because the ambient standards set for these pollutants satisfy "criteria" specified in the CAA.

Pursuant to the CAA, the EPA has developed classifications for distinct geographic regions known as Air Pollution Control Regions (APCRs). In Nevada, the APCR are largely coincident with hydrographic basins. Under these classifications, for each federal criteria pollutant, an area (an APCR or portion thereof) is classified as in "attainment," if the area has "attained" compliance with (that is, not exceeded) the adopted NAAQS for that pollutant; is classified as "non-attainment" if the levels of ambient air pollution exceed the NAAQS for that pollutant; or is classified as "maintenance" if the monitored pollutants have fallen from non-attainment levels to attainment levels. Areas for which sufficient ambient monitoring data are not available are designated as "unclassified" for those particular pollutants and assumed to be in attainment. In addition to the designations relative to attainment of conformance with the NAAQS, the CAA requires the EPA to place selected areas within the United States into one of three classes, which are designed to limit the deterioration of air quality when it is "better than" the NAAQS. "Class I" is the most restrictive air quality category, and was created by Congress to prevent further deterioration of air quality in National Parks and Wilderness Areas of a given size that were in existence prior to 1977, or those additional areas that have since been designated Class I under federal regulations (40 CFR 52.21). All remaining areas outside of the designated Class I

boundaries were designated Class II areas, which allow a relatively greater deterioration of air quality, although still below NAAQSs. No Class III areas, which allow for the degradation of air quality below NAAQS, have been designated.

The Bureau of Air Pollution Control (BAPC) is the Nevada state agency responsible for implementing the CAA (excluding Washoe and Clark Counties, which have their own state implementation plan). This includes the State of Nevada air quality permit programs (Nevada Administrative Code (NAC) 445B.001 through 445B.3689, inclusive) and the Nevada State Ambient Air Quality Standards (NSAAQSs). The NSAAQSs are generally identical to the NAAQSs, with the exception of the following: (a) an additional standard for CO in areas with an elevation in excess of 5,000 feet above sea level; (b) the recently promulgated NAAQSs for PM_{2.5} (Nevada has yet to adopt the new standards); (c) the revised NAAQS for particulate matter of PM₁₀; (d) O₃ (Nevada has yet to adopt the new and revised standards); and (e) a violation of a state standard occurs with the first annual exceedance of an ambient standard, while federal standards are generally not violated until the second annual exceedance. In addition to establishing the NSAAQSs, the BAPC is responsible for permit and enforcement activities throughout the State of Nevada.

Air quality in the project area is governed by pollutant emissions and meteorological conditions. Wind speeds, mixing heights, and stability all affect the circulation and dilution of emissions in the area.

The proposed action is located within air basins which are currently unclassified for all pollutants having an air quality standard (40 CFR 81.329).

Current emissions within the project area include vehicle combustion emissions, fugitive dust from travel on unimproved roads and agricultural cultivation, industrial and commercial activities, and wildland fires.

3.2. Cultural Resources

Under the Bureau's Protocol Agreement with Nevada State Historic Preservation Office (SHPO), off highway vehicle (OHV) events are exempt from Section 106 review if these events are limited to previously disturbed or non historic routes including developed roads, roads and rails where use has created surface disturbances at least two meters wide, roads less than 50 years old, and active washes (washes with recent loose sand/gravel/silt in the non vegetated bottoms of drainage) that are subject to annual water action.

Routes comprising the proposed racecourse are a combination of roads that have continued to be used and improved over time and newly constructed routes that have been developed to accommodate various land uses and resource developments. Many of the roads are used today for modern travel corridors, recreational access for hunting and exploring, and by authorized users of the public lands such as grazing allotments, mining operations, and utility corridor rights-of-way. As with most areas in Nevada, evidence of past mineral exploration and associated features are a dominant part of the landscape.

New segments of racecourse have been identified near Oasis Valley, Blair Junction, and the town site of Gilbert. The new segments total approximately nine miles that has not been previously used as racecourse. The new segment located near Blair Junction is in an area of surface flow and drainage that has been heavily disturbed over time. A preliminary investigation of the new

segments was conducted by an archaeologist in February and March of 2009, and no cultural resources were identified on or along the new segments. The approximately five mile new segment near Oasis Valley was burned during the Beatty Fire in June of 2006, and there is evidence of past disturbance from wheeled vehicle use in the area.

3.3. Noxious Weeds/Invasive Non-native Species

Preventing the introduction and spread of noxious weeds is one objective of Integrated Weed Management Programs on Bureau of Land Management lands throughout the United States as directed under Executive Order 13112 – Invasive Species. The term “invasive species” is defined as an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health. The term “noxious weed” is defined as plants designated as noxious weeds by the Secretary of Agriculture or by the responsible state official. Noxious weeds generally possess one or more of the following characteristics: aggressive and difficult to manage, poisonous, toxic, parasitic, a carrier or host of serious insects or disease, and being native or new to or not common to the United States or parts thereof. Salt cedar or tamarisk *Tamarix ramosissima* can be found in some drainages as well as puncture vine *Tribulus terrestris*

Puncture vine has been found at disturbed areas along roadsides. These plants are considered noxious weeds. Salt cedar or tamarisk is found throughout the project area but only in springs or in dry wash areas due to the greater amounts of available moisture in these areas. Tamarisk is exceedingly difficult and costly to eradicate.

3.4. Native American Traditional Values

Located within the traditional territory of the Western Shoshone, the TFO administrative boundary contains spiritual, traditional, and cultural resources, sites, and social practices that aid in maintaining and strengthening social, cultural, and spiritual integrity. Recognized tribes with known interests within the BLM TFO administrative boundary are: the Duckwater Shoshone Tribe, Yomba Shoshone, Timbisha Shoshone, and various other groups, community members, and individuals.

Though archaeological data and theory states that the Western Shoshone (Newe) began to inhabit the Great Basin area around 600 years ago, contemporary Western Shoshone contend they were here since time immemorial. Social activities that define the culture took place across the Great Basin. Pine nut gathering, edible and medical plant gathering, hunting and fishing, spiritual/ceremonial practices, and trade occurred as the native peoples practiced a hunting and gathering lifestyle. The native cultures appeared to be heavily impacted by social, cultural, and environmental change, which rapidly accompanied the nonnative migration from east to west. The Western Shoshone and other Great Basin tribes continued to practice certain cultural, spiritual, and traditional activities, visited their sacred sites, hunted game, and gathered the available medicinal and edible plants. Through oral history and the practice of handing down knowledge from the elders to the younger generations, some Western Shoshone continue to maintain a world view similar to that of their ancestors.

Cultural, traditional, and spiritual sites and activities of importance to tribes include, but are not limited to: existing antelope traps; certain mountain tops used for prayer and the seeking of guidance; medicinal and edible plant gathering locations; prehistoric and historic village sites and gravesites; sites associated with creation stories; hot and cold springs; collection of materials used

for basketry and cradle board making; locations of stone tools such as points and grinding stones (mono and matate); raw stone quarries; hunting sites; sweat lodge locations; locations of pine nut ceremonies, traditional and social gatherings, and camping; rocks used for offerings and medicine gathering; tribally identified Traditional Cultural Properties (TCPs); TCPs found eligible to the National Register of Historic Places; rock shelters; rock art locations; lands or resources that are near, within, or bordering current reservation boundaries, and actions that might conflict with ongoing tribal land acquisition efforts.

In accordance with the National Historic Preservation Act (P.L. 89-665), the NEPA, the Federal Land Policy and Management Act (P.L. 94-579), the American Indian Religious Freedom Act (P.L. 95-341), the Native American Graves Protection and Repatriation Act (P.L. 101-601) and Executive Order 13007, the BLM must provide affected tribes an opportunity to comment and consult on the proposed Project. The BLM must attempt to limit, reduce, or possibly eliminate any negative impacts to Native American traditional/cultural/spiritual sites, activities, and resources.

Native American tribal representatives were included on the mailing list for the initial external scoping. On April 17, 2009, project specific consultation initiation letters were sent to tribal representatives including the Yomba Shoshone Tribe, Pahrump Paiute Tribe, Duckwater Shoshone Tribe, and the Timbisha Shoshone Tribe. Their comments and participation were requested. The Tribes were also invited to attend a scoping meeting in Beatty on February 24, 2009, and Goldfield on February 25, 2009. Representatives of the Timbisha Shoshone Tribe participated in the scoping meeting in Beatty and submitted comments at that time. They also requested a field trip to see areas along the route that were of concern. A fieldtrip was arranged for May 14, 2009. Tribal representatives asked questions about the race route and discussed some of their concerns with BLM. They asked for future meetings with the Tonopah and Pahrump Field Offices to discuss projects in general and to talk further about the race route. Discussions with the tribe are on-going. To date, only the Timbisha Shoshone tribal representatives have expressed an interest in the project. However, participation and communication opportunities continue to be available to the contacted Tribes and their community members.

3.5. Threatened and Endangered Species

Desert tortoise (*Gopherus agassizii*):

The desert tortoise occurs in the Tonopah Planning Area, predominantly in the Oasis Valley, proximal to southern sections of the 2009 race route. The proposed race route crosses approximately 10 miles of designated Desert tortoise habitat within the Tonopah Planning Area as outlined in the Tonopah RMP 1997. The tortoise habitat within the planning area is considered low density habitat and no Critical Habitat, as defined by the Endangered Species Act. The Mojave Desert tortoise is a federally-protected species with the potential to occur in the action area. Based on historic data, tortoise population numbers and utilization near the race route are estimated to be low.

3.6. Special Status Species

BLM Sensitive Species

The “Vegas to Reno Race” passes around the border of the north eastern edge of, approximately, two miles of currently recognized Amargosa toad habitat.

Portions of the race course pass through areas designated as crucial and winter habitat for bighorn sheep as well as crosses important movement corridors, with the most prominent being in the Monte Cristo range, which inhabits one of the largest populations of bighorn sheep in Nevada. During the heat of the day, bighorn often rest in the shade of trees and caves, and usually are stationary. Movements would be minimal while the race is taking place.

The proposed route runs through a small portion of Sage-grouse habitat found just south of Paradise Peak. The brood-rearing cycle would be over and young would be able to fly by the time the race takes place.

Burrowing owl could be expected in some areas although no known nest burrows have been identified. Burrowing owl has unique issues related to direct collision with OHV vehicles (NDOW 2008). This owl often nests in cavities dug into road berms that put it in close proximity of vehicles on the road. Additionally, the owl has exhibited behavior that suggest it is not afraid of people or human activity.

Loggerhead shrikes would be expected to nest and forage along the race route. Prairie falcons nest on cliff faces, particularly those with east aspects.

Ferruginous hawks nest in flat top juniper trees located at the end of a juniper stringer running through sagebrush habitat. Preferred locations are stringers on east or southeastern slopes. Northern Harrier, if present, would be incidental due to using the adjacent IBA wetlands. Mourning Dove would use the general project area but doesn't choose bare ground roads / trails as a nest site. This dove uses shrubs and the ground for nesting among other strata www.natureserve.com

Sage sparrow would use the project area and would nest in it. This bird needs a large block of unfragmented, habitat to successfully breed and survive; no less than 300 acres in size for one breeding pair (BLM ND). This bird is vulnerable to activities that reduce or fragment sagebrush habitat www.natureserve.com. Brewer's sparrow requires a breeding patch size that is larger than sage sparrow (Rotenberry and Wiens 1998); 600 acres minimum per breeding pair (Walker 2004). This bird is a shrub obligate that is threatened by large scale reduction and fragmentation of sagebrush habitats occurring due to a number of activities, including road and power-line rights of way (BLM ND).

Pinyon jay, gray vireo, Juniper titmouse, and Swainson's hawk could all be seen in the woodland areas of the race route.

Golden eagle nesting is common in cliffs with eastern aspects. Nests could occur in various locations along the race route.

There would be some species of bat use in the area associated with cliffs, rock outcrops, abandoned mines, and trees. Some bats use washes and riparian areas for forage.

The route of the proposed race is near known habitat for two plant species that are listed as BLM sensitive species. These are the Tonopah milkvetch *Astragalus pseudiodanthus* and the Tiehm buckwheat *Eriogonum tiehii*. The race route maintains its course on bladed roads through both plant's habitats.

Eastwood milkweed grows in small washes or other moisture accumulating micro sites and may occur on the race course. However, Pahute Mesa beardtongue grows in rocky areas in Pinion Juniper woodlands in hills above the race course and would not be affected by the race. Tonopah

pin cushion grows on dry rocky soils and low rock outcrops of rhyolite, tuff, and possibly other rock types, on gentle slopes in open areas or under shrubs in the upper salt desert and lower sagebrush zones in northern Nye County. The proposed race route and subsequent race wouldn't cause any BLM sensitive species to be upgraded to federal listing.

3.7. Migratory Birds

“Migratory bird” means any bird listed by the United States Fish & Wildlife Service (USFWS) in 50 CFR 10.13. All native birds found commonly in the United States, with the exception of native resident game birds, are protected under the MBTA (16 United States Code 703-711). The MBTA prohibits taking of migratory birds, their parts, nests, eggs, and nestlings. Executive Order 13186, signed January 10, 2001, directs federal agencies to protect migratory birds by integrating bird conservation principles, measures, and practices.

Additional direction comes from a January 17, 2001, Memorandum of Understanding (MOU) between the BLM and the USFWS. This MOU strengthens migratory bird conservation through enhanced collaboration between the two agencies, in coordination with state, tribal, and local governments. The MOU identifies management practices that could impact populations of high priority migratory bird species including migratory bird nesting, migration, and over-wintering habitats, and develops objectives and recommendations that would avoid or minimize these impacts. A variety of migratory birds uses the habitat types within the Project Area for breeding and foraging.

Potential migratory bird species that may be found along the race route would include but are not limited to the Ash-throated Flycatcher, Bewick's Wren, Black-headed Grosbeak, Black-throated Gray warbler, Black-throated Sparrow, Blue-gray Gnatcatcher, Brewer's Sparrow, Brown-headed Cowbird, Bushtit, Cassin's Finch, Chipping Sparrow, Common Raven, Costa's hummingbird, Gray Flycatcher, Horned Lark, House finch, House Sparrow, House Wren, Le Conte's Thrasher, Lesser Goldfinch, Loggerhead Shrike, Mourning Dove, Northern Mockingbird, Rock Wren, Sage Sparrow, Say's Phoebe, Spotted Towhee, Swainson's thrush, Vesper Sparrow, Western Scrub-jay, and the White-crowned sparrow. (Great Basin Bird Observatory 2007).

3.8. Waste – Hazardous/Solid

There are no known hazardous or solid waste sites along the route. Petroleum products such as gasoline and diesel fuel, and lubricants such as oil and grease would be used by the motorized race vehicles throughout the duration of the event. Race vehicle fueling, lubrication and repairs would occur at the 19 pit locations and the start/finish areas as needed. Chase and spectator fueling would occur at commercial stations along the paved highways and in cities and towns paralleling the race route.

The use of petroleum products and the lubrication and repair of race vehicles along the race course at designated pit locations, could result in the spill or release of petroleum products and the contamination of soils. Spill kits would be available at pit locations, and if a spill occurs it would be contained and cleaned up immediately.

3.9. Human Health and Safety

The event route is frequently within view of highways, roads and communities. Spectators are welcome at the pit areas. Road crossings are popular viewing areas. During the duration of the race, parking and traffic conflicts may occur.

Abandoned mines, mill sites, shafts and mine workings are numerous and may be within 100 feet of the race route. Some of the historic and modern (to 1970's) mining related activity is directly adjacent to the race route. Open holes and hoisting hazards are fenced and signed. Most are accessible by dirt roads and few are excluded from the general public.

Motorized vehicle events utilizing roads and trails on BLM managed public lands may create the risk of collision between event participants, other public land users or wandering livestock. Small groups of cattle and wild horses roam throughout the area.

Pit areas and check points would be locations where spectators may gather to view the race. Camping may occur at the designated pit areas throughout the duration of the race.

3.10. Fire Management

In general, wildland fires burn in several basic fuel types across the proposed race course. Fuel types include the following:

1. monocultures of cheat grass
2. brush/grass fuels such as sagebrush with perennial grass communities or cheat grass understories
3. piñon pine or piñon pine/juniper communities.

In July 2006, the Beatty Fire occurred East of Beatty, NV and burned 12,817 acres of public lands administered by the Bureau of Land Management. The effects of the fire converted the affected area from Mojave Desert vegetation into an annual grass and forb plant community. Approximately, five miles of the race would go through the burned area of the Beatty Fire. These annual plants tend to accumulate biomass through sustained favorable precipitation cycles because the decomposition rate in this desert is slow. This phenomenon appears to promote wildland fire because the ignition source is readily available.

3.11. Lands Use Authorizations

Sierra Pacific Power Company, Valley Electric, Nevada Bell, Tonopah Public Utilities, Esmeralda and Nye Counties; and Nevada Department of Transportation (NDOT), are some of the authorized holders of rights-of-way (ROW) grants that are affected by the road use of this race. These ROW's consist of various authorized widths.

The event course may use an authorized access road for a power line or a county maintained road either paved or dirt, as the race event road; a communication site access road to get to a mountain top for communication purposes; or other authorized ROW grants as a road crossing.

The proposed Best in the Desert race route would cover approximately 819 miles in the Tonopah Field Office administrative area. Numerous mineral exploration and mineral material projects

are near the proposed race route. Operator's affiliated with these projects use sections of the proposed race route for access to their project areas. A list of these operators is available at the Tonopah Field Office.

In addition to accessing the use of public land, the event would use roads that traverse private lands. The permit applicant would be responsible for notifying private land owners as well as those ROW holders of the scheduled event. The permit holder would be responsible for securing written permissions by the private land holder and if required, permits or authorizations from involved utility companies, Federal, state, county, and local agencies, if affected by the race event.

Moving Photography (filming) *requires a filming permit* when documentaries, television programs, feature films; advertisements, wildlife filming, or similar projects result in a commercial product. Special permits to use the public lands for commercial film production would be issued by the BLM under Section 302(b) of the Federal Land Policy and Management Act and pursuant to the 43 Code of Federal Regulations (CFR 2920 regulations. Public Law 106-206, enacted in 2000, authorizes the BLM to regulate commercial filming activities on Federal lands.

Commercial filming or digital photography may take place in the authorized pit areas and checkpoints using hand-held digital video cameras. As such, the use of filming in these areas would meet the requirements for minimum impact filming. In-car cameras may be used to record a racer's experience during the race and would be used for private use.

3.12. Recreation

The roads and trails are frequently utilized for other commercial, recreational activities, and permitted events such as guided big game and upland bird hunting, competitive horse endurance rides, OHV rallies, mountain bike events and various horseback, wagon, ATV and 4x4 tours. These events and activities occur under BLM permit and county approval.

Casual, public recreational use of the area for which permits are not required include mountain biking, hiking, horseback riding, ATV riding, big game and upland bird hunting, and four wheel drive exploration of the historic sites, geologic exploration, wildlife, and wild horse and burro viewing.

3.13. Socioeconomics

People from all over the world visit Nevada to experience the historic, rugged and scenic landscape setting, and to enjoy the opportunity to explore that landscape through various recreational pursuits. Outdoor activities usually involve 4 X 4 driving and ATV riding, mountain biking, and hiking the primitive back roads and trails in search of adventure, solitude, wildlife observation, geologic exploration and photographic opportunities. Watching and participating in the motorized off-road race events has been an on-going attraction since the late 1970's and early 1980's.

Motorized vehicle events may benefit the recreation/tourism industry (and in turn, the regional economy) by attracting participants, family, friends, support personnel, and spectators to the event area. The participants may purchase fuel, food, and other supplies from local merchants. They may also stay in local motels or hotels and eat at local restaurants. These activities serve to stimulate the local economy. The degree of stimulation depends on how many participants are attracted to the event and how much money they spend while in the event area and how often the events are held.

The proposed action is located on public lands managed by the U.S. Bureau of Land Management in Nye and Esmeralda County's, Nevada.

Nye County is the third largest county in the United States, at 11,558,408 acres. It is located in the south- central portion of the State of Nevada. Tonopah is the county seat and is located 239 miles southeast of Reno and 207 miles northwest of Las Vegas at the junction of U.S. Highways 95 and 6.

The total population of Nye County in 2000 was 32,485, which represents an increase of 83 percent over the 1990 population of 17,781. The U.S. Census Bureau estimated the population grew to 42,693 persons in 2006. From 1970 to 2000, Nye County has grown in population at a faster rate than both the state and the nation. There were 15,934 housing units in Nye County in 2000, of which approximately 83 percent was occupied.

In 2000 there were 13,263 (52 percent) persons 16 years of age or older in the work force in Nye County. In terms of employment opportunities, the majority of jobs in Nye County are in the professional and technical services, hotel and food services, retail trade, construction and mining sectors. The median household income in Nye County for 1999 was \$36,024 per year, and the median family income was \$41,642. Average earnings per job in the county are lower than the state and the nation.

Over the past 30 years, job growth in Nye County has been slower than the state and the same as the nation. The unemployment rate is estimated at 6.6 percent – higher than both the state and the nation. Most residents (64 percent) worked full time and 42 percent of families had 2 or more wage earners in the household.

The two communities in Nye County that the proposed action would have the greatest potential to benefit are the towns of Beatty and Tonopah. The total population for the towns of Beatty and Tonopah in 2000 was 1,154 and 2,627, respectively. The total population of Beatty and Tonopah in 2000 represents about 11.6 percent of the total population of Nye County.

The labor force for Tonopah was estimated in the year 2000 to be 1,351 persons (65 percent). The leading employers in Tonopah include the construction, mining, and maintenance occupations, the service occupations, and the sales and office occupations. The median household income in Tonopah for 1999 was \$37,401, and the median family income was \$47,917. Average earnings per job are lower than the state and the nation.

The labor force for Beatty in 2000 was estimated to be 492 persons (61 percent). The leading employers in Beatty include the construction and maintenance occupations, service occupations, and the sales and office occupations. The median household income in Beatty for 1999 was \$41,250, and the median family income was \$52,639. Average earnings in Beatty in 1999 were in line with or slightly higher than the state and nation.

The total population of Esmeralda County in 2000 was 971, a 27 percent decrease from the 1990 population of 1,344. There were 833 housing units in Esmeralda County in 2000. Approximately 54.6 percent of available housing was occupied. The median value of owner occupied units was \$75,600.

The labor force for Esmeralda County was estimated in the year 2000 to be 458 persons. Esmeralda County's leading employers include the management, professional and related industries, the construction, mining, and maintenance occupations, and service occupations. The

median household income in Esmeralda County in 1999 was \$33,203, and the median family income was \$40,917. Average earnings in Esmeralda County were lower than the state and the nation.

The county seat for Esmeralda County is Goldfield. There is no census data available for Goldfield, but the estimated population in 2000 was 424 (Access Esmeralda web site). Goldfield would be the community in Esmeralda County most likely to be affected by the OHV event, as it has retail businesses and restaurants that event participants and spectators may use.

3.14. Soils

Affected soils would be located on the route pathway and at pit stops. The soils within the proposed action area vary considerably in physical, chemical, and biological characteristics.

The highly diverse parent materials, topography, and climates have created soils with a wide range in major soil characteristics. The soils in the area range from very shallow (less than 10") to greater than 60" in depth and are derived from a variety of parent materials. Soil textures vary from sand, and sandy loam in areas of granite and sandstone parent materials to clay dominated textures in areas of volcanic parent materials. The lower elevations are alluvial fan deposits consisting of loam, sand and silt soils. Upper elevations are mostly packed dirt (clays), with large, angular rocks and cobbles.

Parent material, surface and subsurface textures and rock fragments, elevation, aspect, and slope determine the inherent productivity. Erosion and runoff potential, while affected greatly by these factors, is also dependent upon the basal and canopy cover of vegetation on site. Most soils have a high erosion potential when disturbed. At higher elevations, vegetation is the main factor in controlling erosion. At lower elevations, vegetation and desert pavement are the controlling factors. (*Abandoned Mine Lands Programmatic EA August 2000).

Detailed descriptions of the soils within this area can be found within the respective county soil survey, issued by the U.S. Dept. of Agriculture, Natural Resources Conservation Service.

3.15. Vegetation

The vegetation along the proposed racecourse is typical of the southern Great Basin Desert, Mojave/Great Basin transition and Mojave Desert. The racecourse is dominated by three vegetation communities – salt desert shrub, Mojave, and sagebrush. The salt desert shrub community is dominated by shrubs in open stands, with a large amount of bare soil or desert pavement. Understory vegetation is often sparse at lower elevations except when seasonal precipitation produces flushes of annuals. The valley bottom and lower fan piedmont contain salt desert shrub communities composed primarily of shadscale, Bailey greasewood, spiny menodora, budsage, and galleta grass, Indian ricegrass, fourwing saltbush and spiny hopsage. Black greasewood, Parry saltbush, shadscale, seep weed, alkali weeds, alkali sacaton and saltgrass occur on the valley floor in areas with a high water table.

The Mojave Desert plant community is dominated by shrubs in open stands, with a large amount of bare soil or desert pavement. It is dominated by creosote bush and white bursage with wolfberry, goldenhead, with annuals – fiddlehead and red brome. Joshua trees occur within both the Mojave and Mojave/Great Basin transition zones

The typical sagebrush community has fairly dense to open vegetation with shrubs and an understory of perennial and annual grasses and forbs. Important shrubs in the sagebrush community include big sagebrush or black sagebrush with rabbitbrush and Mormon tea. Grasses include Indian ricegrass, Sandberg bluegrass, squirreltail, and needle and thread grass.

3.16. Wildlife

Nevada supports about 400 bird species, 80 mammal species, 60 reptile species, and 40 fish species. The existence of these species is due to the habitat diversity present throughout the state. Wildlife habitats range from low rainfall Chihuahuan and Sonoran deserts to moderate rainfall areas and mountainous regions. Major terrestrial wildlife habitats (Nevada Wildlife Action Plan 2006) that occur within the project area are:

Mojave Desert:

The proposed race begins at the northern tip of the Mojave Desert. Common species found in this ecosystem include Desert Tortoise, whiptail lizard, and California Quail.

Salt Desert Shrub:

Wildlife species associated with this habitat type include pale kangaroo mouse, Great Basin collared lizard, Chukar, and a variety of song birds.

Sagebrush:

Great Basin pocket mouse, sagebrush lizard, Pronghorn, and sage sparrow are species associated with this habitat type.

Wildlife management (hunting seasons, trapping, fishing) is the responsibility of the Nevada Division of Wildlife (NDOW). The race course travels through Nevada Hunt Units 171, 173, 181, 205, 211, 212, 251, 252, and 253. Wildlife that could be expected to occur along the race route include but are not limited to mammals such as Mule Deer, Desert bighorn sheep, Pronghorn, coyotes, Mountain lions, kit fox, rabbits, and rodents would be expected. Reptiles such as Desert tortoise, whiptails, leopard lizards, horned lizards, gopher snakes, and rattle snakes would be expected. Various insects would also be expected to occur.

3.17. Wild Horse and Burro

BLM protects wild horses and burros on public lands under the Wild Free-Roaming Horse and Burro Act of 1971 (PL 92-195). As such, BLM protects the animals from harassment, removal and death.

Each BLM management area has identified herd management areas where wild horse and burro population numbers are monitored. Animal numbers are maintained at a level that is compatible with the resources (forage and water) to balance natural wildlife habitat, livestock and other permitted uses.

The proposed race goes through 8 different Herd Management Areas (HMAs), Bullfrog, Gold Mountain, Palmetto, Montezuma, Goldfield, Paymaster, and Pilot Mountain. The Bullfrog, Gold Mountain, and Goldfield HMA's are burro areas. The Palmetto, Montezuma, Silver Peak, Paymaster, and Pilot Mountain are horse areas.

3.18. Noise

Noise is generally defined as unwanted or annoying sounds, typically associated with human activity and which interferes with or disrupts normal activities. Although exposure to high noise levels has been demonstrated to cause hearing loss, the primary human response to noise is annoyance. The response of individuals to similar noise events is diverse and influenced by the type of noise, perceived importance of the noise, its appropriateness in the setting (i.e., time of day and type of activity during which the noise occurs, and the sensitivity of the individual). Sound levels are usually measured and expressed in decibels (dB). Most of the sounds heard in the environment do not consist of a single frequency, but rather a broad band of frequencies differing in sound level. The intensities of each frequency combine to generate sound.

Currently, no specific federal, state, or local regulations provide quantitative requirements for land use compatibility with noise sources within the proposed race routes; however, all BLM actions and use authorizations must comply with the Noise Control Act of 1972 (PL 92-574). This Act establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. To accomplish this, the Act establishes a means for the coordination of federal research and activities in noise control, authorizes the establishment of federal noise emissions standards for products distributed in commerce, and provides information to the public respecting the noise emission and noise reduction characteristics of such products (42 U.S.C. 4901). The Act authorizes and directs that federal agencies, to the fullest extent consistent with their authority under federal laws administered by them, carry out the programs within their control in such a manner as to further the policy declared in 42 U.S.C. 4901. Each department, agency, or instrumentality of the executive, legislative and judicial branches of the Federal Government having jurisdiction over any property or facility or engaged in any activity resulting, or which may result in, the emission of noise shall comply with federal, state, interstate, and local requirements respecting control and abatement of environmental noise. Each federal agency shall, upon request, furnish information to the EPA regarding the nature, scope, and results of the noise research and noise-control programs of that agency, and shall consult with the EPA, as required, in prescribing standards or regulations respecting noise.

Certified low-noise-emission products shall be acquired for use by the Federal Government in lieu of other products if the Administrator of General Services determines that reasonably priced, reliable substitutes exist (42 U.S.C. 4914). The Act includes provision for citizen suits (42 U.S.C. 4911(a)) whereby any person may commence civil action against the United States or any governmental instrumentality or agency who is alleged to be in violation of any noise control requirement. The proposed project is located primarily in undeveloped areas. Land uses vary from sparsely populated rural regions to residential, commercial, and public uses in Esmeralda and Nye Counties. The project area consists of recreational (hiking, camping, rock hounding, hunting, and off road vehicles), agricultural (livestock and crop production), and mining uses.

3.19. Visual Resources

The BLM initiated visual resource management (VRM) by establishing VRM class designations during planning processes to manage the quality of the landscape and minimize potential impacts to visual resources resulting from development activities. In determining VRM class designations, the inventory process considers the scenic value of the landscape, viewer sensitivity to the scenery, and the distance of the viewer to the subject landscape. These management classes identify various permissible levels of landscape alteration, while protecting the overall visual

quality of the region. Management classes are divided into four levels (Classes I, II, III, and IV), with Class I designated as most protective of the visual resources (see Table 3.17-1 and Figure 3.10.1). The objectives of these classes vary from very limited management activity to activity that allows major landscape modifications.

The Project Area is located in the northern Great Basin section of the Basin and Range Physiographic Province. The Great Basin is characterized by a rhythmic pattern of isolated mountain ranges and broad basins. Clear skies and broad open vistas characterize this landscape. Scenic quality is a measure of the visual appeal of a parcel of land. Section 102(a)(8) of the Federal Land Policy and Management Act of 1976 emphasizes protection of the quality of scenic resources on public lands. Section 101(b) of NEPA requires that measures be taken to ensure that aesthetically pleasing surroundings be retained for all Americans.

The proposed course is located within an area that has been visually impacted by mineral exploration, road development and OHV recreation. The analysis area is in an area with a VRM classification III and IV. A VRM classification of III is described as management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape. A class IV is described as the level of change to the characteristic landscape can be high.

3.20. No Action Alternative

The Affected Environment for the No Action Alternative would be the same as that described for the Proposed Action.

Chapter 4. Environmental Effects:

4.1. Air Quality

Combustion of fuel by motor vehicles operating during the race would produce carbon monoxide, sulfur oxides, nitrogen oxides, and ground level ozone as a result of fuel combustion. Motor vehicle exhaust does not contain lead because of the phase out of leaded gasoline in the 1980s. Carbon monoxide is discharged to the air from vehicle exhaust systems and is the result of incomplete combustion of fuel caused by low air-to-fuel ratios. Low air-to-fuel ratios are common when vehicles are started with restricted air supplies (i.e. the engine is choked), engine systems are not properly tuned, and at high altitudes. Sulfur oxides are discharged to the air from vehicle exhaust systems and are formed by the combustion of fuels containing sulfur compounds.

Nitrogen oxides are discharged to the air from vehicle exhaust systems and are formed when fuels are burned at high temperatures in the presence of atmospheric nitrogen, such as in internal combustion engines. Ozone is not discharged directly to the air from vehicle exhaust systems, but forms as a result of chemical reactions involving nitrogen oxides and volatile organic compounds (associated with fuel combustion and gasoline vapors) in the presence of sunlight and heat (USEPA, 2009). Human exposure to these compounds would be greatest in pit areas because of high vehicle concentrations, engine idling, and refueling activity. The compounds should dissipate shortly after emission. The quantities of these compounds that would be generated by race vehicles would be minimal given the number of racing vehicles (about 250) in relation to the total number of vehicles operating on an annual basis within the region.

Race vehicles would drive on unpaved roads and generate particulate matter in the form of coarse particles and dust. As a vehicle travels on unpaved surfaces, rolling wheels lift and drop particles, the force of its wheels pulverizes road surface material, strong air currents shear the road and mobilize loose materials, and a turbulent wake forms that continues disturbing road surface materials after the vehicle passes (Western Governors' Association, 2006). Particulate matter consists of a number of components of variable size, including soil, dust, organic chemicals, metals, and acids. The size of particles is directly linked to potential human health problems, as particles less than 10 micrometers (m) in diameter can be inhaled into the lungs and affect respiratory and circulatory functions. Inhalable coarse particles (regulated with the PM₁₀ standard under NAAQS) range between 2.5 m and 10 m in diameter and are associated with disturbed soils, vehicle traffic on roadways, dusty industries, and similar activities. Fine particles (regulated with the PM_{2.5} standard under NAAQS) are less than 2.5 m in diameter and are associated with smoke, smog, and haze (USEPA, 2009).

Wind erosion and agricultural activity are the major sources of PM₁₀ on local scales, but other mechanisms such as vehicle travel on roads also contribute to the overall load of PM₁₀. The quantity of dust emissions from any given segment of unpaved road directly varies with the volume of traffic on the road and the fraction of silt (soil particles less than 75 m in diameter) in road surface materials. The silt content of native soils over which the road is constructed can be used as a conservative estimate of roadbed silt content, but studies show road silt content is typically lower than surrounding native soils because fine particles are continually removed by vehicle traffic and wind erosion (Western Governors' Association, 2006).

A generic emission factor is recommended by USEPA (1995) to estimate PM₁₀ produced by vehicle traffic on non-farm unpaved roads. This emission factor is an empirical approach developed to estimate PM₁₀ emissions for nationwide source inventories that are required under the Clean Air Act. Goossens and Buck (2009) indicate that empirical emission factors such as those recommended by USEPA (1995) probably are not adequate to accurately estimate PM₁₀

emissions in desert areas primarily because of the highly variable nature of mapped soil units that occur in desert areas. Goossens and Buck (2009) used field experiments to investigate dust emissions produced by vehicles driving on unpaved roads and surfaces at the Nellis Dunes Recreation Area in the northeast portion of Las Vegas Valley. Nellis Dunes is an area of about 15 square miles with highly variable terrain and surface materials. Off-road recreational vehicle enthusiasts have used Nellis Dunes for more than forty years, and the current number of annual visitors is estimated at 300,000. Goossens and Buck collected direct measurements of dust emissions from motorcycles, four wheelers (quads), and dune buggies driving at various speeds over 17 different soil types; a total of 3,684 separate runs were made for combinations of driving speed, vehicle type, and soil type over the study period. Emission rates for trucks and automobiles were not determined in these experiments, but the authors indicate rates for these types of vehicles would generally be greater than those determined for their study because of higher gross vehicle weights.

Particulate matter generated by race vehicles can be estimated by applying the emission rates for off-road driving on dry surfaces determined by Goossens and Buck (2009). Goossens and Buck reported rates for both PM_{10} and PM_{60} (particles less than 60 micrometer diameter) grain size fractions, and consider the PM_{60} to be sufficiently representative of total suspendable particles. Emission rates were reported for generalized soil types (sandy areas, silty areas, ephemeral drainages, and mixed terrains) rather than mapped soil units available from soil surveys available through the Natural Resources Conservation Service. Although these rates were determined using data collected from an area not within the geographic footprint of the race course, they are the only available source of site-specific information and are considered representative of conditions for the proposed race course. For the purposes of computation, it has been assumed that the proposed race course consists of ten percent each of sandy areas, silty areas, and ephemeral drainages (for a cumulative total of 30 percent) with the remaining area (70 percent) consisting of mixed terrain. The total number and type of vehicles would not be known until shortly before the race. For the purposes of computation, it is assumed 250 vehicles would enter the race, with one-third being motorcycles and two-thirds being a mix of four-wheeled vehicles (trucks, quads, and dune buggies). It also is assumed all vehicles would complete the entire race, which is a conservative approach since some vehicles would suffer mechanical failures. A total race course length of 995 miles (1605 kilometers) has been used for computation.

The total PM_{10} to be generated by racing vehicles during the three-day event is estimated to range between 23.2 and 39.3 metric tons. The total PM_{60} to be generated by racing vehicles during the three-day event is estimated to range between 118 and 331 metric tons. These estimates do not include additional amounts of PM_{10} and PM_{60} that would be generated by support crews, spectators, and compliance monitoring staff accessing pit areas and other race course areas nor by landings and take-offs of helicopters used by race organizers to monitor course conditions. The additional amount of dust from these activities would be small compared to that estimated for race vehicles. In comparison, Goossens and Buck (2009) estimated annual emissions of PM_{10} of 255 metric tons and PM_{60} of 1,253 metric tons for the Nellis Dunes area of study.

Padgett and others (2008) measured road dust generated by vehicles using unpaved roads in Land Between the Lakes National Recreation Area in western Kentucky and showed dust plumes created by vehicles were heterogeneous. Larger particles (grain size fractions larger than PM_{10}) were in the lower part of the plume and deposited close to the source, whereas smaller particles (grain size fractions smaller than PM_{10}) were in upper parts of the plume and traveled at least 100 meters away from the source. Given the much drier climate and soil-moisture conditions of desert areas, it is reasonable to expect smaller particles to travel greater distances from the

source than those reported by Padgett and others (2008). Transport distances also would tend to be higher in the afternoon because heating of the atmosphere during summer months in Nevada often produces moderate to strong winds. Dust concentrations therefore may exceed unhealthful conditions for drivers on the race course and people in pit areas, but likely would not affect people in areas beyond a few hundred yards of these areas.

			PM ₁₀ Emission Rate		PM ₆₀ Emission Rate		Emissions for all Vehicles (metric tons)			
Soil Type	Percent of Race course	Length of Course (km)	Low	High	Low	High	PM10		PM60	
			(grams per km)		(grams per km)		Low	High	Low	High
Sandy areas	10	160.5	30	40	150	250	1.20	1.60	6.02	10.0
Silty areas	10	160.5	100	200	600	2000	4.01	8.02	24.1	80.2
Drainages	10	160.5	30	40	100	400	1.20	1.60	4.01	16.0
Mixed Terrain	70	1123.5	60	100	300	800	16.8	28.1	84.3	225
Total	100	1605.0					23.2	39.3	118	331

4.1.1. Monitoring and Mitigation

Nevada Division of Environmental Protection, Air Pollution Control may monitor the OHV race events to observe the production of PM₁₀ fugitive dust.

4.2. Cultural and Historic Resources

The potential for OHV racing to affect cultural and historic resources can occur from human activities associated with the running of the race, such as vehicle operations and in pit areas where people and vehicles may concentrate. Cultural and historic resources may also be affected by ATV and other four wheel drive vehicles attracted to the area after races have been run. These vehicles may cause damage to cultural resources.

A preliminary investigation of the new segments of racecourse was conducted by an archaeologist in February and March of 2009, and no cultural resources were identified on or along the new segments. A Class III cultural resources survey was conducted on the five miles (approximate) of proposed new racecourse in the Oasis Valley area on June 17, 2009, and on the three miles of proposed new racecourse in Blair Junction on June 19, 2009. No significant cultural or historic resources were identified on the new segments in Oasis Valley or Blair Junction. As outlined under environmental protection measures, the proposed action would avoid all eligible or unevaluated cultural resources. Therefore, there would be no impacts to significant cultural and historic resources. No additional mitigation or monitoring is necessary.

4.3. Native American Traditional Values

Various tribes and bands of the Western Shoshone have stated that federal projects and land actions can have widespread effects to their culture and traditions as they consider the landscape as sacred

and as a provider. Various locations throughout the BLM Battle Mountain District administrative boundary continue to host certain traditional, spiritual, and cultural uses and resources.

For this Proposed Action, the BLM has committed to avoiding those eligible and unevaluated archaeological sites discovered and documented during cultural resources inventories. The BLM is also currently in the process of attempting to identify (with the participating tribes) any other sites, artifacts, or cultural/traditional/spiritual activities and resources that might experience an impact.

If any traditional cultural properties, tribal resources/activities, sacred sites, etc. are identified within or in close proximity to the Project activities, a protective “buffer zone” may be acceptable, if doing so satisfies the needs of the BLM, the proponent, and affected Tribe. The size of any “buffer zone” would be determined through coordination and communication between all participating entities.

BLM Cultural Resource Specialists, accompanied by designated tribal representatives, may periodically visit identified cultural resources sites within or near the race course. Native American Consultation and monitoring by the BLM and Tribal Cultural Resource Specialists can occur throughout the life of a project to ensure that any identified traditional cultural properties are not deteriorating.

During the Project’s activities, if any cultural properties, items, or artifacts (i.e., stone tools, projectile points, etc.) are encountered, it must be stressed to those involved in the proposed Project activities that such items are not to be collected. Cultural and archaeological resources are protected under the Archaeological Resources Protection Act (16 United States Code [U.S.C.] 470ii) and the Federal Land Management Policy Act (43 U.S.C. 1701).

Though the possibility of disturbing Native American gravesites within most project areas is extremely low, inadvertent discovery procedures must be noted. Under the Native American Graves Protection and Repatriation Act, section (3)(d)(1), it states that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity, which caused the discovery, is to cease and the materials are to be protected until the land manager can respond to the situation.

4.3.1. Monitoring and Mitigation

Tribal representatives and/or lineal descendants, along with BLM cultural resources specialists, may periodically monitor identified sites (pre-identified or inadvertent discovery of any new site). This monitoring may continue throughout the life of the proposed project.

With the implementation of the protection/avoidance/monitoring measures previously described above, no additional mitigation measures are necessary at this time (pending continued consultation). However, as the race route continues to be utilized and/or new routes are designated, consultation can be re-initiated for the same activity at any time. Depending on observed impacts, monitoring, identified mitigation measures, unforeseen impacts, growth of the event, and continued tribal participation, consultation can occur throughout the life of this particular annual race event.

4.4. Noxious Weeds/Invasive Non-native Species

The August 2009 event date, and subsequent events, would be at the latter part of most plant growth seasons. Plants are likely to be in a seed state thereby increasing the opportunity to spread weeds. Race participants normally clean and maintain their vehicles before and after each event to ensure best mechanical performance. There is the possibility that unwashed vehicles (race, spectator or chase) may distribute plant material from a non-local area.

Most counties, in cooperation with the BLM, are engaged in active weed abatement programs. With the implementation of monitoring, environmental protection and mitigation measures as described, as well as SRP stipulations, the possibility of introducing noxious weeds or invasive and nonnative species would be limited.

4.4.1. Monitoring and Mitigation

Prior to each event, all race vehicles would be inspected by BITD to ensure that they have been cleaned. If any race vehicle was not cleaned, the participant would be subject to penalty and/or disqualification from the event.

Participants would also be encouraged to wash vehicles at the nearest available washing facility between each day of the event.

During the race event, BITD event personnel and BLM staff to include the Outdoor Recreation Planner, Law Enforcement Rangers and other resources specialists would be present at starting points and at various locations along the racecourse to monitor race activities and to ensure that event personnel and participants are complying with SRP stipulations and mitigation.

4.5. Threatened , Endangered and Special Status Species

The proposed race course is not located in critical habitat or an Area of Critical Environmental Concern (ACEC), and is located on entirely within low density category 3 tortoise habitat. No loss of habitat would occur as a result of this action as it would be limited to an already disturbed narrow corridor that constitutes existing course, roads and washes, and disturbed areas to be occupied by spectators and pit crew members. Strict compliance with the Bureau's race stipulations would prevent any loss or degradation of habitat outside of disturbed areas.

Tonopah Field Office conducts Section 7 Consultation with the U.S. Fish and Wildlife Service and abides by guidance provided in the biological opinion for the Bureau's Resource Management Plans.

The BLM and BITD would monitor the participants of the event. The U.S. Fish and Wildlife Service (USFWS) Biological Opinion (File No. I-5-98-F-053 as amended) analyzed the impacts of actions addressed in the Bureau's Resource Management Plan, including non speed portions of speed based events. The USFWS determined that the authorization of events such as this one in conformance with the Terms and Conditions of the Biological Opinion would not jeopardize the continued existence of the desert tortoise. Implementation and monitoring of the Biological Opinion Terms and Conditions and the Special Recreation Permit Stipulations would reduce the chance of impacts to biological and botanical resources.

4.5.1. Monitoring and Mitigation

Based on the impact analysis and with the implementation of the mitigation and SRP stipulations in Appendix B Appendix B, *Special Recreation Permit Stipulations* as outlined, no additional mitigation would be required for threatened and endangered species.

4.6. Special Status Species

BLM Sensitive Species

It is unlikely that the occurrence of the off-road race would have measurable adverse effects if any due to the known life history of the Amargosa toad, when combined with the specific parameters and restrictions of the “Vegas to Reno Race”. The Amargosa toad breeds in early spring, generally in the months of March through April. The toad relies on standing surface water in which to lay its eggs. Tadpoles hatch from the eggs and are strictly aquatic until they morph into terrestrial sub-adult toads. Tadpoles have been observed as late as July. The race would occur from mid to late August. This would have the race avoiding the breeding season entirely. Furthermore, no portion of the race route actually crosses any standing water in proximity to known toad habitat. The Amargosa toad is recognized to primarily forage at night, and rest underground during the day in abandoned rodent burrows, especially when it’s hot. The Race would run for one day through this area, during daylight hours, and primarily during what is the hottest time of the year. It is likely that few toads, if any, would be moving along the race course at this time. Racers are confined to a preexisting, established race route in this area, minimizing the potential for further toad habitat degradation or loss due to racer participation.

Although it is possible that toads could be impacted by the one day race, there have been no official reports of individual toads being injured or killed historically as a result of this event. The proposed action could affect the movements of bighorn sheep to resources (plant communities, water) for a short term period of time. This temporary displacement should have no adverse effects on sheep movements and habits.

Collisions between a bighorn sheep and vehicle are possible, but remote. There have been no incidents of animal collisions during any of the previous race events. In the unlikely event of an animal collision, the incident would be reported immediately to the BLM or NDOW in order to remedy aid or reduce suffering. Race participants would be informed to areas that encounters may take place. They will be asked to yield to any wildlife encountered along the race route.

There is no new route proposed in sage-grouse habitat, therefore there should be no loss or destruction of sage-grouse habitat. There are no lek sites near the race route that would be affected. The event does not pass by any wet meadows where sage grouse would congregate or critical habitat. No adverse effects to sage-grouse are expected due to the proposed action.

The race route does not cross any known pygmy rabbit habitat, no impacts are expected.

Burrowing owls are tolerant of human activity. However, this species experiences elevated levels of collision with OHV’s when they intersect with owl burrows (Jeffers 2008). Human activity can also destroy burrowing areas. Fragmentation of habitat is an issue (www.natureserve.com). Impacts to burrowing owls are expected to be no greater than ambient levels associated with general road traffic. Participants would string out and separate along the course and not be tightly bunched. Participants would also likely stay near the center of the course for stability. These two

factors would reduce the possibility of collision with burrowing owls. Loggerhead shrikes are not particularly affected by human disturbance (Floyd et al 2007; www.natureserver.com

Although some raptors and songbirds might notice the noise and activity, and some might be displaced for a short period of time, there wouldn't be more than a minimal impact on these BLM sensitive species. The race activity at any given point is of extremely short duration and /or limited numbers of OHV's so that disturbance would be minimal.

Although some of the bat species use habitat located along the race route, active/foraging time would not conflict with race activity.

4.6.1. Monitoring and Mitigation

Based on the impact analysis, and with the implementation of the mitigation, environmental protection measures and SRP stipulations in Appendix B Appendix B, *Special Recreation Permit Stipulations* as outlined in the EA, no additional mitigation would be required for special status species.

4.7. Migratory Birds

If an OHV race event was proposed during the active nesting and breeding season, impacts could occur. Disruption of the active nests of any migratory bird species would constitute a violation of the MBTA.

The Proposed Action, with the exception of nine miles of new segment, is located on existing roads and trails, and would not further fragment the habitats of migratory birds. The Proposed Action would occur outside the breeding and nesting season dates of May 1st through July 31st, therefore there would be no impacts to breeding or nesting migratory birds. The nine miles of new segments is not located in riparian or upland habitat, which could potentially have active nests late into August.

Potential impacts would be eliminated or reduced based on the specified monitoring and mitigation measures, and restrictions on surface disturbance within the breeding and nesting season. Individual birds temporarily disturbed from foraging or other non-nesting uses would move to another area or would return as soon as the race event was out of the area.

4.7.1. Monitoring and Mitigation

Racing would occur upon established roads, trails and washes available for motorized use and participants would adhere to the predetermined, authorized, and pre-flagged route.

Race events would occur outside of the identified nesting and breeding season for migratory birds. If an event was to be scheduled during the nesting and breeding season, the permittee would be required to have surveys for migratory birds conducted prior to the event being permitted.

During the race event, BITD event personnel and BLM staff to include the Outdoor Recreation Planner, Law Enforcement Rangers and other resources specialists would be present at various locations along the racecourse to monitor race activities and to ensure that participants and spectators are not harassing or collecting wildlife, and are not driving outside of the approved racecourse and existing roads.

Based on the impact analysis, and with the implementation of the mitigation as described, no additional mitigation would be recommended for migratory birds.

4.8. Waste – Hazardous/Solid

Race vehicle fueling, lubrication and repairs are most likely to occur within the designated pit locations. These activities are strictly managed through race and BLM permitted event stipulations to eliminate or minimize spills and leakage onto the ground. Spill kits would be available at pit locations, and if a spill occurs it would be contained and cleaned up immediately. Contaminated soils and materials used to clean up a spill would be treated as hazardous waste and would be removed from the project area and disposed of in a state, Federally, or locally designated area approved for hazardous waste. If a vehicle is broken beyond repair, it is loaded onto a trailer and hauled to a garage.

Materials such as trash and litter would be removed from pit areas and staging areas immediately following the race. Tires and other vehicle debris would be removed from the race course, pit areas, and staging areas immediately following the race. All solid waste would be removed and disposed of in an approved landfill. Under the proposed action there would be no impact from hazardous or solid waste, or the spill of petroleum products.

4.8.1. Monitoring and Mitigation

Based on the impact analysis and with implementation of the mitigation measures and SRP stipulations in Appendix B Appendix B, *Special Recreation Permit Stipulations* as outlined in the EA, no further mitigation would be required for hazardous and solid wastes.

4.9. Human Health and Safety

Measures are taken each year to improve the safety of the event for participants and spectators. There have been few known collisions among participants, spectators, wildlife or livestock

Most abandoned mines and mining related equipment have been adequately fenced to prevent or reduce human intrusion. Where the race route passes near a potential hazard, the area would be clearly marked with brightly colored banners and/or painted plates commonly used to advise racers of a hazard on the racecourse. Warning signs would be posted by the proponent at all mine shafts and other hazards areas identified within 100 feet of the race course and pit/spectator areas. Event participants and crews would be verbally warned of these hazards prior to start of the event.

4.9.1. Monitoring and Mitigation

BITD would be responsible for containing and monitoring pit areas and check points to ensure the safety of spectators and event participants.

The proponent is responsible for identifying any hazards and informing the race teams, participants, and spectators of the hazards near the race course.

In order to ensure the safety of race participants, pit crew members, and the general public, BITD would provide the BLM with a written plan for emergency services that would include aid and

evacuation procedures, emergency notification numbers and procedures, as well as the location and types of rescue equipment and personnel that would be available.

Additional health and human safety measures are detailed in the SRP stipulations in Appendix BAppendix B, *Special Recreation Permit Stipulations*.

4.10. Fire Management

The fire danger rating may be low to high during an event. Should drought conditions prevail, dry grass and brush may provide fuel should an ignition occur. The potential of igniting the cured vegetation would exist during the course event through the burned area of the Beatty Fire. The 2009 winter precipitation events in this portion of the Mojave Desert were favorable which yielded a flush of annual grasses and forbs in addition to the present biomass.

Implementation of the Proposed Action would be coordinated with the BLM's BMD fire staff in order to ensure the safety of the communities, racers and spectators during all periods of the race. With the fire environmental protection measures to be implemented under the Proposed Action and the fact that no previous race events have caused any wildland fires and the Project Area would continue to be accessible, no impacts to fire management are anticipated. In addition, reclamation measures include seeding that may be more favorable to fire avoidance and suppression in the long term.

4.11. Lands Use Authorizations

The racing event is to occur on established roads, trails, and washes available for motorized use.

The race would temporarily (3-4 hours/day for up to 3 days) restrict access to mineral exploration and mineral material projects close to the race route. Mineral operators would be notified of the scheduled race date and times prior to the event. The proposed race, with a large number of race vehicles traveling down the roads at high speeds, would impact the quality of the roads and post race use of the access roads would be affected. Following the completion of the race all access roads would be returned to pre-race or better condition to allow operators access to their mineral projects.

County roads that would be used for this event have been recognized by Esmeralda or Nye County by their road supervisors and reported to the event promoter. Compensation or a road maintenance agreement for use of the county right-of-way or prescriptive use road would be utilized to perform reclamation of roads that would be impacted.

Right-of-way holders: Overhead utility poles, guy wires, or other improvements associated with the utility line may represent a hazard to the racer. If these obstacles are present within 10 feet of the race course, they would be flagged and barricaded to reduce the opportunity for collision or injury to racer or to facilities that may be impacted.

Rural and urban areas: Private property owners would be notified by the event promoter well in advance of the event date. Use agreements and permits would be developed and obtained between the promoter, land owners, and managers. The use of an existing public road or route "as is" merely for the purpose of gaining access to a filming location, is casual use and requires no special authorization. No additional mitigation would be necessary.

4.12. Recreation

Other recreational activities such as mountain biking, horseback riding, and non-race event motorized use could be restricted.

Recreational users who might seek to use the area during the days of the race would be temporarily inconvenienced. Such a displacement is expected to be negligible. Some hunting activities may be displaced due to noise, access, and wildlife movement during race days. The effects to hunting and other recreational activities would be temporary.

4.12.1. Monitoring and Mitigation

Monitoring has been done for pre-race assessment and would be done both during the race days and also a post-race assessment would be done. The only anticipated mitigation would be for road rehabilitation, which would also be required for other resource mitigation measures, but also to ensure continued access for other forms of recreation along and crossing the proposed race route. No other forms of mitigation for recreational resources would be required.

4.13. Socioeconomics

Providing more outdoor type recreation opportunities is one way the State of Nevada and small population base counties are trying to diversify and improve the local economic situations. Spending estimates vary from \$25 to \$500 (not including race entry fees) per person per day during the conduct of special events. Increased spending levels may occur at start and finish locations during pre and post event activities. Visitors may participate in gaming and entertainment activities at cities and towns at the start and finish areas. Economics along the route corridor are likely associated with food, fuel and overnight accommodations at local hotels and motels. The estimated number of entrants for the event would be 250 to 300. Entrants would bring along family and support crews for the duration of the event. Spectators would be drawn primarily to the start and finish locales. Lesser numbers of spectators would be attracted to each of the pit areas along the route. There could be as many as 200 spectators at the start and finish areas and approximately 25 to 100 spectators at pits and check points along the way.

Under the Proposed Action the socioeconomic effects of this event would be short term, and no permanent jobs would be created as a result of the Proposed Action. As previously described, the Proposed Action would provide a range of annual economic benefits to communities from event participants and spectators purchasing goods from local retailers, staying at motels or hotels, and eating at local restaurants. No mitigation would be necessary.

4.14. Soils

Blowing dust from loosened soils as a direct result of vehicle travel could occur over a majority of the race route. Wind erosion potential for soils in the area of the proposed event varies from slight to severe. Dust may be most noticeable where very soft or loose soils occur. Spectator and chase vehicle traffic on accessory dirt roads and pit areas could contribute to soil disturbance.

Water erosion potential is slight to moderate along the route. Soils are of such a nature that either they are well drained or have a high propensity for ponding. If ponding occurs along the racecourse, it may force participants to go around the low spot or to drive through the puddle

which may contribute to road rutting. Extremely wet conditions could generate moderate to deep ruts and lead to road widening to avoid deeply trenched sections or standing puddles.

Adverse effects to the road surface could potentially occur where the road surface is loose or soft. Loose and soft soils tend to be displaced to the side and center of the racecourse. Soil displacement enhances the appearance of tire ruts, turns, and high center berms. Wash boarding on the road surface may develop where the base road surface is solid and there is a loose surface cover of sand or gravelly loam. Wash boarding may be most noticeable where vehicle speed is moderate. Less wash boarding occurs where race speeds are fast.

Wheel wobble bumps may develop where soils are soft and more engine power is applied. These impacts are likely to be scattered along short segments of the racecourse. Rocks could be loosened along cobble segments.

Road effects are dependent upon soil type and obstacles along the road segment, soil moisture during race use, whether the route segment is an uphill, flat, or downhill direction, and the type of race vehicle. Silty soils may be displaced when wet or dry clay soils become compacted or may rut when damp or saturated.

Smaller vehicles, such as ATV's and motorcycles, have little or no effect on the roads due to light weights, low tire pressure (ATV – dispersed footprint) and narrow tire area. Dune buggies and stock trucks have a moderate effect on roads. Class 8 trucks may have a more substantial effect on roads due to being larger, heavier vehicles, more powerful engines, and aggressive tires tread patterns.

Straight, graded road segments can usually be raced at high speed (60 to 120+ mph). Impacts are minimal except where a high speed turn is required or where the soils are loose or the vehicles' tires power through the packed surface. These segments may also be susceptible to wash-boarding and wheel wobble bumps. Vehicle passing could occur at the wider segments of the roads.

Side ditches along Type 1 and 2 roads could become rounded by vehicle travel or filled as a result of displaced soils. A post event inspection would be conducted by the BLM and BITD, and identified damaged areas would be repaired by the permittee

Monitoring over the past ten years has revealed that the race route combinations have stabilized. Some routes have been temporarily removed from the pattern due to private ownership transitions and resource inventory recommendations. This has increased the pressure on the existing route system.

4.14.1. Monitoring and Mitigation

Racing would occur upon established roads, trails and washes available for motorized use and participants would adhere to the predetermined, authorized, and pre-flagged route.

An annual pre-race evaluation of the racecourse would be conducted by the BLM Outdoor Recreation Planner using photography and/or videotaping in order to assess pre-race route conditions and provide a baseline for the post race evaluation.

During the race event, BITD event personnel and BLM staff to include the Outdoor Recreation Planner, Law Enforcement Rangers and other resources specialists would be present at various locations along the racecourse to monitor race activities and impacts. If course cutting or driving

off course should occur, event and BLM personnel would quickly disqualify the participant. Checkpoints would be established along the racecourse to monitor participants and prevent short coursing and driving off course.

A post race evaluation would be conducted by the BLM and the permittee following completion of each event, and the permittee would be required to grade, rip, and reseed any areas that were determined to be in need of rehabilitation as a result of the events. Additionally, mitigation measures for road condition would include, per SRP stipulations, required blading of specific race route impacted sections to pre-race conditions. Locations of rehabilitated areas or reclaimed roads would be documented using a Global Positioning System (GPS) and these areas would be photographed or videotaped to evaluate the success of reclamation efforts and the need for any additional work.

These pre and post race evaluations would ensure that reclamation and reseeding efforts are successful in stabilizing any area identified as damaged.

4.15. Wildlife

It is expected that local wildlife individuals may be temporarily displaced due to noise and constant vehicular traffic. Some destruction of microhabitat may occur. Most animals would not be excluded from water sources as alternate sites are available. Displacement could last up to 12 hours. Small animals could be run over or their burrows temporarily affected by someone driving on them. However, with the mobility of these species and the relatively widespread populations in the vicinity, it is expected that this type of wildlife mortality would be negligible compared to the populations as a whole.

Collisions between large wildlife species and vehicles are possible, but remote. There have been no incidents of animal collisions during any of the previous race events. In the unlikely event of an animal collision, the incident would be reported immediately to the BLM or NDOW in order to remedy aid or reduce suffering. Participants will be asked to yield to any wildlife encountered along the race route. No additional mitigation would be recommended.

4.16. Wild Horse and Burro

The proposed action would not directly have an effect on wild horses and burros because they would avoid the racecourse due to vehicle noise and the presence of humans. Wild horses and burros could utilize vegetation and water resources in multiple locations. With the exception of the nine miles of new segments, the race would occur entirely on existing roads. There would be no loss of forage along the proposed race course, including the nine miles of new segments, and no impacts to the forage available within HMA's.

At the conclusion of reclamation the seeding of recontoured roads may introduce favorable forage species. If in the vicinity of the race course, horses would be displaced from the area upon the arrival of the first vehicle. Animals would likely move a reasonable distance away from the course. Animals would not be restricted from food or water. Since the race is in August, colts born in the spring (March to early June) would be strong enough to accompany the parent and would not be orphaned or abandoned.

Collisions between a wild horse or burro and vehicle are possible, but remote. There have been no incidents of animal collisions during any of the previous race events. In the unlikely event of an

animal collision, the incident would be reported immediately to the BLM in order to remedy aid or reduce suffering. Race participants would be informed to yield to any horses or burros on or near the race course. Race participants and spectators would be informed not to harass wild horses or burros if encountered along the race course or at pit areas and check points. There would be no impacts to wild horses and burros as a result of the Proposed Action.

4.16.1. Monitoring and Mitigation

Based on the impact analysis, and with the implementation of the mitigation measures and SRP stipulations in Appendix B Appendix B, *Special Recreation Permit Stipulations* as outlined in the EA, there would be no need for further mitigation.

4.17. Noise

A study performed by the US Forest Service found that noise associated with motorcycle use at 101 dba was audible to humans for distances up to one half mile and also found that “no direct physiological effect on animals in the area could be expected from the motorcycle sounds (United States Department of Agriculture, 1993)”. Nevada does not have a noise regulation for OHVs. Based on this study, the type of machines most likely utilized during the proposed race, and topography of the project area surrounding the proposed race route, it is assumed that a typical machine using the proposed race system would produce sound that could influence wildlife an average radius of one quarter mile (125 acres) along the proposed race route. It is expected that local wildlife may be temporarily displaced due to noise generated from race vehicular traffic within the one quarter mile race route impact radius. However, the proposed action is temporary, lasting up to 3 days. Wildlife would return once race vehicles are no longer in the area. Wildlife could utilize vegetation and water resources in multiple locations. The proposed race would alternate to different routes from day to day so that noise impacts and associated wildlife displacement would not be concentrated in the same area during the race events. Race participants and pit crews would wear ear protection and spectators would be informed by the proponent about noise safety precautions near pit areas.

With the implementation of monitoring, mitigation measures as specified, as well as SRP stipulations in Appendix B Appendix B, *Special Recreation Permit Stipulations* there would be minimal impacts to resources from noise generated as a result of the proposed action.

4.17.1. Monitoring and Mitigation

If the BLM determines that noise generated as a result of proposed race activities is excessive, the BLM may initiate mitigation to reduce these impacts. Possible mitigation may be slight alterations of the race route, changing race starting times, or longer intervals between vehicle start times.

4.18. Visual Resources

The Proposed Action would result in short-term visual impacts principally affecting the visual elements of line and color. Dust clouds generated from vehicles may be visible from long distances. Monitoring of previous events has revealed that race produced dust is short term and is usually carried only a short distance vertically (upward approximately 50 – 100 feet) and horizontally (sideways approximately 50 – 300 feet) from the source. The impacts would also be

reduced by staggering vehicle starts, reducing to prudent speeds around road crossings and any residences. Additionally, visual resource impacts would be minimal due to the fact that the vast majority of the course would take place on existing roads or trails. The effects of the Proposed Action on visual resources would be consistent with BLM prescribed Class III and IV VRM objectives. No mitigation would be recommended.

4.19. No Action Alternative

Under the No Action Alternative, none of the impacts associated with the Proposed Action would occur. However, ongoing activities currently permitted such as livestock grazing, minerals exploration and extraction, and other recreational activities would continue to occur throughout the proposed race course route. Impacts associated with these continued activities would be similar to those described under the proposed action, except proportionately less.

4.20. Cumulative Effects

According to the BLM handbook H-1790-1, National Environmental Policy Handbook (2008), the “purpose of cumulative effects is to ensure that Federal decision-makers consider the full range of consequences of actions”, for the proposed action and alternatives to include the No Action Alternative. BLM Information Bulletin No. 94-310, Guidelines for Analyzing and Documenting Cumulative Impacts (1994), states that the analysis can be focused on those issues and resource values identified during scoping that are most likely to be impacted. The issue and resource value of major importance or public concern, which would be analyzed for cumulative effects include air quality, cultural resources, Native American traditional values, threatened and endangered species, special status species, migratory birds, invasive / non-native species, recreation, visual resources, noise, health and human safety, socioeconomics, soils, vegetation, and wild horses and burros.

Cumulative impacts result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative impacts could result from individually minor, but collectively significant actions, taking place over a period of time (Council on Environmental Quality, Regulations for Implementation of NEPA, 1508.7).

The cumulative effects study area (CESA) as indicated in Appendix A. The CESA for socioeconomics is Nye and Esmeralda Counties. The cumulative effects analysis must include past, present, and reasonable foreseeable future actions that would affect the resource being discussed. The analysis must take into consideration all actions, to include Federal and non-Federal, which have occurred, are on-going, or have the potential to occur in the reasonably foreseeable future. A discussion of past, present, and reasonably foreseeable future actions follows.

4.20.1. Past Actions

With the exception of nine miles of new racecourse segment, the proposed racecourse has been used annually for similar OHV race events since 1996. Recreation, livestock grazing operations, and minerals exploration and extraction have led to the creation of motorized vehicle routes. The growth in population and growth in the use of OHVs for a variety of needs has resulted in the improved motorized access within the planning area.

Livestock grazing, wildlife use, maintenance of existing roads, recreation, and mineral exploration and extraction have all led to the introduction and spread of noxious and invasive weed species into the project area.

4.20.2. Present Actions

Recreation for a variety of activities within the study area is growing. This can most likely be attributed to the exponential growth of other areas of Nevada as well as ads placed by Nevada Commission on Tourism targeting outdoor recreation in rural Nevada. This has led to an increase in impacts on wildlife, socioeconomics, soils, vegetation, riparian areas and other public land users associated with higher levels of recreation use, particularly OHVs. Increased recreational use, minerals exploration and extraction, and activities associated with livestock grazing has resulted in the construction of new roads and increased maintenance of existing roads.

Activities associated with livestock grazing, minerals exploration and extraction, and other recreational activities occur throughout the proposed racecourse route.

Livestock grazing, wildlife use, wild horse use, recreation, maintenance of roads, woodcutting, and recreation all contribute to the spread of noxious and invasive weed species throughout the study area.

4.20.3. Reasonably Foreseeable Future Actions

Each year, more individuals are purchasing off highway vehicles (OHVs) and coming to areas managed by the BLM to ride or drive OHV's. BLM lands are beginning to become known for OHV use, which includes ATVs, dirt bikes, dune buggies and four wheel drive vehicles. With or without the proposed race, more people could be coming to the area to participate in outdoor recreation activities.

This OHV race event has taken place on the same racecourse since 1996, and it is possible that it may continue to be proposed annually over the next five years or more. It is important to allow such events to occur on existing roads in order to protect vegetation and other important resources in areas where roads do not exist.

OHV use and other recreation would continue in the proposed racecourse area. There is the possibility that visitors associated with the proposed race may return to the area and ride or drive along portions of the course. This could bring an increase in OHV and other recreational use.

Livestock grazing, wildlife use, maintenance of existing roads, as well as mineral, geothermal, and oil and gas exploration uses would continue.

4.20.4. Cumulative Effects of the Proposed Action by Resource Value

4.20.4.1. Air Quality

Past and Present Actions: Present actions within the CESA that are likely to be contributing to air quality impacts include fire fuels treatments, dispersed recreation, minerals exploration, mining activities, and transportation activities. These activities are principally contributing particulates

matter emissions to the air quality impacts; however, products of combustion are also emitted. The affect of these emissions is to establish the current air quality within the CESA.

RFFAs: RFFAs within the CESA that may contribute to emissions include dispersed recreation, mining operations and exploration, aggregate operations transportation, and wildland fires. These impacts include a potential decrease in air quality from the emissions of particulate matter and the products of combustion.

Cumulative impacts to air resources within the CESA would result from the present and RFFAs when combined with the Proposed Action. However, the incremental contribution of the Proposed Action's particulate and combustion emissions would be comparatively small and the cumulative emissions are temporary in nature, generally dispersed and the stationary sources would be regulated by the BAPC to ensure that impacts would be reduced to levels that are consistent with the ambient air quality standards.

4.20.4.2. Cultural Resources

Past Actions: Impacts to cultural resources could have occurred from recreation due to incidental collection of artifacts on public lands, and from inadvertent destruction of artifacts during mineral exploration and mining. Past impacts from recreation cannot be quantified. Historic mining in and around the proposed race route has created new cultural resources.

Present and Proposed Actions: Present actions that could affect cultural resources within the CESA (the project area) include the current notice-level drill pad and road disturbance by GSC, public recreation and cattle grazing. For the Proposed Action, the new race course segments were surveyed for cultural resources.

RFFAs: Future exploration or mining projects may happen within the CESA. Cattle grazing and dispersed recreation are other RFFA's within the CESA.

Other potential impacts to cultural resources, such as non race off-road recreation and cattle grazing, cannot be quantified but are likely to be small. Any possible future mining operation would be subject to the same laws for protection or mitigation of impacts to cultural resources within the CESA (project area). A new mine would either avoid or mitigate impacts to cultural resources through further recordation and analysis or by curation. As outlined under environmental protection measures, the proposed action would avoid all eligible or unevaluated cultural resources. Therefore, there would be no impacts to significant cultural and historic resources. The proposed project, combined with past, present and RFFA would not contribute to cumulative impacts to cultural resources.

4.20.4.3. Native American Traditional Values

BLM and the tribes have witnessed a recent increase in the use of lands, administered by BLM, by various groups, organizations, and individuals. New ways to utilize the land are also on the rise. Grazing; pursuit of recreation opportunities; hunting/fishing; Oil, Gas, Geothermal, and mining leasing, exploration and development; along with relatively "newer" uses such as OHV, interpretive, and "mountain biking" trails, are among many activities that are on the rise within the BLM Tonopah Field Office Administration Boundary. In addition to all the existing, growing, and developing uses of the public lands, OHV use may contribute to the general decline in sites

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and associated activities of a cultural, traditional, and spiritual nature (depending on location of proposed activities and time of use).

It is believed that cultural resources, including tribal resources and sites of cultural, traditional, spiritual use and associated activities are increasingly in danger of losing their physical and spiritual integrity. As populations grow, public interest in utilizing lands administered by the BLM (which operates under a multiple use mandate) increases and thus the potential for the decline of culturally sensitive areas also increases. Different world views, methods of resource utilization, and social and spiritual practices and beliefs often conflict with each other. Because the traditional lands of the Western Shoshone encompass the majority of the State of Nevada, including the BLM Tonopah Field Office administrative boundary, it is imperative that BLM and affected Tribes remain flexible and open to productive and proactive communication in order to assist each other in making decisions that may reduce or eliminate any adverse affects to all party's' interests, resources, and/or activities.

Tribal access to the area would be maintained and use throughout the project area would continue. However, race related activities and an increased human presence may increase the level and type of impacts within or near the project area and therefore, project specifics should be presented to the affected tribal entities for further analysis as the race continually occurs. Tribal entities would be able to attend site visits and comment on race associated activities and impacts. Race activities may be adjusted to accommodate Native American concerns. Potential effects to tribal areas of concern and any previously unknown tribal resources that may be discovered during race activities would be mitigated in accordance with NHPA, ARPA, and NAGPRA. The proposed action, in combination with outlined mitigation measures including avoiding riparian areas and other sensitive sites, continued opportunities for consultation, inventorying for cultural resources, avoiding sites through race route design, encouraging race use on established roads and trails, and monitoring for levels of use and compliance, would not significantly contribute to cumulative impacts to Native American Traditional Values or lifeways within the study area.

4.20.4.4. Noxious Weeds/Invasive Non-Native Species

Past Actions: Past and present actions with impacts created by noxious weeds, invasive and non-native species include mining, mineral exploration activities, grazing, road maintenance and recreation. Currently, mining, mineral exploration, livestock grazing, hunting and off-highway driving are the uses that in combination with the proposed action have the greatest potential for contributing to the spread of invasive non-native species. The livestock grazing management system within the project area and the attainment of wild horse AML would lead to the improvement of invasive non-native species resources. Some reasonable foreseeable future actions such as the development of riparian exclosures, invasive weed treatments, fencing, wildfire rehabilitation and vegetation rehabilitation treatments would improve invasive non-native species resources.

Present and Proposed Actions: Past and present actions with impacts created by noxious weeds, invasive and non-native species include mining, mineral exploration activities, grazing, road maintenance and recreation. The proposed action could lead to increases in invasive non-native species in the area due to the increase in recreational use.

RFFAs: Potential impacts from noxious weeds, invasive and non-native species as a result of mining, mineral exploration activities, grazing, road maintenance and recreation or loss of

vegetation associated with wildland fires could occur, and result in continued potential for noxious weeds, invasive and non-native species infestation.

This increase in recreational use increases the possibility for the spread of existing infestations and the introduction of new species from outside of the project area. However, various mitigation and environmental protection measures are included as part of the proposed action which would reduce these impacts. These measures include following established best management practices for invasive species management including pre-race monitoring and treatment, post-race seeding, and additional monitoring following race use. Invasive plant, noxious weed and pest awareness and prevention education techniques would also be utilized to increase the awareness of OHV race users. The No Action alternative could also lead to an increase in invasive non-native plant species in the area due to the expected natural increase in dispersed recreation activity within the assessment area, including OHV use. The proposed action in combination with mitigation measures would result in minimal cumulative impacts to invasive non-native species. Mitigation measures include avoiding known infestations, monitoring for new infestations, seeding, and restricting racers to use established trails and providing information to visitors regarding the sensitivity of wildlife and wildlife habitat.

4.20.4.5. Wildlife (including Threatened and Endangered Species, Special Status Species and Migratory birds)

Past and Present Actions: Past and present actions that are likely to have impacts to wildlife (including migratory birds and special status species) include mining, mineral exploration, aggregate operations, fire management, wildland fire, road maintenance, transportation networks, dispersed recreation, and railroad activities. These activities are likely to have impacts to water resources and wildlife habitat, or result in direct impacts to individuals in travel routes. Reclamation has been performed on a number of the minerals exploration projects in the CESA, which has resulted in early stages of vegetation reestablishment and habitat restoration.

RFFAs: Potential impacts to wildlife from mining, mineral exploration, grazing, aggregate operations, fire management, road maintenance, transportation networks, dispersed recreation, railroad activities, or loss of habitat with potential wildland fires could occur. In addition, noise could affect wildlife.

The livestock grazing management system in place for the Allotments within the assessment area and the attainment of wild horse AML would lead to the improvement of wildlife habitat. The establishment of wildlife guzzlers, vegetation rehabilitation treatments, reclamation of abandoned mine lands, riparian exclosures and invasive weed treatments would be beneficial to wildlife habitat within the assessment area.

The proposed action would likely have an impact on wildlife by increasing the number of recreational users of the area during the summer/fall use season. The majority of the expected OHV use would occur on high-use weekend days during the summer. The proposed action mitigates cumulative impacts to wildlife by avoiding riparian areas and other sensitive wildlife habitat, discouraging use during winter and spring which are key seasons for population health and when impacts to wildlife species would be the greatest, encouraging visitors to use established trails and providing information to visitors regarding the sensitivity of wildlife and wildlife habitat. Impacts to migratory bird nesting would be mitigated by discouraging use of migratory bird habitat from April through June and requiring migratory bird nesting inventories for any construction activities that were to occur before July 15th.

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The impacts to wildlife or their habitat from the Proposed Action in combination with past and present actions and RFFAs would be minimal. Impacts would also be reduced with the implementation of the environmental protection measures outlined.

4.20.4.6. Waste – Hazardous and Solid

Past and Present Actions: Past and present actions within the CESA that may have caused impacts from solid or hazardous waste include mining activities, mineral exploration, oil and gas exploration and dispersed recreation. Mining and minerals exploration activities have and continue to be subject to applicable state and federal regulations which govern solid and hazardous waste disposal.

RFFAs: Reasonably foreseeable future actions within the CESA that may contribute to impacts from solid or hazardous wastes include continued mining activities, mineral exploration, oil and gas exploration, dispersed recreation, and future occurrences of the proposed OHV race event. Mining and exploration activities would continue to be subject to applicable state and federal regulations which govern solid and hazardous waste disposal.

Impacts from the Proposed Action could occur from solid waste generated during the event, and the use of petroleum products and the lubrication and repair of race vehicles along the racecourse at designated pit locations could result in the spill or release of petroleum products and the contamination of soils. However, environmental protection measures, including solid waste cleanup procedures, storage of materials in proper containment, and spill cleanup and notification procedures would be implemented.

Cumulative impacts from solid or hazardous waste within the CESA would result from any past, present and RFFAs which generate solid or hazardous waste when combined with the Proposed Action. Due to the regulation of solid and hazardous waste disposal and implementation of the environmental protection measures SRP stipulations that would be implemented for the Proposed Action, cumulative impacts would be minimal.

4.20.4.7. Human Health and Safety

Past and present Actions: Past and present actions within the CESA that are likely to be contributing to health and human safety impacts include fire fuels treatments, dispersed recreation, past OHV race events, wildland fires, minerals exploration, mining activities, and transportation activities. No race spectators have ever been injured in the events history, and there have been no vehicle collisions with any members of the general public attributed to activities associated with the race. There has never been a wildland fire started as a result of the race event or contributable to any activities associated with past race events. Other present activities that are likely to have impacts to human health and safety include mining, mineral exploration, aggregate operations, fire management, wildland fire, road maintenance, transportation networks, dispersed recreation, and railroad activities.

RFFAs: Potential impacts to health and human safety from mining, mineral exploration, grazing, aggregate operations, fire management, road maintenance, transportation networks, dispersed recreation, railroad activities, or loss of habitat with potential wildland fires could occur. Cumulative impacts to health and human safety within the CESA would result from the past, present, and RFFAs when combined with the Proposed Action. However, cumulative impacts

to health and human safety would be limited due to the implementation of the environmental protection measures and SRP stipulations as outlined in the EA.

4.20.4.8. Land Use Authorization, Recreation

Past and Present Actions: Past and present actions that could impact recreation would have been limited and may have included mining exploration operations, road construction and maintenance, ranching operations (grazing), ROWs, or wildfires that may have impeded access or reduced recreation opportunities. There are no specific data that quantify impacts to recreation from grazing, ROWs, or roads.

RFFAs: Potential impacts to recreation from grazing, road construction and maintenance, ROWs, minerals activities, and potential wildfires could occur. There are no specific data on the potential impacts to recreation from grazing, rights-of-way (ROWs) or roads. Reasonably foreseeable mining activities include pending Notices and plans of operations; however, there are no pending Notices or plans of operations other than the Proposed Action within the Land Use and Access CESA. The Project would not limit access for private land owners or recreation; therefore, the only potential impacts would be as a result of noise and activity in the area. The primary use in the CESA includes access for private land owners, ranchers with grazing rights, off-highway vehicles (OHV)/motorcycle use, and hunting. These activities are unlikely to be impacted by noise and human presence in the area. Based on the above analysis, impacts to land use and access from the Proposed Action in combination with the past and present actions and RFFAs would be minimal.

There is little appreciable potential for the Proposed Action to have substantial cumulative impacts from past, present and RFFAs to realty actions within the Assessment Area.

Impacts to existing ROWs may occur as a result of disturbance activities such as road construction and future OHV race events. These impacts may cause temporary disruptions to ROW holders, but the FLPMA requires that prior existing rights must be recognized. There is little appreciable potential for the Proposed Action to have substantial cumulative impacts from past, present and RFFAs to realty actions within the Assessment Area. Any impacts to existing ROWs such as physical disturbances or disruptions in use may have to be mitigated by the lessee as described previously and outlined in the SRP stipulations Appendix B, *Special Recreation Permit Stipulations*.

4.20.4.9. Socioeconomics

Past and Present Actions: Present and historic activities within the area of study for socioeconomics (ranching, mining exploration, development, and reclamation, realty actions, recreation, and off-highway vehicle use, fire suppression and rehabilitation) have contributed to the development of the existing rural resource based communities in northern Nevada. Most socioeconomic impacts consisted of the generation of economic activity during agricultural development, mining, and associated commercial activities. The Proposed Action represents a continuation of the types of activities that are currently and have historically affected the socioeconomics of the area. It is reasonable to assume that these activities would continue with the study area.

RFFAs: Specific information regarding the timing, duration, and level of employment is not available for other RFFAs that may occur within the CESA, precluding a comprehensive analysis of potential cumulative socioeconomic impacts. The proposed action does not induce substantial

Chapter 4 Environmental Effects:

Cumulative Effects of the Proposed Action by Resource Value

growth or concentration of population, displace a large number of people, cause a substantial reduction in employment, reduce wage and salary earnings, cause a substantial net increase in county expenditures, or create a substantial demand for public service. It is expected that cumulate and incremental socioeconomic effects of the Proposed Action would be beneficial and not significant.

4.20.4.10. Soils

Past and Present Actions: Past and present actions that could impact soils would include mining activities, mineral exploration, grazing, and dispersed recreation that disturbed or impacted soils, or that increased erosion or sedimentation. Soil disturbance may also have been associated with wildland fires; however, fire rehabilitation and natural revegetation may have occurred in some areas, stabilizing soil loss. There are no specific data that quantify soil loss from grazing or recreation. Some disturbance from exploration and mining is reclaimed and other areas have naturally revegetated, thereby protecting soils.

RFFAs: Potential impacts to soils may result from mining activities, mineral exploration, grazing, dispersed recreation, or loss of vegetative cover associated with potential wildland fires could occur.

Cumulative impacts to soils within the CESA would result from the past, present and RFFAs when combined with the Proposed Action. However, cumulative impacts to soils would be limited due to the implementation of environmental protection measures and SRP stipulations, and monitoring activities that would be conducted during and after the proposed race event. Following completion of the proposed race event, reclamation and reseeding would be required in areas identified during the post race evaluation to restore soils and vegetation to areas damaged by race activities. Based on the above analysis and findings impacts to soils from the Proposed Action in combination with the past, present, and RFFAs would be minimal.

4.20.4.11. Vegetation

Past and Present Actions: Past and present actions that could impact vegetation within the CESAs include mining activities, mineral exploration activities, oil and gas exploration activities, livestock grazing activities, wildland fires and dispersed recreation.

RFFAs: Reasonably foreseeable future actions within the CESAs that may contribute to impacts to vegetation include mining activities, mineral exploration activities, oil and gas activities, dispersed recreation, grazing and wildland fires.

Direct impacts to vegetation could occur as a result of the Proposed Action if race vehicles go off road and crush vegetation. Existing vegetation along the racecourse is widely scattered and any such impacts would be minimal. Environmental protection measures such as monitoring of race participants to ensure that they do not go off of the approved racecourse would be implemented to prevent damage to vegetation. Following the completion of the event an evaluation would be conducted by the BLM and BITD, and any loss of vegetation would be mitigated by reseeding.

The past, present and RFFAs when combined with the Proposed Action could impact vegetation within the CESA. However, due to the temporary nature of impacts associated with the Proposed Action, the relatively small amount of vegetation potentially affected, and the environmental

protection measures and SRP stipulations that would be implemented, the incremental impacts of the Proposed Action when combined with past, present and RFFAs, would be minimal.

4.20.4.12. Wild Horses and Burros

Past and Present Actions: The past and present actions that have and continue to cause impacts to wild horses and burros within the CESAs include dispersed recreation; mining activities; solid and fluid mineral exploration activities; and wild horse and burro gathers.

Potential impacts to wild horses and burros could occur from the reasonably foreseeable future actions that include continued mining activities, solid and fluid mineral exploration, dispersed recreation and wild horse and burro gathers.

The Proposed Action would result in temporary disruption to herds in the CESA. However, the Project shall implement environmental protection measures/mitigation which include: not conducting activities in HMAs during the foaling season; minimizing contact between vehicles, people and animals; and minimizing effects to vegetation with no loss of available forage.

RFFAs: Any planned wild horse gathers and OHV race events are activities expected to impact the future health of the wild horse herd, followed by mining and mineral exploration, and other ongoing activities identified above. Other future activities which could cumulatively impact the future health and free roaming behavior of the wild horse herd within the CESA include vegetation improvement projects, fire suppression and rehabilitation activities, spring enclosures and water development projects, and noxious weed treatment. Drift fences could be proposed in the future which would be constructed along the ridgelines to prevent cattle drift.

The past, present and reasonably foreseeable future actions when combined with the Proposed Action could impact the movement of the wild horses and burros in the CESA. Due to the temporary nature of most actions in the CESA impacting wild horses and burros, the fact the no forage would be lost as a result of the Proposed Action, and environmental protection measures and stipulations associated with the Proposed Action cumulative impacts would be minimal.

Cumulatively, livestock grazing, road maintenance, exploration activities for oil, gas, and minerals, and the proposed OHV Management would impact the quality and quantity of habitat available to wild horses through disturbance or destruction of perennial native vegetation, as well as increase risks for erosion and noxious weed invasion. The No Action is expected to have minimal cumulative impacts to wild horses within the HMAs. Livestock grazing management decisions in recent years in addition to implementation of the established AML, vegetation improvement projects, water developments and noxious weed treatment activities are expected to result in net improvements in wild horse habitat, which would slightly offset disturbances that may occur.

4.20.4.13. Noise

Past actions would have no effect on noise in the study area because noise emissions terminate at the completion of a project or activity. When combined with noise from RFFA's, the cumulative impacts to auditory resources from the Proposed Action would be minimal, especially because these activities are temporary in nature and are spread out over entire race route.

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Value*

4.20.4.14. Visual Resources

Past and Present Actions: Past and present actions that are likely to have impacts to visual resources would have included mining, mineral exploration, aggregate operations, fire management, wildland fire, and dispersed recreation that utilized. Impacts to visual resources also would have occurred as a result of wildland fire and fuels treatments. Reclamation has been performed on some mineral exploration projects and fire rehabilitation projects have been implemented, which has resulted in early stages of vegetation reestablishment and habitat restoration. These actions have created changes in the line, form, color, and contrast within the CESA.

RFFAs: Potential impacts to visual resources from mining, mineral exploration, aggregate operations, fire management, road maintenance, and dispersed recreation could occur. These actions will create changes in the line, form, color, and contrast within the CESA.

Project-related surface disturbance would result in short-term visual impacts principally affecting the visual elements of line and color. Horizontal and shallow diagonal lines from new course segments would cause moderate, temporary line contrasts with the natural landscape. Any disturbance of vegetation would cause moderate, temporary color contrasts. The effects of the Proposed Action on visual resources would be consistent with BLM prescribed Class III and IV VRM objectives. With successful reclamation the incremental cumulative visual impacts from the Proposed Action when considered with the impacts from the past and present actions and RFFAs would be minimal.

Chapter 5. Tribes, Individuals, Organizations, or Agencies Consulted

Table 5.1, “List of Persons, Agencies and Organizations Consulted” list the individuals, organizations and agencies consulted about this proposed race.

Table 5.1. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Date
Timbisha Shoshone Tribe	Consultation	April 17, 2009
Pahrump Paiute Tribe	Consultation	April 17, 2009
Duckwater Shoshone Tribe	Consultation	April 17, 2009
Yomba Shoshone Tribe	Consultation	April 17, 2009
U.S. fish and Wildlife Service (FWS)	Append Biological Opinion	
Nye County	Project Scoping	
Esmeralda County	Project Scoping	
Town of Tonopah	Project Scoping	
Town of Beatty	Project Scoping	
Nevada Department of Transportation (NDOT)	Project Scoping	
Nevada Department of Wildlife (NDOW)	Project Scoping	

Chapter 6. List of Preparers

Table 6.1. List of Prepares

Name	Title	Responsible for the Following Section(s) of this Document
Stacey Antilla	Outdoor Recreation Planner, Tonopah Field Office	Recreation
Eric Williams	Project Manager, Planning and Environmental Coordinator, Tonopah Field Office	Socioeconomics, Environmental Justice, NEPA
Susan Rigby	Archeologist, Tonopah Field Office	Cultural Resources Paleontology
Ken Depaoli	Geologist, Tonopah Field Office	Minerals, Mining
Valerie Metscher	Rangeland Specialist, Tonopah Field Office	Rangeland, Soils, Noxious Weeds, Vegetation, Threatened, Endangered Plants, Farmlands, Floodplains, Riparian
Devin Englestead	Wildlife Biologist, Tonopah Field Office	Wildlife, Threatened, Endangered, Animals, Migratory Birds,
Wendy Seley	Realty Specialist, Battle Mountain District Office	Lands and Realty
Robert Boyd	Air Quality Specialist, BLM Nevada State Office	Air Quality
Gerald Dixon	Native American Coordinator, Battle Mountain District Office	Native American Religious Concerns
Amy Ruhs	Wild Horse and Burro Specialist, Tonopah Field Office	Wild horse and burro
Lisa Walker	Fire, Battle Mountain District Office	Human Health and Safety
Marc Pointel	Rangeland Management Specialist, Tonopah Field Office	Human Health and Safety
Daniel Tecca	Hazmat Specialist, Battle Mountain District Office	Waste - Hazardous, Solid
Alan Buehler	Non-Renewable Resources Supervisor, Tonopah Field Office	Water Quality
Christopher Worthington	Planning and Environmental Coordinator, Battle Mountain District Office	NEPA
Marc J. Sanchez	Outdoor Recreation Planner, Pahump Field Office	ePlanning

Chapter 7. References

Goossens, D. and Buck, B. 2009, Dust Emission by Off-road Driving: Experiments on 17 Arid Soil Types, Nevada, USA, in *Geomorphology*, vol. 107, issues 3-4, pp. 118-138.

Padgett, P. E., Meadows, D., Eubanks, E., and Ryan, W. E., 2008, Monitoring Fugitive Dust Emissions from Off-Highway Vehicles Travelling on Unpaved Roads and Trails Using Passive Samplers, in *Environmental Monitoring Assessment*, vol. 144, pp. 93-103.

USEPA, 1995, *Compilation of air pollutant factors (AP-42), Volume I: Stationary point and area sources, Chapter 13: Miscellaneous Sources* (updated November 2006), fifth edition, U.S. Environmental Protection Agency, variable pagination.

USEPA, 2009, Online factsheets on air pollutants, accessible at <http://www.epa.gov/air/airpollutants.html>, version last updated on February 20, 2009.

Western Governors Association, 2006, *Western Regional Air Partnership Fugitive Dust Handbook*, prepared by Countess Environmental under WGA Contract No. 30204-11, 244 p.

Appendix A. Maps

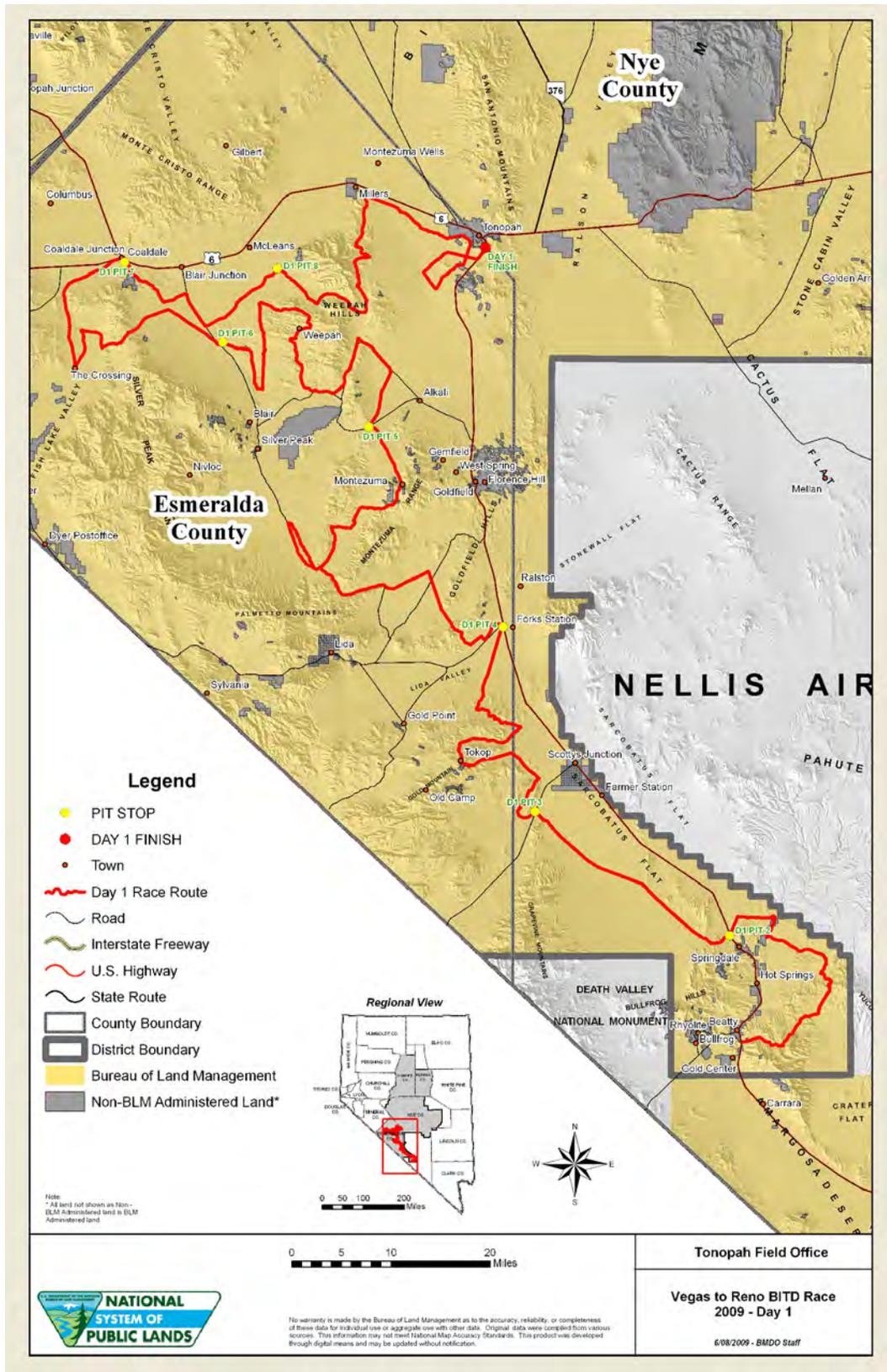


Figure A.1. Day One

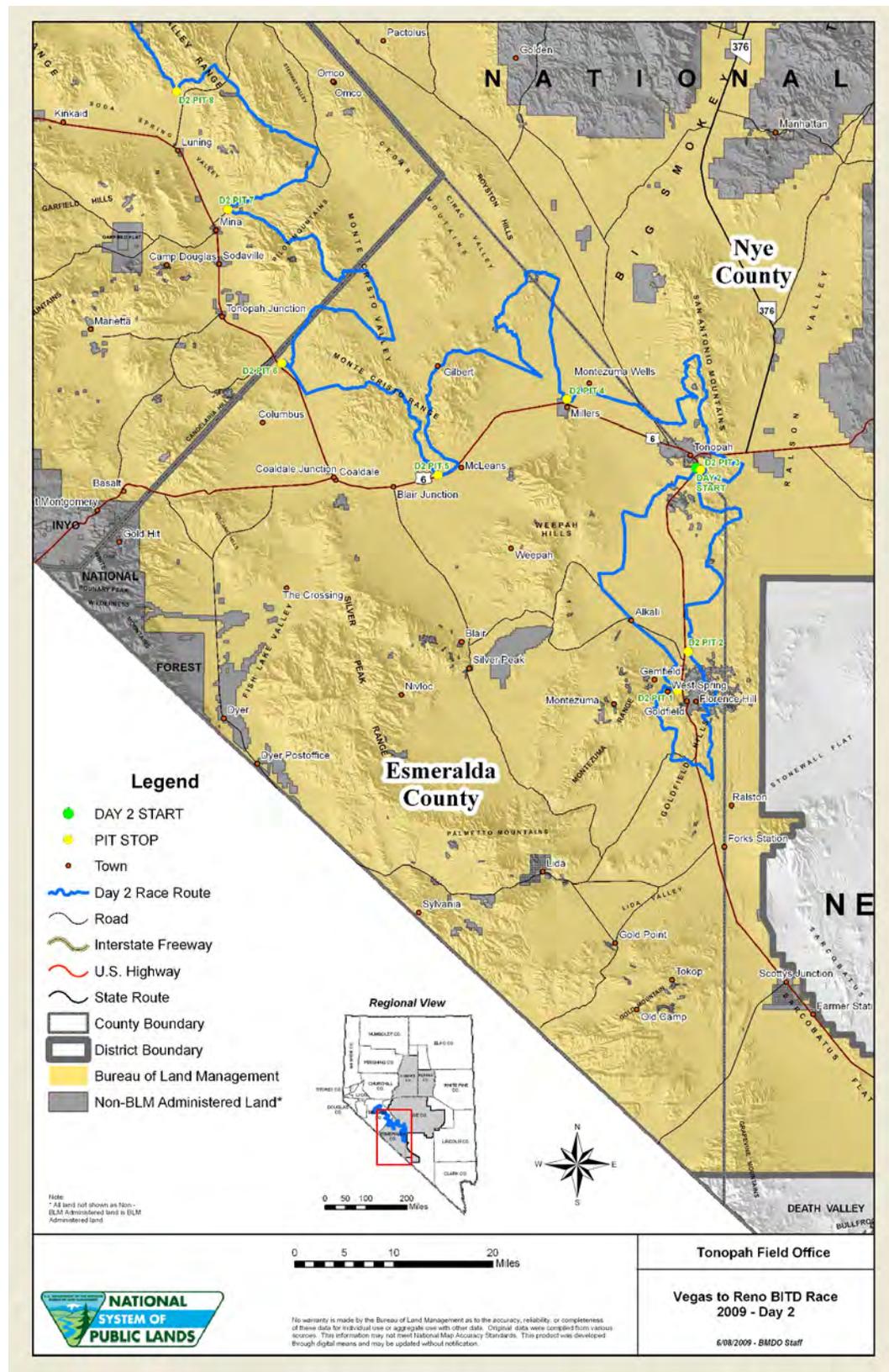


Figure A.2. Day Two

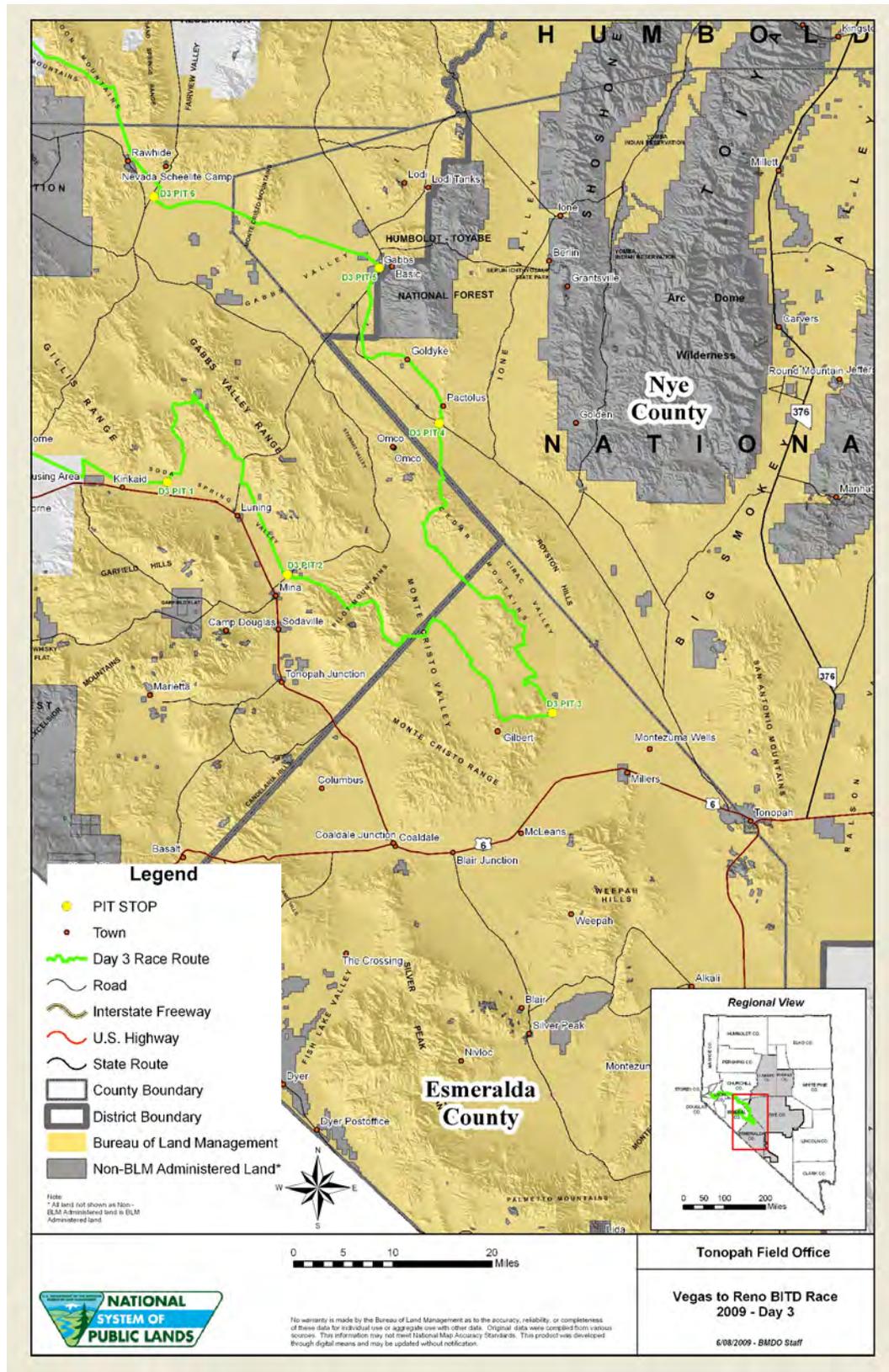


Figure A.3. Day Three

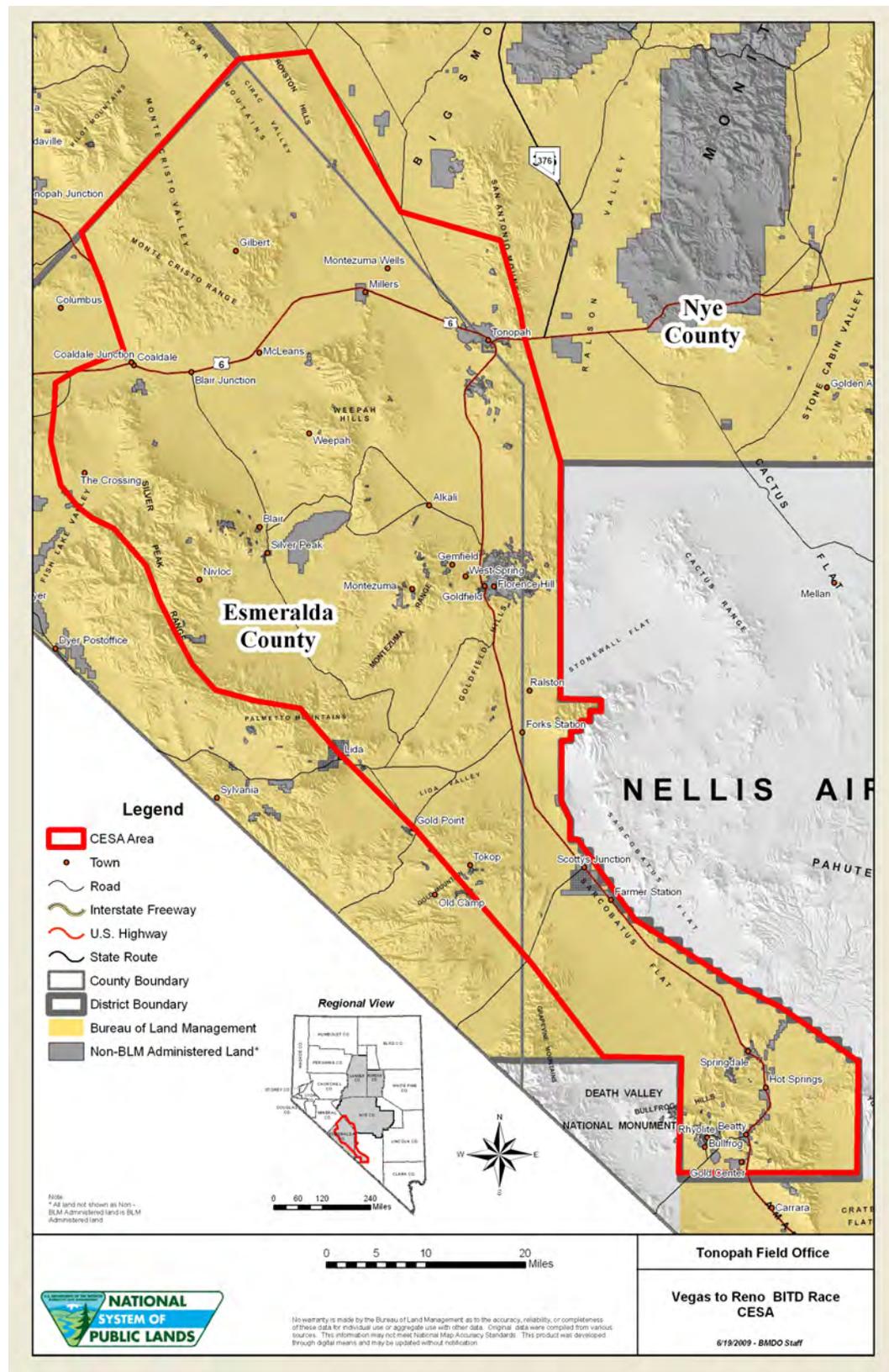


Figure A.4. Cumulative Effects Study Area

Appendix B. Special Recreation Permit Stipulations

1. This permit is issued for the period specified herein. It is revocable for any breach of conditions hereof or at the discretion of authorized officer of the Bureau of Land Management, at any time upon notice. This permit is subjected to valid adverse claims heretofore or hereafter acquired.
2. This permit is subject to all applicable provisions of the regulations (43 CFR Group 2930) which are made a part hereof.
3. This permit is subject to the provisions of Executive Order no. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the signing officer.
4. This permit may not be reassigned or transferred by permittee.
5. Permittee shall pay the sum of estimated user fees in advance of permit issuance. Adjustments to use fee charges will based on actual use reported on the Post Use Report.
6. Permittee shall observe all federal, state, and local laws and regulations applicable to the premises; to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and animals, and shall keep the premises in a neat, orderly manner, and sanitary condition.
7. Permittee shall take all reasonable precautions to prevent and suppress forest, brush, and grass fires, and to prevent polluting of waters on or in vicinity of the public lands.
8. Permittee shall not enclose roads or trails commonly in public use.
9. Permittee shall pay the United States for any damage to its property resulting from this use.
10. Permittee shall notify the authorized officer of address change immediately.
11. Permittee shall not cut any timber o the public lands without prior written permission from the authorized officer.
12. Permittee shall indemnify, defend, and hold harmless the United States and / or its agencies and representatives against and from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to, damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the permittee's use and occupancy of the public lands described in this permit or with the event authorized under this permit.
13. Authorized representatives of the Department of the Interior, other federal agencies, and game wardens must at all times, have the right to enter the premises on official business.
14. Permittee shall abide by all special stipulations attached hereto.
15. Permittee shall not disturb archeological and historical values, including, but not limited to, petroglyphs, ruins, historic buildings, and artifacts.
16. Permittee shall leave in place any hidden cultural values uncovered through authorized operations.

Issuance of Permit

17. The permittee shall comply with all federal, state, and local laws; ordinances; regulations; orders, postings; or written requirements applicable to the area or operations covered by the ***Special Recreation Permit (SRP)***. The permittee shall ensure that all persons operating under the authorization have obtained all required federal, state, and local licenses or

- registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
18. An SRP authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or because of noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a SRP are appealable.
 19. No value shall be assigned to or claimed for the permit, or for the occupancy or use of federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.
 20. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the federal land by other users. The United States reserves the right to use any part of the area for any purpose.
 21. The permittee may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary, to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
 22. All advertising and representations made to the public and to the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
 23. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.
 24. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors, shall not succeed to the operating rights or privileges of the permittee's SRP.
 25. Unless specifically authorized, an SRP does not authorize the permittee to erect, construct, or place any building, structure, or other fixture on the public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
 26. The permittee must present or display a copy of the SRP an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
 27. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or permittee's operator, employee, or agent for up to 3 years after expiration of the permit.
 28. The permittee must submit a Post Use Report to the authorized officer for every year the permit is in effect. If the post use report is not received by the established deadline, the permit will be suspended and/or fines assessed.

Permit Fees

29. Payment due to the government shall be in conformance with existing regulations. If the Special Recreation Permit minimum fee (currently \$95.00) has been charged in advance it will be deducted from the fees due. Cost Reimbursement shall be actual costs to the government for processing the permit and monitoring all pre, actual and post permitted activities as reflected by charges, including salaries (direct and indirect costs), vehicle mileage, per diem, and administrative costs, made to a special account established to track event processing costs. Estimated fees or costs shall be provided to the applicant prior to permit approval and must be paid in advance.

Post Use

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

Safety and Hazard Mitigation

31. The permittee will be responsible for public safety in the event area. The permittee is required to post warning signs, at all known mine shafts and other hazardous areas which occur within 100 feet of the race course or pit/spectator area and will verbally inform race participants of all hazards at the pre-race meeting.
32. The permittee shall prepare a written operations plan for BLM review and approval detailing permittees' plans for providing emergency services including aid to injured participants, evacuation of injured participants and the types and location of rescue equipment to be provided. This plan shall comply with the applicable medical stipulations and shall ensure that emergency aid personnel can access the scene of any accident or injury, at any location within the approved event area or on the course route, within 30 minutes of notification of an incident to evaluate the situation and begin to render aid.

Medical Attention

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

For LONG DISTANCE COMPETITIONS, AND EVENTS COVERING MORE THAN ONE JURISDICTION where the provision of a single dedicated system would not be possible: (i.e. point to point or single lap races where the distance is greater than 150 miles)

Permittee shall insure the provision of first aid services capable of locating, rendering aid to, and evacuating any accident victim. First aid service shall include a minimum of one ambulance unit, which is dedicated to the event and has no public call response responsibility, and is permitted by the local authority having jurisdiction. (i.e. Nye County Health District,

or Nevada State EMS) (Use of a public entity is permitted where no suitable private services capable of being “event dedicated” are available or located within 100 miles of the main event site.) This unit shall only be acceptable if staffed and equipped to the local standards as prescribed by the authority having jurisdiction. Dedicated 4X4 units minimum 1 for every 25 track miles equipped for rendering aid to, and evacuating any accident victim. Staffed by an Emergency Medical Technician Basic (or higher) equipped with sufficient supplies for emergencies, including locally approved equipment for the immobilization of the cervical spine. A means of suppression of a fire in the incipient stage, and for the extrication of victims from within a motor vehicle must be provided, and remain dedicated to the event. This includes the provision of a hydraulically operated gas or electric powered tool system for the cutting and spreading operations related to victim extrication from vehicles. A dedicated and reliable means for the first aid provider to immediately contact emergency dispatch centers shall be required.

Fuel and Fluids Management

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

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

ALL PITS WITH 50 OR MORE GALLONS OF FUEL - All pits that have 50 or more gallons of fuel available, whether in drums or dump cans, must provide for fuel containment. At a minimum this requires:

- a. an impermeable membrane with raised edges capable of containing all fuels on site should the containment vessel fail and
- b. absorbent materials (commercially produced spill pads, diapers) available to soak up spilled fuels. This does not apply to fuels located within fuel trucks or fuel drums not in use stored in trucks or trailers.

FLUIDS (oil, transmission, etc.)

During vehicle maintenance and repairs all fluids must be contained in spill proof containers. Drop cloths and absorbent pads shall be used under vehicles when changing fluids or repairing engines and transmissions where fluids may be released.

Known product suppliers that could be contacted for information (no requirement to use these companies, information only): Fuel containment New Pig Corporation 1-800-468-4647
Product suppliers Lab Safety Supply 1-800-356-0783

Environmental Stipulations

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

36. The permittee shall do everything possible to insure that event participants and spectators do not harass or collect wildlife, plants, livestock or archaeological features or artifacts. The

event will avoid stock watering tanks, springs, wells, wildlife improvements, corrals, etc., by no less than one-quarter mile unless otherwise approved by the BLM authorizing officer. The event may not utilize, other than on designated roads passing through, for any activities, any burned area(s) which is/are recovering from the impacts of wildfire.

Racecourse Stipulations

37. Permittee shall monitor the race events to prevent damage from course cutting and participants traveling off course. The permittee shall establish racecourse checkpoints to prevent short coursing. Any participant caught short coursing or passing in no passing areas will be disqualified by race officials. The permittee will be responsible for keeping contestants on the designated route/course. Participants who violate any of the mitigation measures or stipulations shall be disqualified from the race. Additionally, any support personnel found in violation of the stipulations, associated with a participant shall result in the disqualification of that participant.
38. The event shall be confined entirely to a clearly defined and plainly marked area/route as shown on the authorized use area maps. Racecourses shall consist of existing roads, washes, old courses and trails. For lineal events, passing shall be limited to the disturbed areas of these roads, washes, old courses and trails. Passing is not permitted in vegetated areas adjacent to the course. The maximum allowable width of courses shall be no greater than the existing disturbance (road, old course or trails).
39. Permittee is responsible for stationing monitors and/or post signs at road intersections, prohibiting public access, where the general public is likely to access the race course.
40. No less than 15 days prior to use (or earlier if required by the Authorized Officer), the requested use area, course route and/or spectator/pit area(s) shall be marked sufficiently to allow BLM personnel to easily determine the location, size and extent of the requested use area. The use area(s), race course(s) and spectator/pit area(s) shall be confined entirely to the designated areas as approved by BLM. Spectator area/pit boundaries shall be clearly marked and monitored to the extent necessary to restrict spectators, pit crews and others to the confines of the designated areas. All event staff must stay in areas assigned. The permittee will be responsible for marking the use area, racecourse and boundaries of spectator parking and pit areas to the satisfaction of the authorized officer. The permittee will not mark the course by painting rocks or plants or other land features.
41. The permittee will allow the public to utilize the roads when it is safe to do so.
42. Starting interval allowed for cars/trucks/buggies/UTVs: 1 to 2 every 30-60 seconds.
43. Starting interval allowed for motorcycles/ATVs: By class, on a case-by-case, not to exceed 12 at a time. The starting interval is 5 to 10 minutes depending on the size of the vehicle.

Post Activity Stipulations

44. The permittee will be responsible for the prompt repair of any event-related damages to utility rights-of-way and related improvements within 72 hours after the event. If they are not returned to a condition that is satisfactory to the Authorizing Official and the Utility Company, the permittee will be assessed a fine to cover the cost of a contractor to get the work completed.
45. Staking, flagging materials, equipment, temporary facilities, litter and all other event related materials will be completely removed to an approved landfill by the permittee within 15 days following the event. If BLM post-race field checks reveal event related materials that have

not been removed, BLM shall notify permittee and allow an additional 7 days for removal. Permittee shall be required to reimburse BLM for costs of subsequent field checks. If event materials remain after the second field check, BLM shall effect their removal by both contract or BLM personnel, and bill the permittee for any associated costs.

Spectator Areas

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

Sanitation

47. Permittee shall provide a minimum of two (2) restrooms at every start/finish (S/F) area, pit location and/or spectator area on public lands which will be occupied for more than four (4) hours; and additional units if: 1) the S/F, pit, or spectator areas are split by the course route or a physical barrier, two restrooms shall be provided on either side; or if 2) the S/F, pit or spectator area is in excess of 1/4 mile (1,320 feet) in length, restrooms (2) shall be provided at both ends. Restrooms may be provided through rental of units, use of self-contained trailers or motor homes or any other means providing access to the general public in S/F and spectator areas and all crews in pit areas. If restrooms other than rental units are used, adequate signage must be provided to make their presence known.

All refuse must be removed from the event area and deposited in an approved treatment facility or landfill. Exceptions to this stipulation include;

- a. check points manned by only a few personnel;
- b. S/F, pit or spectator areas adjacent to hotel or casino properties offering restroom facilities;
- c. events where there are no specified S/F, pit or spectator areas (i.e. Tour and Trail rides); and
- d. pit areas for point-to-point events where pit crews stay only long enough to service their vehicle then move on to the next point (S/F and spectator areas for these type events still require restrooms if used in excess of four (4) hours).

All restroom facilities must be removed from area within 24 hours after the event.

48. At the discretion of the Authorized Officer, BLM Law Enforcement, or local law enforcement may cancel the event due to improper procedures for road crossings, actions placing the public in harms way, or race related conditions (dust over the roads and highways).

Activity Site Rehabilitation

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

shorter time frame is required for public safety. The permittee shall be responsible for all costs associated with rehabilitation required.

Media

50. All media personnel are to strictly adhere to the applicable Special Recreation Permit Stipulations issued to the permittee for the duration of the permit.
51. A copy of video will be submitted to the Authorized Officer of the BLM.
52. Provision for credit will be listed on subject as: USDI, Bureau of Land Management Tonopah Field Office, Nevada.
53. Pre-event use of event site or Media Pre-running of racecourses will not be allowed without written permission from the BLM Authorized Officer.
54. Media personnel must stay on existing roads and are not permitted to travel cross-country at any time. Media personnel driving backwards on portions of the racetrack will be escorted off the racecourse and cited.
55. Media personnel must wear the appropriate safety vests, and displayed the proper credentials at all times. This includes have the vehicle pass properly affixed to the windshield of the media vehicle.
56. Stay off the track. Media personnel are allowed to stand near the track but please stay off. Media personnel seen on the track will be escorted off the race site and not be allowed back to the event.
57. Media interfering with law enforcement or emergency personnel will be prosecuted under federal and/or local laws.
58. All aircraft, fixed or rotor wing, must use designated airports for staging, refueling, and long term stationing. Helicopter landing areas must be on lands other than public unless authorized by the Special Recreation Permit. In flight emergencies and life flights are exempt.
59. All Aircraft refueling operations, fixed or rotor wing, occurring on public lands must conform to the "Fuel and Fluids Management" stipulations listed above.

Wildland Fire Precautions

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

Noxious Weed Prevention

61. The permittee will inspect all race vehicles to ensure they have been cleaned prior to the race. This is an effort to prevent the introduction of any new weed populations. Any race vehicle not cleaned before the race will be subject to penalty and/or disqualification. The permittee will also make an honest effort to encourage those at the race to wash all vehicles at the nearest washing facility.

Compliance and Monitoring Standards

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