

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445

NV-020-06-EA-11

Finding of No Significant Impact Burning Man 2006-2010 Special Recreation Permit

I have reviewed Environmental Assessment (EA) NV-020-06-EA-11, Burning Man 2006-2010 Special Recreation Permit, dated June 6, 2006. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that permit authorization will not significantly affect the quality of the human environment and that preparation of an Environmental Impact Statement is not required.

The modifications described in the decision were within the range of event populations considered in the environmental assessment. The three alternative locations that may be used during the permit period were also analyzed in the assessment.

I have determined that the selected alternative is in conformance with the approved Resource Management Plan for Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada 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 our consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context:

The project area is located in Pershing County, Nevada on the barren playa of the Black Rock Desert. The Burning Man event has been held at various locations on the playa since 1990. The playa is within the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA). The enabling legislation for the NCA contains language that allowed for continued permitting of large-scale events such as Burning Man: "It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations." The Resource Management Plan also allowed for large-scale permitted activities in limited portions of the NCA on the Black Rock Desert playa.

Intensity:

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

Permit authorization is anticipated to have impacts to regional economics due to the direct and indirect spending associated with the event. Impacts are anticipated to air

quality, debris on the playa surface, aquatic invertebrates on the playa, and to some local residents and businesses due to greatly increased traffic associated with the event.

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

Permit authorization will have limited effects on public health or safety. Event related traffic, which is many times greater than the normal levels, increases the risk of accidents on NV 447 south of Gerlach during the permit period. Local, state and federal law enforcement presence to enforce local, state and federal laws and provide for public safety during the event is set at levels based upon the professional judgment of responsible law enforcement officials.

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.*

The project area is within the Black Rock Desert High Rock Canyon Emigrant Trails National Conservation Area. The management plan for the NCA provides for events of this scale, while minimizing impacts on important historic, scenic, wildlife, and other resources. Large-scale permitted activities are restricted to resilient areas that are capable of supporting large events with little environmental impact.

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

The Burning Man event has been controversial since it was first permitted by BLM in the 1990s. During the scoping period and comment period for the Preliminary EA comments indicated that some of this controversy still exists. Proponents of the event view their experiences at the event as important parts of their personal lives and seek as few restrictions as possible on event operations. Opponents point to potential impacts to the playa surface related to dust production, formation of low dune fields associated with surface disturbance, incomplete cleanup efforts, liquid waste leaks, and morality issues as reasons why the event should not be permitted. The environmental assessment addressed all the issues that were raised during this permitting process and previous permitting efforts. Based upon the number of comments received during scoping and the nature of the comments, the event appears to be less controversial today when compared to previous permitting processes.

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

There are a several issues for which the effects are largely unknown. These include the degree to which the event contributes to the formation of transient dune fields on the playa surface and the impacts on the eggs of aquatic invertebrates that hatch, grow and reproduce only when the playa is covered with water. The environmental assessment included estimated impacts for both these issues. A three-year study has been initiated with the Desert Research Institute to scientifically assess the impacts of recreational uses, including this event, on transient dunes and aquatic invertebrates. The special stipulations include provisions that could allow changes to the permit based upon the results of such studies.

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 permit authorization will not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. All future proposed management actions in the NCA, will be subject to environmental assessment standards and independent decision making.

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

Based on the environmental assessment, no significant cumulative impacts are expected. When evaluated together with other past, present or reasonably foreseeable activities in the area, the authorized activity does not result in cumulatively significant impacts at the local or watershed scale.

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 permit authorization will not adversely affect any properties listed or eligible for listing in the NRHP or 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 ESA of 1973.

No endangered or threatened species or their habitats are within the project area.

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

The permit authorization will not violate or threaten to violate any Federal, State or local law or requirement imposed for the protection of the environment.

Authorized Officer's Signature



David C. Cooper, NCA Manager

June 7, 2005

Date

3 Attachments:

EA # NV-020-06-EA-11

EA Appendices

1. Special Stipulations for Special Recreation Permit #NV025-06-01
2. Special Recreation Permit Application w/Standard Stipulations and Conditions