

RECLAMATION

Managing Water in the West

Laughlin Races in the Year Round Racing Area

Finding of No Significant Impact
LC-16-10

Lower Colorado Region, Boulder City, Nevada



U.S. Department of the Interior
Bureau of Reclamation
Lower Colorado Region
Boulder City, Nevada

February, 2016

Finding Of No Significant Impact (FONSI)

LC-16-10

for

Final Environmental Assessment for Laughlin Races in the Year Round Racing Area Environmental Assessment

Boulder City, Nevada

Based on a thorough analysis of the potential environmental impacts presented in the Environmental Assessment (EA), the Bureau of Reclamation (Reclamation) finds that implementation of the Proposed Action will not significantly affect the quality of the human environment within or adjacent to the project area, therefore an Environmental Impact Statement will not be prepared.

Accordingly, this FONSI is submitted to document environmental review and evaluation of the Proposed Action Alternative in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended.

Prepared: Faye Stroier for: Date: 2/11/2016
Heidi McMaster Environmental Protection Specialist

Recommended: Faye Stroier Date: 2/11/2016
Acting Manager, Environmental Compliance Group

Approved: [Signature] Date: 2/11/2016
Chief, Resources Management Office

Background

Reclamation and the Bureau of Land Management (BLM) receive several requests a year for use of Reclamation and BLM administered lands for high speed truck/buggy/Utility Terrain Vehicle race events (events) at an established race course just west of Laughlin, NV (race course). The BLM and Reclamation determined that an EA would be prepared in compliance with NEPA to assist with the identification of any potentially significant impacts that could result from authorizing events at that location for a 5 year period. As the majority of the race course is on BLM administered land, the BLM is the lead Federal agency for NEPA, Endangered Species Act (ESA), and National Historic Preservation Act (NHPA) compliance, with Reclamation as a cooperating agency. The BLM has prepared the *Final EA for Laughlin Races in the Year Round Racing Area*, Number DOI-BLM-NV-S010-2016-0019-EA (2016 EA). Reclamation hereby adopts the Final EA which is incorporated by reference into this FONSI. The BLM will issue a separate FONSI for the lands they administer.

Both Reclamation and the BLM have statutory responsibilities to respond to requests for rights-of-use (ROU) on the lands they manage. These races have been permitted by Reclamation and BLM in this location for many years, most recently through a previous 5 year EA by the BLM and by race-specific NEPA compliance by Reclamation. Development of the 2016 EA and subsequent coordination between Reclamation and BLM will allow for more efficient issuance of ROU, and allow Reclamation and BLM to respond to race organizer and community interest in the races at this location.

Alternatives Considered

A No Action Alternative and a Proposed Action were considered. Under the No Action Alternative events would not be permitted at the race course. Reclamation would not issue Rights-of-Entry (ROE) for events. Because the proposed courses are located on existing roads and trails crossing BLM and Reclamation lands, the course routes would remain available for casual recreational use.

The Proposed Action

Under the Proposed Action Reclamation may issue rights-of entry (ROE) to allow events on the Reclamation administered portion of the race course over a 5 year period. The 5 year period would begin with the signature date of this FONSI. During the 5 year period, individual applications for events will be reviewed by Reclamation to determine if the race proposal is consistent with this Proposed Action and if all potential impacts of the proposal are addressed in the 2016 EA. Additional NEPA compliance may be needed if the proposal is not consistent or additional impacts are identified. Reclamation will impose race terms and conditions and any needed mitigation in the ROE.

The race course will be between 6 and 16 miles long, depending on the race. Approximately 1.8 miles cross Reclamation land on existing primitive roads. The race course start/finish, parking, staging, and spectator areas are located on BLM land. BLM will serve as the lead agency for

oversight of the race(s) activities. The event proponent (permittee) will provide an operations plan and site management plan for each event.

Environmental Commitments

The permittee is required to comply with the following mitigation measures and stipulations from the 2016 EA. These mitigation measures and stipulations are included in the BLM's Special Recreation Permit (SRP). These measures and stipulations may have requirements that do not directly relate to Reclamation lands; however, the BLM as the supervising authority may enforce these measures as needed on Reclamation lands in connection with events. Stipulations specific to individual locations or specific activities may be added in addition to these stipulations at the discretion of the Reclamation or BLM authorized officer.

General

- The BLM will actively oversee the event and act as the supervising authority. The permittee shall comply with all race details, race course stipulations, permittee staff requirements, sanitation, medical attention, fuel and fluids management, safety and hazard mitigation, environmental stipulations, fire prevention, noxious weed prevention, and dust control identified in the BLM SRPs as well as any other stipulations required by the BLM.
- The permittee is required to restore existing roads, sand washes, and trails which are damaged by events back to pre-race conditions. The authorized officer or any other duly authorized representative of Reclamation may assess the conditions of these areas and if required, the permittees will be responsible for repairs and/or restoration in these areas.
- No spectators are allowed on Reclamation managed lands. Reclamation and the BLM shall be notified of any spectators or race participants who travel outside of authorized areas during events.
- The permittee shall notify Reclamation and the BLM of any injuries, serious incidents, or accidents which occur on Reclamation and BLM lands.
- Non-compliance with any mitigation measures and stipulations shall be grounds for denial of future permits and/or race cancellation.

Standard Stipulations:

1. The permittee shall provide a copy of insurance showing the "US Department of the Interior – Reclamation and BLM" as additionally insured 10 business days prior to the event. Permittee must notify the authorized officers for Reclamation and the BLM 30 days prior to modification or termination of this insurance. The insurance must match the time period for the permitted event and the name of insured must match the name on the permit. The insurance must meet or exceed minimum coverage. The permittee must receive notice in writing from Reclamation and the BLM that the insurance is sufficient.

2. The permittee shall not block or close roads or trails unless specifically authorized by the ROE or SRP.
3. The permittee shall pay the United States for any damage to its property resulting from this use.
4. The permittee shall immediately notify the authorized officer of address changes, changes of points of contact or contact information.
5. The permittee will provide the BLM with an agreed upon space to provide interpretation and to conduct event and visitor use surveys.
6. The permittee shall not disturb archeological and historical values, including, but not limited to, petroglyphs, ruins, historic buildings, and artifacts. Any hidden cultural values uncovered through authorized operations shall be left in place and reported to the BLM.
7. The permittee shall monitor all aspects of the event and all conditions affecting public safety.
8. The permittee shall ensure any aircraft operations will be outlined in the operations plan and be in conformance with Federal Aviation Administration and Clark County Department of Aviation regulations and policies.
9. The permittee shall post warning signs at all known mine shafts and other hazardous areas which occur within 100 feet of the event course or pit/spectator area and will inform event participants of all hazards with pre-event notices such as the event website, participant registration packets and at any mandatory meetings.
10. The permittee shall follow the BLM approved operations plan and follow through with any commitments made to outside entities and/or agencies.

Race Details:

11. The permittee shall inform individuals (including minors) accompanying event participants that ATVs, motorcycles, and other motorized vehicles, unless authorized through the authorized officer, are not to be driven in the open desert, in pits, on roads or on trails before, during, or after race events. Failure to comply may result in disqualification of the participant.
12. The permittee shall ensure race vehicles operate only in the designated pit areas, approved race course or authorized retrieval routes.
13. The permittee shall not allow race support crews to repair a disabled race vehicle outside of an authorized pit area or in the parking area.
14. The permittee shall only allow retrieval vehicles to travel on existing routes that have been identified and approved in the event operations plan. Retrieval shall occur only by staff identified to the BLM in the mandatory staff meeting, EMTs, BLM employees, or the permittee. Retrieval on an active race course shall occur only after a flagger is in place. If participants cannot be reached by traveling on the approved routes, the retrieval vehicle will not travel to the disabled vehicle and/or participants. Race participants will need to wait until the race has concluded. Retrieval of disabled vehicles after the event has been

concluded must be done via the approved course or retrieval routes. Under no circumstance may new disturbance be created to retrieve a disabled vehicle.

15. The permittee shall require each race team supply assign a team captain at registration. The team captain will be responsible for their team and ensure all rules and regulations are followed. The team captain will sign a statement that he or she has read and understands said rules, regulations, stipulations, etc. and will ensure the team adheres to the same.
16. Starting Interval will not exceed 25 at a time every 30 seconds for each class and each race.

Race Course Stipulations:

17. The permittee shall prevent damage from participants traveling off course; and shall establish course checkpoints to prevent course cutting. The permittee will be responsible for keeping participants on the designated course.
18. The permittee shall build chicanes (an artificial narrowing or turn on the race course) and at least four turns at the beginning of the race to ensure competitors do not trample vegetation.
19. The permittee shall clearly define and plainly mark the area/course as shown on the authorized use area maps. The permittee will not mark the course or hazards by painting rocks or plants or other land features. The course, pits and spectator areas will be marked by permittee staff only, not by participants.
20. Widening of the course is not allowed; passing shall be limited to areas of the authorized course 4 feet or wider.
21. The permittee shall schedule a time to preview the course with a BLM representative, before any event activities to ensure that the course, all facilities, pits, staging areas, road crossings, temporary closure control points and spectator areas are properly marked as approved.

Permittee Staff:

22. The permittee shall provide a BLM liaison who will accompany and/or be available to BLM staff for the entirety of each event. The BLM liaison must have the authority to act on any aspect of the event.
23. The permittee shall require event personnel (volunteer or paid) to be on site at designated positions a minimum of 60 minutes prior to the start of the event. The permittee shall have standby personnel for situations when a position needs to be filled.
24. The permittee shall require a mandatory meeting for event personnel. The meeting will take place at a time mutually agreed upon by BLM and the permittee prior to the event. Reclamation shall be notified of this meeting in advance. At the meeting the permittee will be responsible for reviewing the rules, procedures, safety plans and stipulations. Event personnel shall sign in at the meeting, provide a contact method during the event, and describe their role on the sign in sheet. The permittee shall provide the BLM a copy of this sign in sheet.

25. The permittee shall ensure event personnel do the following:
- Wear reflective vests and maintain a means for 2-way communication.
 - Conduct a personnel check in with event control at the start and end of the event.
 - Are ready for duty. The permittee shall replace any personnel who is intoxicated.
 - Perform duties only of their assigned position and not participate in any other activity that takes them away from their assigned duty (i.e. pitting for a race team).
 - Remain in their designated positions and perform their duty until the conclusion of that day's racing activities, or a time agreed upon by the BLM.

Pit Area:

26. The permittee shall not allow anyone to consume alcohol within any pit area from the start of the event until completion of that day's racing activity. Anyone found or suspected of being intoxicated or under the influence must be denied entry or asked to leave the pits (main or alternate). The permittee shall have event personnel monitoring and enforcing rules and regulations at each pit area.
27. The general public will be allowed only in designated spectator areas identified in the approved operations plan. The permittee shall require all people who are authorized in the pits to wear event bracelets. These bracelets shall identify the team or driver number.
28. The permittee shall manage all pits/staging areas as approved within the event operations plan. The permittee shall ensure all pets are leashed in the staging and pit areas.

Hot Pit Area:

29. The permittee shall work with BLM staff to create a hot pit area. The permittee will mark and sign the hot pit area and have an event personnel at the hot pit to ensure only team members are in the designated area. Team members and event personnel shall wear safety vests and have fire extinguishers on site.
30. The permittee shall ensure no pets, children under the age of fourteen, campfires, campstoves, or barbecues are in the hot pits. The permittee shall also ensure no smoking or welding occurs while fueling or working around fuel containers.

Spectator Area:

31. The permittee shall manage the spectator area as outlined in the approved operations plan. The permittee shall ensure spectators remain within the boundaries of the approved spectator area(s). The permittee shall post signs at the entrance to the spectator area(s) with the rules and regulations for the event. The permittee shall have event personnel monitoring and enforcing rules and regulations at each spectator area.
32. The permittee shall enclose spectator areas with a barrier approved by the authorized officer.

Sanitation:

33. The permittee shall provide a sufficient number of restrooms to support the estimated number of individuals that will be at each start/finish area, pit location and/or spectator area on public lands. All temporary restroom facilities must be staked down to prevent toppling from high winds and must be removed from area within 48 hours after the event. Specific restroom stationing and numbers will be identified in the approved operations plan. At a minimum, the permittee shall provide one toilet per every 50 people. The permittee shall ensure these toilets are pumped every day during the event.
34. The permittee shall provide trash receptacles. The permittee shall remove all event related trash within 48 hours from the conclusion of the event. The number and placement of trash will be approved via the operation plan.

Medical Attention:

35. The permittee shall provide Emergency Medical Service (EMS) capable of locating, rendering aid to and evacuating any accident victim(s). The permittee shall provide a medical plan that identifies the provisions of EMS.

Fuel and Fluids Management:

36. The permittee shall be responsible for clean-up and assumes liability for any and all releases of hazardous substances (more than a quart) by event participants on public and Federal land as defined in the National Oil and Hazardous Substances Contingency Plan (40 CFR 300) including but not limited to, gasoline, diesel fuel, antifreeze, oil, and solvents. Event participants include all event personnel, race participants, pit crews, spectators and vendors covered by the permittee. The permittee will immediately notify the BLM and Reclamation authorized officer of any and all releases of hazardous substances on public and Federal land.
37. All vehicles will be inspected by the permittee for fluid leaks, and any vehicle leaking fluids will be disqualified from the race. Any fuel or hazardous waste leaks or spills will be contained immediately and cleaned up at the time of occurrence. Contaminated soil will be removed and disposed of at an appropriate facility.
38. The permittee shall provide a method of controlling and capturing all fuel. At a minimum this requires an impermeable membrane with raised edges capable of containing any fuel spilled during fueling or storage. Absorbent materials (commercially produced spill pads, diapers) must be available to soak up spilled fuels. This does not apply to fuel located within fuel trucks or fuel drums not in use and stored in trucks or trailers. Empty fuel containers must be stored in trucks or trailers. The permittee shall provide a method of controlling and capturing fluids (oil, transmission, etc.) during vehicle maintenance and repairs. All fluids must be contained in spill proof containers. At a minimum this requires an impermeable membrane with raised edges capable of containing any fluid spilled during maintenance or storage. Absorbent materials (commercially produced spill pads, diapers) must be available to soak up spilled fluids.

Safety and Hazard Mitigation for High Speed Events:

39. The permittee is to ensure participants and spectators safety by not starting races until spectators are a safe distance from the course.
40. The permittee shall conduct an organized, mandatory driver's meeting limited to Government Officials, Event Officials, Driver of Record, Co-Driver and Team Captain. Rules and regulations will also be provided on the permittee's event website and delivered in the driver/team captain race registration packet. All critical information for the event will be discussed during this meeting. If a driver/team is not present they will not be able to participate in the race. Each team captain will sign in.
41. Race vehicles shall contain high visibility clothing for occupants to use in case of an accident or breakdown so that they may be seen by other participants.

Poker Run and Demo Course:

42. The permittee shall ensure participants of the poker run and people driving demo vehicles will not exceed 25 mph.
43. The permittee must get the demo course approved by a BLM official before operation.
44. The permittee shall allow no more than seven vehicles on the demo course at a time.
45. The permittee shall allow no more than 50 entrants for the family poker run. The permittee shall require registration for the event.

Environmental Stipulations:

46. The permittee shall ensure participants yield to all livestock, wildlife, horses, or burros on or near the approved course. The permittee shall clear the course before each event to ensure that no livestock, wildlife, horses, or burros have wandered onto the course. The permittee shall notify the BLM immediately if any of the above are found on the course.
47. The permittee shall ensure that event participants and spectators do not harass or collect wildlife, plants, or collect, damage or deface archaeological features or artifacts.

Habitat-altering projects or portions of projects should be scheduled outside of the bird breeding season which generally occurs between February 15th and August 31st. If a project has to occur during the breeding season, then a qualified biologist must survey the area for nests immediately prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests are found, an appropriately-sized buffer area must be established and maintained until the young birds fledge. The buffer area must connect to suitable, undisturbed habitat. As the above dates are a general guideline, if active nest are observed outside this range they are to be avoided as described above.

48. The permittee shall ensure staff, participant, or spectator vehicles do not enter washes, floodplains or dry lakes during rain or shortly before or after precipitation events.

49. The permittee shall ensure passing only occurs within the course boundaries and no vegetation or habitat is damaged by participants attempting to pass.
50. The permittee shall ensure that no passing will be allowed where the proposed course crosses rare plant habitat unless there is at least 4 feet of established road surface.
51. The permittee shall have water trucks on site and shall use them under their own discretion or under direction of the BLM to control dust created from the race or associated activities including the poker run and demo course.
 - The race organizer shall provide the information statement below to race participants and spectators for their awareness of Naturally Occurring Asbestos (NOA) found in the vicinity of the race course. The information statement shall be provided in writing to each race participant and copies of the written notice shall be available for viewing by spectators at the entrance/exit of spectator areas and at any information tables or booths. The posted text shall be easily legible from a distance of 10 feet.

“Recent geologic research has identified the potential for naturally occurring asbestos (NOA) minerals in mountain ranges and associated erosion deposits bordering the Colorado River in Southern Nevada. NOA has been detected in the vicinity of the race course. The NOA sampling was preliminary and the amount, extent, and potential health risk of the NOA is not known. As a precaution, we are informing race participants and spectators of the presence of NOA. More information on NOA can be found at: http://www.atsdr.cdc.gov/NOA/docs/Asbestos%20FAQ_ENG_web.pdf.”

- The permittees shall be responsible for compliance with all dust abatement and air quality standards during the race event.
- All race vehicles must remain on the existing race course and spectators must be limited to designated spectator areas.

Post Activity Stipulations:

52. The permittee shall repair all event-related damages to rights-of-ways, facilities and improvements within 72 hours after the event. If they are not returned to a condition that is satisfactory to the Authorizing Officer within the 72 hours, Reclamation or the BLM may bill the permittee for the cost of the repairs.
53. The permittee shall remove all staking, flagging materials, equipment, temporary facilities, and all other event related materials within 15 days following the event.

Activity Site Rehabilitation:

54. The permittee shall be responsible for all costs associated with restoration (please note that this is separate from the desert tortoise remuneration fees as required by the BO). The determination for the cost of rehabilitation and where the funds are spent will be determined on whether the disturbance is classified as a “Reoccurring Issue” or an “Unforeseen Disturbance.”

Reoccurring Issues:

The following paragraph applies to BLM land only. The BLM has determined that conducting restoration on areas that will most likely be re-disturbed under future permitted events is not practical or cost effective. On areas adjacent to the track that have the potential to be disturbed in future races, such as on corners, a fee per acre of disturbance based on the Southern Nevada District Restoration Guidance will be assessed and on-site restoration will not be required. The funds will be deposited into the BLM's restoration account and will be used for off-site restoration in desert tortoise ACEC's. To assess the restoration fee, the District Restoration Guidance for R4 areas (multiple use lands), and the disturbance level of D1 (damage caused by drive and crush activities) will be used. The plan requires a D1 disturbance in an R4 area to receive earthwork (re-contouring and de-compaction if needed) and seeding. The required fee will be calculated at \$4,500 per acre of disturbance. This fee may be adjusted to meet current costs for equipment, labor and materials.

Unforeseen Disturbance:

Any new disturbance of tortoise habitat occurring outside the approved race course that would appear to create a new route, such as when a car or group of cars short cuts the course to gain an advantage, or new disturbance occurring around any of the associated facilities, such as spectator parking areas expanding due to lack of spectator area management or media personnel driving cross-country, a restoration plan will be required. Restoration requirements for the habitat disturbance will be determined using the BLM approved District Restoration Guidance. The permittee will be required to pay for the BLM or Reclamation, or a BLM and/or Reclamation approved contractor, to develop a restoration plan which details the required steps for restoration and includes an assessment, required restoration, monitoring schedule and if necessary, a watering schedule. After receipt of the BLM and/or Reclamation approved restoration plan, the permittee will pay all cost associated to have the plan implemented as directed by the BLM and/or Reclamation.

Disturbance in Special Areas:

New disturbance in special areas, such as in penstemon habitat or incursions into the designated Wilderness, will be treated as and costs assessed the same as "Unforeseen Disturbance" and require a restoration plan and full restoration regardless of how the disturbance occurred.

Media:

55. The permittee shall ensure all media personnel adhere to the applicable ROE or SRP stipulations and BO terms and conditions issued for the event. The permittee shall schedule a meeting, to be held prior to the event, and will inform the media personnel of the rules and conditions that they must follow. The permittee shall ensure media personnel receive a map of the approved access for media personnel identified in the operations plan. This meeting will be mandatory and all media personnel will be required to sign a statement that they have read and will abide by the stipulations for the event prior to receiving their credentials.

56. If media personnel are present, the permittee shall inform them and ensure they travel to different parts of the course using existing roads that are not part of the race course with travel restricted to 25mph or less. All cross-country travel off of designated roads will be accessed via foot only.
57. The permittee shall limit media coverage to 50 personnel.

Vending:

58. The permittee shall limit the number of vendors for the event to ten.

Fire Prevention:

59. The permittee shall ensure that when fire restrictions are in effect, that participants and staff adhere to all rules governing campfires, etc.
60. The permittee shall ensure all campfires are confined to an approved burn pan or barrel.
61. The permittee shall ensure all race vehicles have an approved spark arrestor.
62. In the event of a fire, the permittee shall be responsible for the following:
 - a. Reporting the fire to BLM and/or Reclamation
 - b. Making all accommodations to allow immediate safe entry of firefighting apparatus and personnel.
 - c. Paying all costs of suppression, damaged resources, and post-fire rehabilitation determined to be directly caused by activities associated with the event as determined by a fire Origin and Cause Investigation.

Noxious Weed Prevention:

63. The permittee shall coordinate with trained BLM staff to inspect all courses and routes for noxious weeds within three weeks of the scheduled race.
64. The permittee shall report the results and potential follow-up measures to the BLM noxious weed coordinator or BLM recreation staff.
65. The permittee shall locate pits and staging areas for the use of equipment storage, machine and vehicle parking or any other area need for the temporary placement of people, machinery and supplies in a weed free area.
66. The permittee shall avoid all types of travel through weed- infested areas.
67. The permittee shall ensure all event staff and participants will be briefed on the requirement to clean vehicles and equipment and be made aware of weed infestations on sites that must be avoided.
68. The permittee will be held responsible for any weed infestations that are spread or introduced as a result of project related activities.

69. If a problem is identified and avoidance or removal is not possible, the permittee shall set up inspection and equipment cleaning sites to prevent the spread of weeds upon departure from the event. Before leaving the site, all race vehicles will be inspected by a qualified professional (with appropriate experience identifying and treating weeds).
70. The permittee shall ensure race vehicles and related equipment and machinery (this includes the undercarriages) will be cleaned using compressed air or water to remove mud, dirt, and plant parts before the start of the race and immediately following the race. Seeds and plant parts will be collected, bagged and appropriately disposed of in dumpsters destined for a local landfill.

Geology/Mineral Resources and Energy Production

71. The permittee is responsible for ensuring that participants in the race and spectators do not enter any abandoned mine sites and mine sites currently being reclaimed.
 - The proponents will allow mine personal through road closures so that they may access their mine sites during the race event, however, the race proponent will not allow dump trucks, haul trucks, heavy equipment, etc. to cross the road closures during the race.

Threatened, Endangered, or Candidate Species:

72. The permittee shall comply with the terms and conditions from Biological Opinion (BO). File No.84320-2010-F-0365.R003 (Attachment A). The BLM has extended coverage under their programmatic BO for Reclamation lands within the project area but BLM remains the lead office for the action. The Permittee shall pay remuneration fees to the BLM as determined by the BLM in compliance with the BO. To ensure that there is no ambiguity as to what mitigation measures and stipulations apply on Reclamation lands, all measures and stipulations imposed by the BLM beyond what is contained within the BO shall be adhered to on Reclamation lands. All SRPs and Right-of-Entry permits covered under the 2016 EA will require additional review by a BLM Wildlife Biologist to make a permit specific Section 7 determination, provide terms and conditions, to ensure that seasonal restrictions and measures are adhered to, and to comply with tracking and reporting requirements, per the BO.
73. The permittee shall ensure all event participants and staff receive a fact sheet on the Desert Tortoise that describe the reasons and need for protection, and definition of take and potential penalties under the Endangered Species Act for harassment of the Desert Tortoise. Participants and staff must sign an acknowledgement form that the permittee shall return to the BLM.
74. The permittee shall ensure all staff checks the ground beneath all vehicles and the area around all tires for tortoises prior to moving vehicles if they are located in one spot for more than 5 minutes.
75. The permittee is responsible for submitting a completed Desert Tortoise Section 7 Compliance Form, attached Appendix G in the provided Terms and Conditions to the BLM within 30 days after the race.

76. If any active nests of western burrowing owls or any other bird species are encountered, avoidance will be exercised.
77. The permittee shall inform all staff and participants that if a banded gila monster, chuckwalla, snake or any other wildlife is observed on the road or adjacent to it, the animal will be avoided to the extent practical and left alone and allowed to leave the area of its own accord. Participants should not harass or harm wildlife encountered.

Vegetation Excluding Federally Listed Species:

78. The permittee shall ensure any vehicles that break down in areas of known rare plant occurrences must be removed via the course rather than traveling off road after the conclusion of the race.
79. The permittee is responsible for restoring unauthorized impacts to the vegetation communities that provide habitat to the desert tortoise and other wildlife species. This includes impacts associated with increasing in course width due to passing, corner cutting and off road travel by tow vehicles, as well as unauthorized staging areas, campgrounds, vendor areas and other unauthorized activities.

Land and Property Issues:

80. The permittee shall notify all holders of BLM and Reclamation right-of-ways, leases, or communication sites in writing before the event. The permittee shall provide a copy of this notification if requested by the BLM. If the holders recommend any actions, the permittee will notify the BLM and/or Reclamation of these recommendations and take them into consideration.
81. The permittee is responsible for obtaining permission from the private landowner if access to the event or the course itself includes crossing over private lands.
82. The permittee must properly close the Desert Trail on the west side of SR-163 during the race and limit any driving on the trail
83. The permittee must follow the following instructions or other pre-agreed upon protective measures for preservation of the Desert Trail. The permittee must install a temporary plywood overlay covered by non-native material over the trail, where the trail intersects with the race track, one day before the race and remove the protective overlay the day after the race; specific instructions from Reclamation for any trail repair shall be adhered to by the permittee. The design of the trail is a 10 foot wide trail, graded, placement of a Geo textile fabric, placement of 6 inches of 3/4 inch road base, watered and then rolled to a 85 percent compaction. Through washes the edges are lined with rock to harden the outside edges.
84. The permittee shall obtain and provide all necessary production elements including but not limited to: temporary fencing, power, tents, spectator seating, portable restrooms, traffic control, parking, event signage, garbage disposal, recycling bins, etc.
85. Permittee is responsible for all post-event clean up.

86. That Permittee shall provide dust control.

Course and Route Maintenance (Pre and Post Race):

87. Upon completion of the BLM's post course inspection, grading of access roads identified by the BLM as being damaged during the race will begin. Grading shall not occur without a BLM monitor.

88. The permittee shall ensure that cactus and yucca are avoided during road maintenance. No maintenance will occur in washes or areas where no distinct road margins are visible.

Environmental Impacts and Findings

Resources Considered, but not Analyzed Further in the EA

The following resources were considered, but not carried forward for analysis in the EA because impacts were not identified: Areas of Critical Environmental Concern, BLM Natural Areas/Conservation Lands, Cultural Resources, Environmental Justice, Farmlands, Floodplains, Fuels/Fire Management, Hydrologic Conditions, Invasive Species/Noxious Weeds, Lands/Access, Lands with Wilderness Characteristics, Livestock Grazing, Paleontology, Rangeland Health Standards, Recreation, Soils, Travel Management, Hazardous Waste, Water Resources, Wetlands/Riparian Zones, Wild and Scenic Rivers, Woodland/Forestry, Vegetation, Visual Resources, and Wild Horses and Burros. In compliance with Reclamation's 2012 NEPA Handbook guidance for FONSI, the following two resources that were considered are discussed further below.

Cultural Resources/Sacred Sites/ Traditional Cultural Properties (TCP)

The BLM, as the lead Federal agency for compliance with NHPA, determined that the Proposed Action is exempt as defined in the BLM's Nevada State Protocol. The race course on Reclamation land is entirely on existing trails. No historic properties, sacred sites, or TCPs have been identified within an indirect Area of Potential Effect (APE) of one mile of the direct APE as defined by the BLM.

Environmental Justice

The Proposed Action will not result in disproportionately high and adverse human health or environmental effects on minority and low-income populations as it is confined to a very specific area where no minority or low-income populations have been identified.

Resources Evaluated in the EA

Implementation of the Proposed Action will not result in significant impacts to any of the resources evaluated in the EA. The reasons for this determination are summarized by resource below. The EA evaluated impacts to Minerals. These are not discussed below because no excess minerals will be generated on Reclamation land. The EA did not identify any significant impact to this resource on BLM land.

Fish and Wildlife Excluding U.S. Fish and Wildlife Service (USFWS) Designated Species and Migratory Birds

The EA evaluated impacts to BLM sensitive species and determined that although there would be potential impacts such as displacement or damage to individuals, there would not be significant direct, indirect, or cumulative impacts because of the required mitigation measures. Also, the potential loss or displacement of some individuals was found to have a negligible impact on population of these species throughout the region. Significant impacts to migratory birds are not anticipated because of the mitigation measure restricting certain activities during the nesting season or requiring surveys and buffer establishment.

Threatened, Endangered, Proposed or Candidate Animal Species and Critical Habitat

The proposed project area lies within suitable habitat for the Mojave Desert tortoise; however recent surveys and historical reports identify the area as having a low density of tortoises. The BLM is the lead Federal agency for compliance with Section 7 of the ESA. Reclamation lands are included in the ESA Section 7 coverage under the BO for the Project, giving BLM the discretion to enforce the measures of the BO on Reclamation land. The BLM determined that the Proposed Action “may affect, likely to adversely affect” Mojave Desert tortoise and that there would be “no effect” to its designated critical habitat. The USFWS appended this action to the programmatic BO that determined the project is not likely to jeopardize the continued existence of the Mojave Desert tortoise and no critical habitat will be affected. Through a combination of the mitigation measures, stipulations, avoidance and minimization measures set forth in the terms and conditions of the BO, impacts to the Mojave Desert tortoise shall be avoided or minimized.

Air Quality and Greenhouse Gases

A temporary increase in particulates could result in airborne dust in the vicinity of the race area. This impact would be short-term and localized in nature. Naturally occurring asbestos has been identified in the vicinity of the race course. Direct, indirect, and cumulative air quality impacts would be minimized by implementation of mitigation measures. Vehicle emissions during races are not expected to have a quantifiable impact on Regional greenhouse gas emissions.

Socio Economic

The Proposed Action would have positive direct, indirect and cumulative socioeconomic impacts because of the increase in spending in Laughlin during pre and post event activities. Other recreation activities in the vicinity of the race course would be limited during race events, but this would be short term and limited in extent.

Indian Trust Assets (ITA)

ITAs have not been identified in the project area, therefore no direct, indirect or cumulative impacts to ITAs are anticipated.

Attachment A

Finding of No Significant Impact LC-16-10

Case Number: N/A (Programmatic EA)
NEPA Project #: DOI-BLM-NV-S010-2016-0019-EA
Sec. 7 Log #: NV-052-16-030

TERMS AND CONDITIONS for Speed SRPs: BO File No. 84320-2010-F-0365.R003

In order to be exempt from the prohibitions of section 9 of the Act, the Bureau must comply with the following terms and conditions and minimization measures, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

RPM 1: **Applies towards lands and realty, ROWs, and mining actions and other activities that involve vehicle and equipment use, excavations, or blasting.** *BLM, and other jurisdictional Federal agencies as appropriate, shall implement or ensure implementation of measures to minimize injury or mortality of desert tortoises due to project construction, operation and maintenance; and most actions involving habitat disturbance.*

Terms and Conditions:

- 1.b. **Authorized desert tortoise biologist—Required for construction of new course. Also, may be required for individual races (this will be determined on a case-by-case basis).**

All authorized desert tortoise biologists (and monitors) are agents of BLM and the Service and shall report directed to BLM and the proponent concurrently regarding all compliance issues and take of desert tortoises; this includes all draft and final reports of non-compliance or take. The initial draft report shall be provided to BLM and Service within 24 hours of the observation of take or non-compliance.

An authorized desert tortoise biologist will be assigned to each piece/group of large equipment engaged in activities that may result in take of desert tortoise (*e.g.*, clearing, blasting, grading, lowering in pipe, hydrostatic testing, backfilling, recontouring, and reclamation activities) and other work areas that pose a risk to tortoises. BLM may use their discretion to require a monitor instead of an authorized desert tortoise biologist to monitor equipment that is low risk to tortoises.

1. c. Authorized desert tortoise biologists, monitors, and the FCR (see Term and Condition 1.a.) shall be responsible for ensuring compliance with all conservation measures for the project. This responsibility includes: (1) enforcing the litter-control program; (2) ensuring that desert tortoise habitat disturbance is restricted to authorized areas; (3) ensuring that all equipment and materials are stored within the boundaries of the construction zone or within the boundaries of previously-disturbed areas or designated areas; (4) ensuring that all vehicles associated with construction activities remain within the proposed construction zones; (5) ensuring that no tortoises are underneath project vehicles and equipment prior to use or movement; (6) ensuring that all monitors (including the authorized desert tortoise biologist) have a copy of the required measures in their possession, have read them, and they are readily available to the monitor when on the project site.

An authorized desert tortoise biologist will serve as a mentor to train desert tortoise monitors and will approve monitors if required. An authorized desert tortoise biologist is responsible for errors committed by desert tortoise monitors.

An authorized desert tortoise biologist shall record each observation of desert tortoise handled in the tortoise monitoring reports. Information will include the following: location (GPS), date and time of observation, whether the desert tortoise was handled, general health and whether it

voided its bladder, location desert tortoise was moved from and location moved to, unique physical characteristics of each tortoise, and effectiveness and compliance with the desert tortoise protection measures. This information will be provided **directly** to BLM and the Service.

An authorized desert tortoise biologist should possess a bachelor's degree in biology, ecology, wildlife biology, herpetology, or closely related field. The biologist must have demonstrated prior field experience using accepted resource agency techniques. As a guideline, Service approval of an authorized biologist requires that the applicant have at least 60 days project experience as a desert tortoise monitor. In addition, the biologist shall have the ability to recognize and accurately record survey results and must be familiar with the terms and conditions of the biological opinion that resulted from project-level consultation between BLM and the Service. All tortoise biologists shall be familiar with the field manual (Service 2009).

Potential authorized desert tortoise biologists must submit their statement of qualifications to the Service's Nevada Fish and Wildlife Office in Las Vegas for approval, allowing a minimum of 30 days for Service response. The statement form is available on the internet at:

http://www.fws.gov/nevada/desert_tortoise/auth_dt_form.htm.

Prior to final approval to begin work on the project, the authorized desert tortoise biologists will have read the required measures (terms and conditions and other stipulations) and have a copy of the measures available at all times while on the project site. BLM shall provide the appropriate agency contact for the project to the Service and the Service will include the forms with approval letters. Biologists and monitors should be visibly identifiable on the project site, which may include use of a uniquely designated hardhat or safety vest color.

1. d. ***Desert tortoise monitor***—***May be required (will be determined on a case-by-case basis)*** Desert tortoise monitors assist an authorized desert tortoise biologist during surveys and serve as apprentices to acquire experience. Desert tortoise monitors ensure proper implementation of protective measures, and record and report desert tortoises and sign observations in accordance with Term and Condition 1.c. They will report incidents of noncompliance to the authorized desert tortoise biologist or FCR. No monitors shall be on the project site unless supervised by an authorized desert tortoise biologist or approved by the BLM.

If a desert tortoise is immediately in harm's way (*e.g.*, certain to immediately be crushed by equipment), desert tortoise monitors may move the desert tortoise then place it in a designated safe area until an authorized desert tortoise biologist assumes care of the animal.

Desert tortoise monitors may not conduct field or clearance surveys or other specialized duties of an authorized desert tortoise biologist unless directly supervised by an authorized desert tortoise biologist or approved to do so by the Service; "directly supervised" means an authorized desert tortoise biologist has direct sight and voice contact with the desert tortoise monitor (*i.e.*, within approximately 200 ft of each other).

Within 3 days of employment or assignment, the project proponent and BLM shall provide the Service with the names of desert tortoise monitors who would assist an authorized desert tortoise biologist.

1. e. ***Desert tortoise education program***—A desert tortoise education program shall be presented to all personnel on site during event activities by an agency or authorized desert tortoise biologist. The Service, BLM, and appropriate state agencies shall approve the program. At a minimum, the program shall cover desert-specific Leave-No-Trace guidelines, the distribution of desert tortoises, general behavior and ecology of this species, sensitivity to human activities, threats

including introduction of exotic plants and animals, legal protection, penalties for violation of State and Federal laws, reporting requirements, and project measures in this biological opinion. All field workers shall be instructed that activities must be confined to locations within the approved areas and their obligation to walk around and check underneath and vehicles and equipment before moving them (or be cleared by an authorized desert tortoise biologist). In addition, the program shall include fire prevention measures to be implemented by employees during project activities. The program shall instruct participants to report all observations of desert tortoise and their sign during event activities to the FCR and authorized desert tortoise biologist.

- 1.i. ***Desert tortoise in harm's way***—Any project-related activity that may endanger a desert tortoise shall cease if a desert tortoise is found on the project site. Project activities may resume after an authorized desert tortoise biologist, desert tortoise monitor, BLM personnel or BLM contractors experienced or trained in the handling of desert tortoises according to current Service-approved protocol (Service 2009) (see restrictions in Term and Condition 1.d. and/or 4.k.) removes the desert tortoise from danger or after the desert tortoise has moved to a safe area on its own.
- 1.j. ***Handling of desert tortoises***—Desert tortoises shall only be moved by an authorized desert tortoise biologist, desert tortoise monitor, BLM personnel or BLM contractors experienced or trained in the handling of desert tortoises according to current Service-approved protocol (Service 2009) (see restrictions in Term and Condition 1.d. and/or 4.k.) solely for the purpose of moving the tortoises out of harm's way. During event activities, an authorized desert tortoise biologist shall pen, capture, handle, and relocate desert tortoises from harm's way as appropriate and in accordance with the most current Service-approved guidance. No tortoise shall be handled by more than one person. Each tortoise handled will be given a unique number, photographed, and the biologist will record all relevant data on the Desert Tortoise Handling and Take Report (Appendix E) to be provided to BLM in accordance with the project reporting requirements.

Desert tortoises that occur aboveground and need to be moved from harm's way shall be placed in the shade of a shrub, 150 to 1,640 ft from the point of encounter. In situations where desert tortoises must be moved more than 1,640 ft (500 m), translocation procedures may be required. Translocation would likely result in a level of effect to the desert tortoise that would require the appended procedures.

If desert tortoises need to be moved at a time of day when ambient temperatures could harm them (less than 40 ° F or greater than 95° F), they shall be held overnight in a clean cardboard box. These desert tortoises shall be kept in the care of an authorized biologist under appropriate controlled temperatures and released the following day when temperatures are favorable. All cardboard boxes shall be discarded after one use and never hold more than one tortoise. If any tortoise active nests are encountered, the Service must be contacted immediately, prior to removal of any tortoises or eggs from those burrows, to determine the most appropriate course of action.

Desert tortoises located in the project area sheltering in a burrow during the less-active season may be temporarily penned in accordance with Term and Condition 4.l. at the discretion of an authorized desert tortoise biologist. Desert tortoises should not be penned in areas of moderate to heavy public use, rather they should be moved from harm's way in accordance with the most current Service-approved guidance (currently Service 2009).

Desert tortoises shall be handled in accordance with the Desert Tortoise Field Manual (Service 2009). Equipment or materials that contact desert tortoises (including shirts and pants) shall be

sterilized, disposed of, or changed before contacting another tortoise to prevent the spread of disease. All tortoises shall be handled using disposable surgical gloves and the gloves shall be disposed of after handling each tortoise. An authorized desert tortoise biologist shall document each tortoise handling by completing the Desert Tortoise Handling and Take Report (Appendix E).

- 1.o. **Dust control**—Water applied to for dust control shall not be allowed to pool outside desert-tortoise fenced areas, as this can attract desert tortoises. Similarly, leaks on water trucks and water tanks will be repaired to prevent pooling water.

RPM 2: Predator Control— Applies to all actions. *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize injury to desert tortoises as a result of predators drawn to the project area from construction, operation, and minor maintenance activities:*

Terms and Conditions:

- 2.a. **Litter control, applies to all projects**—A litter control program shall be implemented to reduce the attractiveness of the area to opportunistic predators such as desert kit foxes, coyotes, and common ravens. Trash and food items will be disposed of properly in predator-proof containers with predator-proof lids. Trash containers will be emptied and event waste will be removed daily from the project area and disposed of in an approved landfill. Vehicles hauling trash to the landfill or transfer facility must be secured to prevent litter from blowing out along the road.

RPM 3: Impacts to Desert Tortoise Habitat—Applies towards all actions that involve habitat impacts. *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize loss and long-term degradation and fragmentation of desert tortoise habitat, such as soil compaction, erosion, crushed vegetation, and introduction of weeds or contaminants from construction, operation, and minor maintenance activities:*

Terms and Conditions:

- 3.a. **Habitat protection plans**—The applicants will have a fire prevention and response plan, erosion control plan, and a weed management plan in place prior to surface disturbance **only** if those resource specialists have deemed the plans necessary.
- 3.b. **Restoration plan**— if new disturbance occurs the BLM shall ensure that the applicant develop and implement a restoration/reclamation plan. The plan will describe objectives and methods to be used, species of native plants and/or seed mixture to be used, time of planting, success standards, actions to take if restoration efforts fail to achieve the success standards, and follow-up monitoring. The plan will be prepared and approved prior to the surface disturbance phase of the project. Reclamation will be addressed on a case-by-case basis.
- 3.c. **Minimizing new disturbance**—Cross-country travel outside designated areas shall be prohibited. All equipment, vehicles, and event materials shall be restricted to the designated areas and new disturbance will be restricted to the minimum necessary to complete the task (*e.g.*, such as construction of one-lane access roads with passing turnouts every mile rather than a wider two-lane road).

All work area boundaries shall be conspicuously staked, flagged, or otherwise marked to minimize surface disturbance activities.

- 3.d. **Weed prevention**—Vehicles and equipment shall be cleaned with a high pressure washer prior to arrival in desert tortoise habitat and prior to departure from areas of known invasive weed and nonnative grass infestations to prevent or at least minimize the introduction or spread these species.
- 3.e. **Chemical spills**—Hazardous and toxic materials such as fuels, solvents, lubricants, and acids used during event activities will be controlled to prevent accidental spills. Any leak or accidental release of hazardous and toxic materials will be stopped immediately and cleaned up at the time of occurrence. Contaminated soils will be removed and disposed at an approved landfill site.

RPM 4: Recreation: Speed events—*BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize effects to the desert tortoise as a result of speed OHV events.*

Terms and Conditions:

- 4.a. An Environmental Awareness Program consisting of a tortoise fact sheet shall be provided to registered drivers and support personnel prior to race activities. The fact sheet will include, but not be limited to discussion of the Act, and consequences of noncompliance with it. Additionally, it will include a tortoise education program with information on the life history of the desert tortoise, legal protection for desert tortoises, penalties for violations of Federal and State laws, general tortoise activity patterns, reporting requirements, measures to protect tortoises, terms and conditions of the biological opinion, and personal measures participants, support personnel, or volunteers can take to promote the conservation of desert tortoises.
- 4.b. An appropriate number of monitors and crowd-control officials, as determined by BLM in coordination with the Service, shall be present to control spectators and enforce compliance with stipulations of the event permit. Monitors may be BLM or proponent personnel and shall be stationed at all disqualification or hazard areas to record any violations. As a general guideline, the monitors shall enforce terms and conditions of this biological opinion, control unauthorized vehicular travel off existing roads, and ensure that habitat damage does not occur.
- 4.c. Race vehicles will not exceed the legal speed limit (posted or unposted) on roads used as part of the racecourse except during each race. All other vehicles shall not exceed the legal speed limit (posted or unposted) of the roads used during events. Clark County speed limit for unposted roads is 25 mph. If the speed limit is not posted, the speed limit shall be 25 mph.
- 4.d. In sections of the racecourse that allow for passing, passing may occur only in those areas that have a clear and defined second lane. Areas not authorized for passing will be clearly flagged.
- 4.e. Temporary or permanent fences/boundary markers shall be installed around pit and spectator areas to clearly delineate the boundaries of these areas from adjacent desert habitat, using sturdy materials such as roper and T-posts. Monitor(s) will be placed at each pit and spectator area to ensure that spectators remain within the designated boundary. Spectator vehicles shall be restricted to designated spectator areas only.
- 4.f. Pit crews shall use only authorized pit areas. Pits shall be confined to existing disturbed areas, unless otherwise approved by the Service. Pit areas will be marked with a sign stating that a pit pass is required. Under no circumstances will the issuance of pit passes contribute to expansion of designated pit areas.
- 4.g. All event-related activities will be confined to authorized vehicle routes, pit areas, spectator areas, and the course itself, and will not stray into vegetated areas. All major access routes

leading into restricted areas will be monitored, or marked closed and bannered off. Personnel shall be stationed at these areas, as appropriate, to enforce access restrictions. Directional signs to spectator and pit areas will be posted at all main access points. "Race-in-progress" signs will be posted at each location where the race crosses another road. Other disqualification or hazard zones will be monitored periodically during the event.

- 4.h. Sufficient staff from BLM shall be present to check for compliance with stipulations of the race permit. The importance of staying on the racecourse will be stressed to all participants by BLM and the promoters.
- 4.i. To help control spectators, the event promoters shall station at least one person at the primary entrance to the spectator area for at least 2 hours before the start of the race and 1 hour after the start of the race. This individual will stop all cars coming into the area, give the occupants information on the limits of the spectator area, and advise them where they can and cannot park.
- 4.j. During pre-race and post-race maintenance activities involving the use of heavy equipment to grade new course if required, a tortoise monitor shall be present to check for tortoises.

All road repair and course cleanup crews shall be accompanied by BLM personnel or their designee to ensure that no tortoises or tortoise burrows are harmed during repair and cleaning operations.

- 4.k. Any desert tortoises located on, immediately adjacent to, or moving directly toward the racecourse shall be captured and temporarily held or moved into undisturbed desert habitat within 1,640 ft and placed in the shade of vegetation on BLM-managed lands. All handling and temporary holding of desert tortoise shall be performed by BLM personnel or BLM contractors experienced or trained in the handling of desert tortoises according to current Service-approved protocol (Service 2009). Desert tortoises will be deliberately moved solely for the purpose of moving them out of harm's way. Desert tortoises shall be placed only on lands under the ownership of BLM unless written permission is provided from the landowner. All personnel involved in tortoise capture shall obtain appropriate permits from NDOW prior to handling any desert tortoise. All instances of handling tortoises shall be reported to the Service with the Desert Tortoise Handling and Take Report (Appendix E).

Desert tortoises temporarily held shall be kept shaded at all times until it is safe to release them. Tortoises shall be released in the early morning immediately following each race as stated above.

- 4.l. All occupied desert tortoise burrows that are in close proximity to the race course but are not at immediate risk of damage from race activities shall be temporarily penned by the authorized biologist(s) or monitor(s) overseen by the biologist to ensure the desert tortoise is confined to the burrow and will not wander onto the course during each race event. Identified burrows will have the entrance blocked 1-2 days before each race event prior to 7:00 a.m. to ensure that desert tortoises are not trapped outside of resident burrows. Removal of the temporary pens shall occur by no later than 12:00 p.m. the day after each race event.

Pens shall be constructed by installing a circular fence, approximately 10 to 20 feet in diameter to enclose the desert tortoise/burrow. The diameter or size of the pen can vary, but the fenced area should provide sufficient space for the desert tortoise to exit the burrow but remain penned. The size, diameter and configuration of the pen will be constructed based on the best professional judgment of the authorized biologist given the field and site conditions. The pen should be constructed with durable materials (*i.e.*, 16 gauge or heavier) suitable to resist desert environments. Fence material should consist of ½-inch hardware cloth or 1-inch horizontal by 2-inch vertical, galvanized welded wire. Pen material should be 24 inches in width. Steel T-posts

or rebar (3 to 4 feet long) should be placed every 5 to 6 feet to support the pen material. The pen material should extend 18 to 24 inches aboveground. The bottom of the enclosure shall be buried several inches; soil mounded along the base; and other measures should be taken to ensure zero ground clearance. Care should be taken to minimize visibility of the pen to the public. The authorized biologist(s), monitor(s), or trained BLM personnel should check the pen daily, at a minimum. All instances of penning or issues associated with penning shall be reported to the Service (Appendix E).

- 4.m. If any participant, event volunteer, spectator or BLM personnel locates an injured desert tortoise, BLM personnel or contractor experienced or trained in handling tortoises, or BLM designated FCR shall be notified immediately (Appendix E). Any desert tortoise injured as a result of race activities shall immediately be transported to a qualified veterinarian. As soon as possible or within 12 hours of the injured tortoise being found, the Service's Nevada Fish and Wildlife Office in Las Vegas shall be notified at (702) 515-5230.
- 4.n. Permittees shall be responsible for trash and litter clean-up along the course and in spectator and pit areas. Stakes, flagging materials, temporary facilities, litter, and all other event-related materials shall be removed from the course and pit, parking, and spectator areas. The racecourses and parking areas shall be restored, at a minimum, to pre-event conditions within 15 days after the event. Garbage and food, including that not affiliated with the race, will be removed from the areas of the event at the end of each day and will be disposed in authorized sanitary landfills. This effort will reduce the attractiveness of the area to opportunistic predators such as coyotes, kit foxes, and common ravens.
- 4.o. All vehicles shall be inspected prior to each race to ensure proper fluid containment. Any vehicles leaking fluid (oil, transmission fluid, etc.) will not be allowed to participate in the event. Any fuel or hazardous waste leaks/spills shall be contained immediately and cleaned up at the time of occurrence. Contaminated soil will be removed and disposed at an appropriate facility.
- 4.p. All event-related vehicles and activities (including pre-race and post-race vehicles and activities) shall be confined to the authorized racecourse, access routes, and designated areas (pit, spectator, and parking areas) and will not stray into vegetated areas. Directional signs to spectator and pit areas will be posted at all main access points.
- 4.q. The race promoters shall ensure that all measures are deployed to prevent racers from straying into vegetated areas identified as potential problems for disturbance during pre-race meetings with BLM. Potential measures include flagging, signing, reduced speed requirements, identification of corners during driver meetings and as identified by the promoter during the fun run.
- 4.r. If a vehicle breaks down, it will be moved to the side of the race course, avoiding damage to vegetation to the extent possible. Teams will not be allowed to retrieve vehicles without an event official escort to the retrieval site. This will ensure that no additional habitat disturbance takes place during this process. Participants who stop to rest will pull over onto side roads or areas devoid of perennial vegetation, if possible. Riders who no longer participate in the event will either wait along the course for their crew to pick them up, or travel on the course to a pit area. Chase crews will be limited to retrieving vehicles that are broken down along the course. All chase vehicles must have a pit pass, retrieval pass or other form of access permission from BLM. No travel off the course will be authorized.
- 4.s. If desert tortoise habitat is disturbed as a result of an OHV event or activity, BLM will collect an additional per-acre fee based on the quality of habitat disturbed. This fee will be used by BLM to restore desert tortoise habitat in accordance with BLM restoration methods. The fee rate will

be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31st of each year. Fees assessed or collected for projects covered under this biological opinion after March 1st of each year will be adjusted based on the CPI-U. Information on the CPI-U can be found on the Internet at: <http://stats.bls.gov/news.release/cpi.nr0.htm>.

This fee will be paid directly to BLM's State Office in Reno, Nevada. These funds are independent of any other fees collected by BLM for desert tortoise conservation planning. The payment shall be accompanied by the attached Section 7 Fee Payment Form, and completed by the payee (Appendix F).

- 4.t. All maintenance equipment/vehicles and race vehicles shall be washed/steam-cleaned prior to entering the project area to prevent the spread of noxious weeds. Any vehicle that leaves the project area will be washed/steam-cleaned prior to re-entering the project area.
- 4.u. Personnel from BLM shall be present during race activities to check for compliance with stipulations or conditions of the race permit, and the terms and conditions of this biological opinion. BLM or race promoters shall disqualify any race participant or driver who violates any stipulations or conditions for the race event. Additionally, failure of any member of the driver's support team or spectators associated with a particular driver or rider to comply with the stipulations or conditions shall result in the disqualification of that driver or rider by BLM or the race promoters.
- 4.v. Within 15 days following each event, BLM shall inspect each racecourse for new disturbance. These areas of new disturbance will be documented by GPS, photos and other methods to report in accordance reporting requirements, and restored to pre-disturbance conditions.
- 4.w. The racecourse shall be inspected by monitor(s) or trained BLM personnel as soon as possible after the race to document any observable instances of "take" (mortality or injury) to desert tortoises from race activities. This information will be reported in accordance with Term and Condition 7.d. This information could be used when assessing potential impacts from any future BLM-sanctioned OHV event.
- 4.x. A brief but complete report shall be written by BLM or race promoters documenting the results of implementation of the terms and conditions. The report shall be submitted to the Service's Nevada Fish and Wildlife Office in Las Vegas within 30 days of completion of each race event or post-race activities.

Appropriate information for the report includes, but is not limited to: amount of new disturbance (documented if possible by photo points or GPS data); amount of take exempted and take reported (Appendix E); effectiveness or ineffectiveness of the terms and conditions of this biological opinion (measured by quantitative data or qualitative observations); fees assessed; and restoration or remediation actions taken to address habitat disturbance including amount of habitat restored. Information relevant to each race event also will be included such as the number of vehicles that participated and approximate number of spectators and support staff.

In addition, BLM or authorized desert tortoise biologist shall complete and provide a Desert Tortoise Handling and Take Report for each instance of desert tortoise injury, mortality, handling, penning, etc. The report will be due to the Service within 7 days following the event.

- 4.y. BLM shall photograph all sharp turns on high-speed race courses before and after the event and provide the photos with an assessment of any habitat damage to the Fish and Wildlife Service as part of the post-event report required under Term and Condition 4.x. BLM should consider

constructing berms to control race vehicles where habitat is disturbed due to sharp turns or other course conditions.

RPM 7: Compliance and Reporting—Applies towards all actions. *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to comply with the reasonable and prudent measures, terms and conditions, reporting requirements, and reinitiation requirements contained in this biological opinion:*

Terms and Conditions:

- 7.a. ***Desert tortoise deaths***—The deaths and injuries of desert tortoises shall be investigated as thoroughly as possible to determine the cause. The Service (702/515-5230), BLM wildlife staff (702/515-5000) and appropriate state wildlife agency must be verbally informed immediately and within 5 business days in writing (electronic mail is sufficient). The Authorized Desert Tortoise Biologist shall complete the Desert Tortoise Handling and Take Report (Appendix E).
- 7.b. ***Non-compliance***—Any incident occurring during project activities that was considered by the FCR, authorized desert tortoise biologist, or biological monitor to be in non-compliance with this biological opinion shall be immediately documented by an authorized desert tortoise biologist. Documentation shall include photos, GPS coordinates, and details on the circumstances of the event. The incident will be included in the annual report and post-project report.
- 7.d. ***Project reporting requirements***— Project proponents will provide BLM with compliance reports. Quarter (non-appended actions), annual, and comprehensive final project reports will be submitted to BLM and the Service’s Nevada Fish and Wildlife Office in Las Vegas. Annual reports are required for all appended actions (except those completed and provided in a prior annual report). Annual reports will cover the calendar year and are due April 1st of the following year (e.g., the annual report for calendar year 2013 is due April 1, 2014). Quarterly reports for non-appended actions are due 15 calendar days following the quarter. Final project reports are due within 60 days following completion of the project or each phase of the project.

The Programmatic Biological Opinion Report to the Fish and Wildlife Service (Appendix G) will be used for quarterly, annual, and final project reports, and shall include all Desert Tortoise Handling and Take Reports (Appendix E). If available, GIS shape files will be included.

- 7.f. ***Restoration monitoring***— if new disturbance occurs vegetation restoration success shall be monitored by project proponent and reported to BLM and the Service. Monitoring will include both qualitative and quantitative data collection and analysis. Monitoring frequency and parameters for restoration success will be described in the required restoration/reclamation plan.

8: Minimization Measures

- 8.a. Seasonal restrictions in desert tortoise habitat for proposed speed-based events.

Notice: BLM conducted tortoise presence-absence surveys of four miles of the race course at the Laughlin OHV area to take samples of the course for tortoise occupancy. As no signs of recent tortoise occupancy were found, BLM concluded that the area is very low density desert tortoise habitat and is suitable for year round racing. At this time, only the post mortality sweep will be required. If there are any documented mortalities or injury, a further assessment will be completed prior to the next race during the active desert tortoise period.

Month	Restriction
January-February	Allowed; post-event mortality sweep & standard measures apply.
March	Allowed March 1-15 and not allowed March 16-31; pre-event surveys; pen tortoise along event course; post-event mortality sweep & standard measures apply. The Mint 400 event would be proposed for late March 2013, afterwards all events will be subject to these seasonal restrictions.
April-May	No high speed events allowed in desert tortoise habitat outside Laughlin, North Jean Pit, and Pahrump areas as described above.
June-July-August	Allowed; pre-event surveys; pen tortoise along event course; post-event mortality sweep and standards measures; less measures for night high speed events one-half hour after sunset and the event must be finished by one-half hour before sunrise
September	No high speed events allowed in desert tortoise habitat outside Laughlin, North Jean Pit, and Pahrump areas as described above.
October	High speed events only allowed in low density areas (including the North Jean Pit area); pre-event surveys; pen tortoise along event course; post-event mortality sweep and standard measures.
November-December	Allowed; post-event mortality sweep and standard measures apply.

8.b. **Starting interval (buggy):** 1 to 2 every 30-60 seconds

Starting interval (MC/ATV): By class, on a case-by-case basis, not to exceed 12 at a time (starting interval is 5 to 10 minutes depending on the size of the vehicle).

8.c. **Vehicles:** All project/event-related individuals shall check underneath stationary vehicles before moving them. Tortoises often take cover under vehicles. All vehicle use will be restricted to existing roads. Workers shall not drive or park vehicles where catalytic converters can ignite dry vegetation and to exhibit care when smoking in natural areas. Fire protective mats or shields shall be used during grinding or welding.

8.d. BLM and the event proponent shall consider an alternative event route, which shall be used if rainfall occurs along a portion or the proposed route to the extent that tortoises may be attracted to the course.

8.e. For speed events: Spectator vehicles will be allowed only in designated spectator areas outside ACECs. Spectator areas shall be confined to existing disturbed areas. If new spectator areas are required, BLM and the Service will mutually agree on the locations before they are used.

8.f. **For speed events:** Publicity runs will not occur within ACECs, and all event-related vehicular activity will be confined to authorized routes and the course itself and will not stray into vegetated areas.

8.g. **For all events:** To the extent possible, the event course shall be cleared of all unauthorized vehicles and personnel prior to each event.

8.h. All speed based portions of OHV events are prohibited within desert tortoise ACECs.

8.i. Watering of the pit areas for dust control should not result in pools being created as this could potentially attract tortoises to these areas.

- 8.j. Prior to the start of the time trial, an authorized desert tortoise biologist will sweep the course to check for tortoise activity on the race course. Any tortoise found on the course will be moved in accordance with term and conditions. This part of the course will be marked as an area of tortoise activity and will be inspected for tortoise activity prior to the start of the race. Any tortoise found prior to the start will be moved in accordance with terms and conditions.
- 8.k. Individuals assigned to the check points will conduct a 15-minute search along both sides of the course prior to the start of the race. **Any tortoise found will be moved as stated above.**
- 8.l. BLM will inspect the course after the race activities to document any observable instances of “take” to desert tortoise from implementation of the proposed action. Timing of the inspection will be determined for each event.
- 8.m. BLM or the promoter will inform all event-related staff and participants of the stipulations for the event during a pre-race meeting with BLM.
- 8.n. Staging/veterinarian check stations will be returned to pre-event conditions within one week of the event. Should pre-event conditions not be restored, the applicant will be responsible for reimbursement of costs accrued during clean-up or restoration.

APPENDIX E. DESERT TORTOISE HANDLING AND TAKE REPORT

If a desert tortoise is killed or injured, immediately contact the U.S. Fish and Wildlife Service and BLM, by phone at the numbers below and complete Section 1 of the form.

Completed forms should be submitted to the BLM and Fish and Wildlife Service:

Bureau of Land Management
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
702-515-5000

U.S. Fish and Wildlife Service
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
702-515-5230

Project Name: Laughlin Races NEPA No.: DOI-BLM-NV-S010-2016-0019-EA Case File No./SRP No.: N/A BLM Section 7 log no.: NV-052-16-030	Report Date:
Fish and Wildlife Service Append File No.- 84320-	
Authorized Desert Tortoise Biologist: _____ Employed by: _____	
Section 1: Complete all information below if a desert tortoise is injured or killed in addition to initial contact described above.	
If tortoise was injured <input type="checkbox"/> or killed <input type="checkbox"/> (check appropriate box):	
Date and time found: _____ Found by: _____ GPS location (NAD 83): easting: _____ northing: _____ No. of photos taken: _____ Disposition: _____ _____ _____	
Attach report with photos that describe in detail, the circumstances and potential cause of injury or mortality. For injuries include name of veterinarian and detailed assessment of injuries.	

Section 2: Complete all information below for each desert tortoise handled.

All instances of desert tortoise handling must be reported in this section and be included in the quarterly, annual, and final project reports.

Desert tortoise number: _____

Date and time found: _____ Sex of tortoise: _____

Air temperature when found: _____ Air temperature when released: _____

Tortoise activity when found: _____

Handled by: _____ Approx. carapace length _____

GPS location (NAD 83) found: easting: _____ northing: _____

GPS location released: easting: _____ northing: _____

Approximate distance moved: _____

Did tortoise void bladder; if so state approximate volume and actions taken:

Post handling or movement monitoring and observations:

Section 3: Complete for each tortoise burrow penned.

All instances of desert tortoise penning must be reported in this section and be included in the quarterly, annual, and final project reports.

Date and time of pen construction:

Began: _____ Completed: _____

Date and time pen removed: _____

Pen constructed by: _____

Why was tortoise penned? _____

How frequently was pen monitored? _____

Observations of desert tortoise behavior including time and date of observation:

Include photos of pen and burrow with report.

APPENDIX F. SECTION 7 FEE PAYMENT FORM

Biological Opinion File Number: 84320-2010-F-0365.R003
Biological Opinion Issued By: Nevada Fish and Wildlife Office, Las Vegas, Nevada
Species: Mojave Desert Tortoise (*Gopherus agassizii*)
Project Name: Laughlin Races
NEPA No.: DOI-BLM-NV-S010-2016-0019-EA
Case File/Serial #: N/A
BLM Sec 7 log: NV-052-16-0030
Project Proponent: BLM
Phone Number: _____

Payment Calculations:	Clark County		_____ County		_____ County	
	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat
# acres anticipated to be disturbed on federal land		4.21				
Fee rate (per acre)		843				
Total cost/habitat type (per county)	\$ -	\$ 3,549.03 -	\$ -	\$ -	\$ -	\$ -
Total cost per county	\$ - 3,549.03		\$ -		\$ -	

Total payment required (all counties): \$ 3,549.03

Amount paid: _____ **Date:** _____ **Check/Money Order #:** _____

Authorizing agencies: Bureau of Land Management, _____ Las Vegas, _____ Nevada

Make check payable to: Bureau of Land Management

Deliver check to: **Physical Address**
 Bureau of Land Management
 Attn: Information Access Ctr
 1340 Financial Blvd.
 Reno, NV 89502

Credit Card Payments: Contact BLM State Office Public room at 775-861-6500

For BLM Public Room

Process check to:

Contributed Funds-All Other
 WBS: LVTFFX000800
 7122 FLPMA
 All other Res. Dev. Project and Management
 Remarks: LLNV934000 L71220000.JP0000 LVTFFX000800 Desert Tortoise Conservation Program

Please provide a copy of this completed payment form and the payment receipt to NV-930, Attn: T&E Program Lead
****T&E Program Lead will provide a copy to the appropriate District Office(s)**

APPENDIX G. PROGRAMMATIC BIOLOGICAL OPINION (FILE NO. 84320-2010-F-0365) REPORT TO THE FISH AND WILDLIFE SERVICE

The information below should be completed by BLM or the Authorized Desert Tortoise Biologist for the project/action. Reports for all appended actions are required annually (due March 1 of each year for prior calendar year activities) and upon completion of the project/action. **Reports for Speed Events are due 30 days after completion of each race event or post-race activities.**

Project Name: Laughlin Races

NEPA no.: DOI-BLM-NV-S010-2016-0019-EA

Case File no./SRP no.: N/A

BLM Section 7 log no.: NV-052-16-030

Annual Report

Project Completion Report

1. Date: _____

2. Fish and Wildlife Service File No (for appended actions): n/a

3. Species and critical habitat affected:

Desert tortoise

Desert tortoise critical habitat

Other (identify): _____

4. Project/action status:

Not begun In progress* Completed date _____

If in progress, state approximate percent complete: _____

5. Desert tortoise habitat disturbed:

Non-critical habitat		Critical habitat	
Proposed disturbance (ac)	Actual disturbance (ac)	Proposed disturbance (ac)	Actual disturbance (ac)
4.21			

6. Habitat of other species disturbed (identify species, non-critical, and critical habitat affected below):

7. Summary of individual desert tortoises taken (appended action):

	Desert Tortoise:		
	Adults	Juveniles	Eggs
Exempted			
Actual			

Describe other individuals taken:

8. Name of authorized desert tortoise biologists and monitors on the project and the dates they were on the project.

9. Describe all non-compliance issues and events.

10. Desert tortoise burrow observed during activity/event:

Total number desert tortoises observed: _____ Total number desert tortoise burrows observed: _____ Attach a summary report detailing each desert tortoise and/or desert tortoise burrows observed during activity/event including tortoise activity when found, how the animal was avoided, what happened to the tortoise, the date and time encountered and GPS location (NAD 83 easting: _____ northing: _____)

11. Describe below (or attached if more space needed) the effectiveness or ineffectiveness of the terms and conditions of this biological opinion (measured by quantitative data or qualitative observations).

12. If unauthorized habitat disturbance occurred describe fees assessed; and restoration or remediation actions taken to address habitat disturbance including amount of habitat restored.

13. Number of vehicles that participated: _____

Approximate number of spectators: _____

Approximate number of support staff: _____

In addition to this report, BLM or authorized desert tortoise biologist shall complete and provide a Desert Tortoise Handling and Take Report (Appendix E) for each instance of desert tortoise injury, mortality, handling, penning, etc. The report will be due to the Service within 7 days following the event.

14. Contact Information

Name _____ Company _____

Address _____

Phone _____

Signature _____ Date _____

Send completed form to:

Bureau of Land Management

Attn: Wildlife Staff

4701 North Torrey Pines Drive

Las Vegas, Nevada 89130

702-515-5000

U.S. Fish and Wildlife Service

4701 North Torrey Pines Drive