

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

OFFICE: Black Rock Field Office, Winnemucca District Office

TRACKING NUMBER: **DOI-BLM-NV-W030-2018-0018-DNA**

CASE FILE/PROJECT NUMBER: NVW03500-18-01

PROPOSED ACTION TITLE/TYPE: 2018 Burning Man – Special Recreation Permit

LOCATION/LLEGAL DESCRIPTION: Mount Diablo Meridian, Nevada

Phase 1:	
Unsurveyed T. 33N., R. 24 E.,	sec. 1, NW ¼ NW ¼; sec. 2, N ½; sec. 3; sec. 4 and 5, those portions lying southeasterly of Washoe County Road 34; sec. 9, N½.
Unsurveyed T. 33½ N., R. 24 E.,	secs. 25 and 26; sec. 27, 33, and 34, those portions lying southeasterly of West Playa Highway; secs. 35, and 36.
Partly Unsurveyed T. 34 N., R. 24 E.,	sec. 25; sec. 26 and 27, those portions lying southeasterly of West Playa Highway

	sec. 34, E ½, those portions lying southeasterly of West Playa Highway secs. 35 and 36.
Unsurveyed T. 34 N., R. 25 E.,	sec. 21 and 28; sec. 33, N ½, S ½ SW ¼
Phase 2:	
Unsurveyed T. 33 N, R. 24 E.	Sec. 1 and 2, those portions lying northwesterly of East Playa Road; Sec. 3; Sec. 4, that portion lying southeasterly of Washoe County Road 34; Sec. 5; Sec. 8, NE ¼; Sec. 9 N ½; Sec. 10, N ½; Sec. 11, that portion of the N1/2 lying northwesterly of East Playa Road.
Unsurveyed T. 33 ½ N, R. 24 E.	Secs. 25, 26, and 27; Sec. 28 and 33, those portions lying easterly of the Washoe County Road 34; Secs. 34, 35, and 36.
Partly Unsurveyed T. 34 N, R. 24 E.	Sec. 23 S ½; Sec. 24, S ½; Secs. 25 and 26; Sec. 27, E ½ NE ¼, E ½, SW ½, SE ¼; Sec. 33, NE ¼ NE ¼, S ½ NE ¼, that portion of the Sw ¼ lying northeasterly of Washoe County Road 34, SE ¼; Secs. 34, 35, and 36
T. 33 N., R. 25 E.,	sec. 4, portion lying northwesterly of East Playa Road.
Unsurveyed T. 34 N, R 25 E.	Sec. 16, S ½;

	Sec. 21; Sec. 22, W ½ NW ¼, SW ¼; Sec. 27 W ½; Sec. 28; Sec. 33, that portion lying northwesterly of East Playa Road; Sec. 34, that portion of the W ½ lying northwesterly of East Playa Road.
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APPLICANT: Black Rock City LLC.

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

The Burning Man event (Event) is a combination art festival, social event and experiment in community living. The Burning Man organization, Black Rock City LLC (BRC), is applying for a one-year Special Recreation Permit (SRP) from the Bureau of Land Management (BLM) to conduct the 2018 Event.

The purpose of the Federal action is to respond to a request for an SRP under 43 CFR § 2930 to conduct the Event in 2018 on public lands administered by the BLM Winnemucca District on portions of the Black Rock Desert playa approximately 10 miles northeast of the community of Gerlach in Pershing County, Nevada.

The need for action is established by the BLM's responsibility under the Federal Land Policy and Management Act of 1976 (FLPMA) (Section 103(c)), requiring public lands to be managed on the basis of multiple uses, and to take any action necessary to prevent unnecessary or undue degradation of lands (Section 302(b)). In addition, the need for action is established by 43 CFR 2930. The authority to collect and retain recreation fees is specified in the Federal Lands Recreation Enhancement Act (FLREA) of 2004.

BRC proposes a maximum population level of 70,000 paid participants for the 2018 Event. During this Event, Black Rock City becomes one of the largest cities in Nevada.

Each year a closure order is placed in effect surrounding the Event to allow BRC, BLM, and law enforcement agencies to conduct their activities pre-Event, during and post- Event. For the 2018 Event, the closure period is from July 29, 2018 to October 1, 2018. The operations associated with the Event occupies 14,153 acres. During this time span, major Event activities involve initial Event setup (building perimeter fence), the Event and the all phases of cleanup. In early October, BLM conducts final post-event site inspection monitoring and completes SRP evaluation.

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

Authorization for 2018 Event is subject to a detailed review and evaluation of the previous year's Event and a separate SRP decision. As necessary, the BLM shall modify special stipulations (subject to NEPA) to address issues and concerns raised during the previous Events or otherwise identified for the applicable year's Event. Additionally, this year's SRP decision and/or the special stipulations attached thereto will specify the maximum population allowed for this year's Event. The maximum population authorized in any year may not exceed 70,000 participants, as that term is defined in the EA, unless the requisite additional NEPA analysis is completed.

In addition to the 13 general terms and conditions listed on the back of the permit (Form 2930-01), the authorized officer may require the permittee to comply with any reasonable special stipulations or conditions necessary to protect the lands or resources involved, reduce user conflicts, or minimize health and safety hazards. 43 C.F.R. § 2932.41. Following a detailed review and evaluation of BRC's 2016 SRP, the authorized officer in

consultation with the permittee modified the *Burning Man 2012-2016 Special Recreation Permit Stipulations* to address issues and concerns raised during the 2017 event.

PERMIT ADMINISTRATION

In addition to the 13 general terms and conditions listed on the back of the Special Recreation Permit Form 2930-2, the following Special Stipulations shall apply to the 2018 Burning Man Event.

GENERAL

1. The maximum authorized population (also referred to as the "population cap") at any point in time during the 2018 event is 70,000 paid participants. The population cap does not include volunteers, government personnel, emergency service providers, vendors, and contractors. BRC is required to keep the maximum population of the event from exceeding this population cap. Consequences to BRC for exceeding the population cap may include, but are not limited to, a finding of non-compliance; suspension or cancellation of this permit per 43 C.F.R. § 2932.56; a monetary or other penalty per 43 C.F.R. § 2932.57; denial of subsequent application(s) for a SRP per 43 C.F.R. § 2932.26; and/or imposition of additional terms and conditions in subsequent years' permits (if granted) that are designed to keep the event population within the maximum authorized population, consistent with 43 C.F.R. §§ 2932.26 and 2932.41. The BLM reserves the right to assess additional cost recovery for any costs the BLM incurs as a result of any population exceedances, per 43 C.F.R. § 2932.31.
2. If during the event it appears that the number of participants arriving to enter Black Rock City is likely to exceed the population cap, then BRC must promptly notify the BLM and provide a detailed Contingency Plan explaining how it plans to manage the additional air and ground traffic. The BLM's acceptance of such a contingency plan does not constitute approval for BRC to exceed the population cap under Special Stipulation 1, nor does it constitute any form of cure for noncompliance with Special Stipulation 1. The purpose of this Special Stipulation 2 is to ensure that BRC will

follow specific procedures to address the safety and health of arriving and departing participants when participants may be made to wait upon arrival before they are allowed to enter Black Rock City.

If during the event it appears that the camping area is insufficient to accommodate the number of participants, then BRC must promptly notify the BLM and provide a detailed Contingency Plan explaining how it plans to accommodate the additional participants.

3. A. During the period of site occupancy, and according to an agreed-upon reporting standard with the BLM, BRC shall provide the BLM with daily population statistics and information on participant arrivals, ticket scanning, and participant departures. The population statistics will include and break out separately, the number of paid participants, staff, and total persons on site and will account for all entrance and departure through all event access points, namely the Main Gate, Airport, and Point 1. In addition, BRC must provide the BLM with event population statistics at any other time upon request.
- B. BRC will notify the BLM immediately if the population exceeds 69,000 paid participants, and will manage operations per BRC's Population Overage plan.
- C. For historical purposes and press inquiries, BRC shall also provide the BLM with the recorded maximum population for the entire event (otherwise known as peak population).
- D. Within 60 days after the event, BRC shall provide the BLM with detailed information regarding the number of staff and participants at the event site for the period of site occupancy. This information shall include daily counts for both the non-event and event period.
- E. Starting on August 25, 2018, and ending on September 4, 2018, BRC will provide the total number of government personnel, emergency service providers, vendors, "work access" passes and contractors (e.g., service providers, staff, infrastructure contractors, art contractors, maintenance and operational personnel)

4. These Special Stipulations incorporate, by reference, information included in the 2018 Burning Man Event Operations Plan (Operations Plan). If there is a conflict between the Operations Plan and the Special Stipulations, the Stipulations shall control. BRC shall provide its latest version of the Operations Plan to the BLM before the BLM will issue the permit for the 2018 event. BRC shall provide a final Operations Plan to the BLM 45 days prior to the event. Modifications to the final Operations Plan concerning the stipulations and compliance with them will be coordinated with the BLM and may be accepted or denied by the Authorized Officer.
5. The location of the 2018 Burning Man Event Area is limited to the public closure area, with ingress and egress from the 8-Mile or Event playa entrance, the 12-mile or Vendor playa entrance, and the playa Airport. The specific location of the event site will be identified and requested by BRC and approved by the BLM prior to the commencement of event setup.
6. The event is authorized to last 192 hours starting on the Sunday that falls eight days before Labor Day and ending on Labor Day. Event activities may officially commence at 6:00 PM on Sunday, August 26, 2018 and shall end at 6:00 PM on Monday, September 3, 2018 (Labor Day). For the purposes of participant ingress, the main gate may be opened as early as 12:01 AM on Sunday, August 26, 2018. For the purposes of participant egress the main gate will be opened until 12:00 PM on Tuesday, September 4, 2018. During the extended ingress and egress hours, participants are required to focus their activities on camp location setup and breakdown. Pre-event surveys and site layout (including use of the communications tower) may begin on Friday, July 27, 2018. Site occupancy, including construction of facilities and structures, may occur no earlier than Sunday, July 29, 2018 (the start of the event closure order). Removal of all above-ground material (i.e., items that could pose a hazard to other playa users) will be completed no later than Monday, October 1, 2018 (the end of the event closure orders). The exception to this requirement is the communications tower, which may remain on-playa throughout the cleanup period for safety purposes. The dates, calendar and procedures for event set up and cleanup

will be outlined in the 2018 BRC Operations Plan.

7. The final phase of cleanup and restoration will be completed no later than Friday, October 1, 2018 in accordance with the last day of the authorized SRP. If unforeseen weather conditions arise, minor adjustments to the post-event cleanup deadlines may be granted by the BLM authorized officer.
8. Upon advance notice to BRC, the BLM reserves the right to alter the terms, conditions, and stipulations of the permit for significant changes in BLM policy or administrative procedure, to prevent use conflicts, prevent resource damage, or protect public safety as provided in 43 C.F.R. § 2932.56.
9. BRC shall post a copy of its permit, these Special Stipulations, and the Federal Register Closure and Restriction Orders in prominent view at Center Camp Playa Info where cooperators and participants have an opportunity to read them. Additionally, the documents referenced above shall also be available for participants and staff on the Burning Man website within 15 days of the BLM's issuance of the permit.
10. Except as otherwise noted in Special Stipulation 1, violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 C.F.R. Part 2930. Additionally, such violations may result in permit revocation, suspension, or probation. Violations may also be cause for the BLM to deny approval of a subsequent Permit or Operating Authorization (43 C.F.R. § 2932).
11. Commercial use is prohibited within the Black Rock City closure area unless specifically authorized by BRC and/or the BLM. Commercial use is defined by 43 C.F.R. § 2932.5, and includes, but is not limited to, commercial film production, food services, waste disposal, recreational/trailer rental and/or air carrier services. BRC and/or the BLM will monitor the compliance of all commercial operators entering the event via the Point 1 Gate and the Airport.

A. Prior to the event:

- i. BRC shall notify potential vendors and air carrier services in writing that they must obtain a BLM Special Recreation Permit (SRP) in order to enter into contract with BRC.
- ii. BRC shall also provide the BLM with a list of known vendors, commercial film/still photography production companies, and air carrier services that BRC recommends be granted a BLM SRP to operate at the event.
- iii. The BLM will immediately notify BRC if any recommended vendors and air operators do not meet the BLM's SRP requirements at 43 C.F.R. § 2932 and cannot be authorized to operate on public lands during the event.
- iv. BRC will immediately notify the BLM if BRC terminates any authorized vendors or air carrier services contract/agreement.
- v. BRC will describe the procedure for BRC and BLM coordination of authorizing vendors, commercial film/still photography production companies, and air carrier services in the 2018 BRC Operations Plan.
- vi. BRC will manage commercial filming per the Commercial Filming Compliance Protocol in the BRC Operations Plan.

B. During the event:

- i. BRC shall require all authorized vendors, commercial film/still photography production companies, and air carrier services to display identification as proof of their authorization to operate at the event by BRC and the BLM.

- ii. Any vendors and air carrier services must show proof of their SRP within a reasonable amount of time (no more than 8 hours) when asked by authorized BLM and BRC personnel, as required by the Closure Order(s) and BRC's OSS or Air Carrier contracts. Commercial film/still photography production companies must show proof of their permit or notice that they do not need one within a reasonable amount of time.
- iii. BRC will inform the BLM's Vendor Compliance Lead of unauthorized vendors, commercial film/still photography production companies and air carrier services discovered at the event.
- iv. Any vendors and air carrier services found operating without a contract with BRC and unpermitted by BLM at the event, will be found to be in noncompliance and may face eviction, and/or receive citations for noncompliance with 43 C.F.R. § 2932, or be required to obtain a BRC contract and a BLM SRP, if required.
- v. If BLM finds any commercial film/still photography production companies operating at the event without a BLM permit or BLM notice that one is not necessary, it will coordinate with BRC as outlined in the Commercial Filming Compliance Protocol in the BRC Operations Plan.
- vi. BRC will provide a copy of the 2018 Closure Orders to all vendors, commercial film/still photography production companies, and air carrier services prior to the start of the event.

12. BRC staff and volunteers shall comply with all applicable supplemental regulations as promulgated in the Closure Order(s) published in the Federal Register prior to the 2018 event.

13. In regard to historical and archeological resources:

- A. All participants and support staff will be informed that collection, excavation or vandalism of historical and archaeological artifacts or sites is illegal on public land. If BRC learns of the discovery of archaeological artifacts (objects greater than 50 years old) or human remains, BRC shall notify the BLM immediately.
- B. BRC shall comply with 43 C.F.R. § 7.18 and shall not make available to the public any information concerning the nature and location of any archaeological resource.
- C. Should BRC discover an archaeological resource, it must stop all activities in the discovery vicinity and protect the site until event completion or until notified otherwise by the BLM authorized officer.

14. BRC shall provide the appropriate identification to its authorized personnel (i.e. staff ID, decals, designated camping areas, etc.) and will inform the BLM of the nature and appearance of such identification prior to the event.

15. All mounted lasers on registered mutant vehicles, placed art projects and placed theme camps must be inspected and approved by BRC.

16. The use of unmanned aircraft systems (UAS) is prohibited, unless the operator is registered through and complies with the Remote Control BRC program (RCBRC) and operates the UAS in accordance with Federal laws and regulations.

17. With regard to mutant vehicles and art cars:

- A. Mutant Vehicles more than 13 feet wide are issued "Playa Only" driving licenses, restricting operation within the city streets. BRC shall locate known "Playa Only" car camps on the outside streets of the city.

- B. Art cars with flame effects shall not carry additional gasoline or diesel fuel tanks when in operation. Propane tanks are allowed on art cars with flame effects upon inspection from the Fire Art Safety Team (FAST) team at the Department of Mutant Vehicles (OMV) registration.
 - C. For vehicles with limited visibility as determined by BRC OMV, easily identifiable walkers and/or spotters are required. Examples of easily identifiable clothing include: reflective safety vests, brightly colored or reflective hats, bandanas or shirts.
 - D. BRC shall notify BLM immediately when there is an art car related injury requiring medical treatment and transport to Rampart.
18. BRC's propane shall be dispensed at identified refueling stations by a licensed professional.
19. BRC shall cooperate with the BLM when requested, to assist in removing individuals from the event as provided in 43 C.F.R. § 2932.57(a)(7). If BRC evicts anyone under BRC's internal procedures BRC will notify the BLM of the eviction and identify the evicted individuals.
20. BRC shall develop the following policies and procedures in their Operations Plan:
- A. Must Reports - to include prompt notification to BLM when additional BRC resources are required to reduce the intensity of a potential conflict or developing situation involving Burning Man participants
 - i. BRC will immediately report all received reports of sexual assault to law enforcement including the day, time, and location in the city of the reported incident. Black Rock Rangers will facilitate law enforcement in

locating the victim unless the victim requests anonymity. Notification must include a Tier 1 notification.

B. Evacuation Plan

C. Sanitation, medical, fire protection, security, participant camping, traffic management, drones, lasers, burn perimeters, and safety.

21. Regarding Burns:

A. BRC shall include BLM at the 1600 briefing on the Thursday before the Man Burn.

B. BRC shall provide BLM a "Daily Burn Sheet" that shall include information on each burn, the perimeter size, the FAST Lead for the burn, image and location of the perimeter.

C. At large scale burns, participants who are stopped by BRC Rangers for repeatedly violating established burn perimeters shall be promptly turned over to BLM Law Enforcement.

D. All structures to be burned must meet BRC engineering standards for burnable structures, or they shall not be burned.

22. BRC shall provide forward deployment of appropriate ESD assets during large planned events including large scale burns. BRC shall ensure BLS and ALS care, and medical transport, are available during large unplanned events, including music events in the mobile sound zone.

23. BRC will provide the Winnemucca District a phone number to contact the Burning Man Airport during hours of operation and a point of contact who may be reached

before, during and after the event. The phone number must be provided to the Winnemucca District no later than 24 hours before the Burning Man Airport (88NV) opens.

24. In the event of a fire within 100 nautical miles of the Burning Man 88NV airport, and with the issuance of a TFR, a BLM Division of Fire and Aviation air space coordinator may be assigned to the Burning Man airport. The air space coordinator will partner with 88NV management to record tail numbers of inbound and outbound flights at 88NV, notify departing pilots of active TFRs and regulate departures of traffic to and from event.
25. Single Entry Commercial Aircraft Services, known as Singleton's, will be required to show proof of insurance to BRC via the BXA Charter program. Carriers who do not show proof of insurance may not land.

COORDINATION

26. BRC personnel shall meet with BLM staff and representatives from the various cooperators during the event period at such other times and places as needed. At these meetings, BRC shall provide daily attendance figures (as required in Special Stipulation 1) and exchange other information necessary to allow all parties to effectively administer and assess the event daily. BRC and BLM will have a daily meeting plan for the purposes of communication and exchange of information. Details will be included in the 2018 BRC Operations Plan.
27. BRC shall make a member of its Board, or authorized representative(s), available to the BLM prior to the event for planning coordination. This member of its Board, or authorized representative(s) will also be available to the BLM after the event for After Action Review coordination. BRC's Board member or authorized representative(s) must be authorized to represent and act on BRC's behalf to coordinate as needed with the BLM, law enforcement, and other event cooperators on issues requiring action. BRC must provide BLM with its authorized

representative(s)/point of contact(s) by 07/29/2018.

The BLM's representatives are the following:

- Mark Hall - Incident Commander (AO)
- Mark Pirtle - Compliance & Support Branch Chief
- Logan Briscoe - Law Enforcement Branch Chief

(Note: The BLM representatives may use designees to represent them for certain functions)

28. BRC and BLM, and other agencies as shall be mutually deemed appropriate, shall cooperate in the development of a Unified Command (UC) structure, including designation of “Tier 1” leadership positions, for the management of available safety, security and infrastructure resources during an emergency incident. UC operations will be managed from the Joint Operations Center (JOC) unless it is deemed more appropriate by Tier 1 leadership to have an incident-specific UC location. During the event, and during the immediate pre and post operating period, Tier 1 members will coordinate daily to review and discuss operating procedures and outcomes. Tier 1 members will coordinate in the event of an emergency threshold incident as defined in the BRC Ops Plan. BRC will ensure there is appropriate BRC representation in the Tier 1 leadership, available 24 hours a day 7 days a week during the event and will provide the name(s) of BRC representation to BLM by July 30, 2018.

29. Meetings required with affected parties:

- A. BRC shall confer with the following entities prior to the event to address local issues and concerns: Washoe County Sheriff’s Office, NDOT, Federal Aviation Administration, Washoe County Roads Department, Nevada Highway Patrol and the Gerlach Volunteer Fire Department.
- B. A representative from BRC will meet with representatives from the BLM prior to the event to coordinate logistics for operation of the communication compound.

- C. BRC shall meet with the Pyramid Lake Paiute Tribe to address concerns and impacts to Tribal reservation resources anticipated from the Burning Man event.
 - D. BRC shall keep the BLM informed regarding progress on formal agreements/MOUs with affected Parties.
30. BRC will develop and implement a plan to address the potential for minors at the event to be exposed to adult activities. The plan should include placement of themed camps and measures such as educating parents and guardians that they are legally responsible for supervising the minor children in their care and advising adult-oriented theme camps to post a gatekeeper during times when the camp's activities might not be suitable for minors. BRC will make a diligent effort to enforce actions identified in the plan. A copy of the plan shall be provided to the BLM and the Pershing County Sheriff's Office before or within 10 days of the BLM's grant of the permit.
31. BRC shall develop and cooperate in the implementation of contingency plans for operations of critical health and safety services under adverse conditions, including those that could cause cancellation or temporary suspension of the event. Such causes may include adverse weather, natural or human caused disaster, or social unrest. This effort shall apply to participants within the event area and en-route to and leaving the event.
- A. Prior to the event, BRC shall disseminate emergency information to participants via the Burning Man Website, the Burning Man Survival Guide, and any other appropriate media.
 - B. During the event:
 - i. Should event cancellation be necessary, critical health and safety systems

must be as operational as reasonably possible during the duration of any temporary suspension, or until participants are able to leave the event site and the Gerlach/Empire area.

- ii. BRC and the BLM will monitor forecast weather conditions. If weather forecasts suggest a high probability of adverse weather conditions that may result in disruptions to the event, both parties in conjunction with other appropriate agencies and cooperators will follow response plans and maintain appropriate strategies and actions to deal with potential impacts on participants. In the event of natural disaster or civil unrest, response plans, appropriate strategies and actions will be initiated immediately after any disaster or unrest occurs.
 - iii. BRC shall cooperate with the BLM and county law enforcement to warn participants headed into the event of event closure or other restrictions.
 - iv. BRC shall provide participants with current and projected conditions, allowed and prohibited actions deemed necessary for public health and safety as well as protection of the environment, and other appropriate public service announcements via BMIR, flyers, or loud speaker broadcasts as needed.
 - v. If event termination is required, an appropriate time frame will be established by the Tier 1 group and other cooperators to facilitate safe removal of people and property.
32. In cooperation with emergency services providers and law enforcement agencies, BRC shall within a reasonable time after learning of them, notify the BLM and appropriate agencies of all accidents related to the event that occur before, during, and after the event that result in death or personal injury requiring hospitalization. Accident reports involving death or injury will be coordinated with the Pershing County Sheriff's Office and the BLM.

33. BRC's medical contractor shall report daily to the BLM, and the Nevada Division of Public and Behavioral Health, providing a numerical breakdown of patient categories and transports, including a breakdown of reasons for transport; and no later than 60 days after the event shall provide to the BLM a written final statistical report of such medical cases.
34. Within 12 hours upon learning of any incident that occurs before, during or after the event that could possibly result in a liability claim, BRC shall confer with the BLM and as deemed necessary by either party, submit a written incident report to the BLM.
35. BRC shall provide a minimum of two structural/brush-type fire engines, National Wildfire Coordinating Group (NWCG) type 3-6. Engines and staff must meet NWCG or NWSA (National Wildfire Suppression Association) standards for personnel and equipment. These fire engines will be strategically placed within BRC as determined necessary by the BRC fire contractor. BRC shall station a specialized emergency firefighting vehicle at the airport during all times that the airport is open. BRC shall provide modern industry-standard technical rescue, extrication and high-angle rescue capabilities and equipment throughout pre- during- and post-event.

FEE SCHEDULE

36. The BLM shall collect a commercial use fee from BRC for the use of public lands for the event. The fee, as set by regulation 43 C.F.R. § 2930 and BLM Handbook H-2930-1 Special Recreation Permits, will be equal to 3% of the adjusted gross income derived from the use authorized under the SRP, plus any applicable assigned site fee and/or exclusive use fee, plus cost recovery, including application fees. Through the Collections and Billing System (CBS), the BLM will invoice BRC for a payment of at least 25% of the estimated commercial use fee (i.e. 3% of estimated gross receipts). Payment must be received by the BLM prior to the start of the event. Determination of gross income will be based on all payments received by BRC and its employees or agents for goods or services provided in connection with commercial activities

authorized by the SRP. BRC shall provide BLM with an itemized detailed gross revenue report, prepared by a Certified Public Accountant, including, but is not limited to, ticket sales, authorized contractors operating under the Burning Man SRP, coffee and ice sales, revenue from filming and photography, Plug- and-Play camps, fees associated with outside services and private donations received by BRC for management of the event on public lands.

The following schedule for payments will be used:

Payment	Due Date	Amount Due
1.	10 days after permit is issued by BLM; generated in CBS.	25% of estimated commercial use fees
2.	January 31st, 2019 due date in CBS.	The remaining balance of commercial use fees

37. BRC shall provide BLM with an itemized gross revenue report for all ticket sales and event entry sales. The report will include the number of tickets sold in each category and the price per ticket for the following categories as listed in the BRC "2018 Ticket Structure":

- PRE-SALE
- DIRECTED GROUP SALE
- MAIN SALE
- LIMITED \$1,200 TICKETS
- LOW INCOME TICKET PROGRAM
- KID'S TICKETS
- OMG SALE

38. BRC is responsible for the cost recovery payment, consisting of the actual costs of administering the Special Recreation Permit, including all direct and indirect costs, in addition to the commercial use fees. BRC must sign a Cost Recovery Agreement

(CRA) within 10 days of the issuance of the permit. 100% of the cost recovery fee estimate shall be received prior to the start of the event as provided in the 2018 CRA.

39. Any commercial vendors supplying goods or services directly to Burning Man participants at the event must have a permit from the BLM.
40. Per 43 CFR 5.2 and Public Law 106-206, commercial film producers/companies and commercial still photographers may need a permit from the BLM before they film/capture images on the playa.

SANITATION

41. BRC shall ensure there are an adequate number and suitable placement of toilets as needed throughout Black Rock City according to BRC's Operations Plan and the Nevada Division of Public and Behavioral Health's Mass Gathering permit requirements, in conjunction with the Nevada Revised Statute sanitation requirements. Throughout the event, restrooms shall be placed in strategic locations to accommodate participant's needs. Sufficient portable toilets must be supplied at areas likely to be used after dark. BRC shall ensure the toilets in the open playa are adequately lit and visible during nighttime activities. In conjunction with Mutant Vehicle mass gathering producers, BRC will stage sanitation resources in the deep playa. BRC will manage restrooms near the Temple according to the BRC Operations Plan.
42. BRC will educate participants about pumping limits, portable toilet locations, and best practices in desert camping. BRC shall continue to educate the event participants regarding the importance of appropriate disposal of human waste prior to the 2018 Burning Man event. BRC shall include a page on the Burning Man website that specifies the appropriate disposal of human waste for participants using personal portable toilets and provides information regarding the risks to human health of improperly disposed of human wastes. BRC shall inform the event participants on the legal ramifications to the individual and to the applicant of inappropriately disposed

human waste including the possible revocation of permits, see NAC 444.5466 Disposal of sewage; plumbing (for Camping) and NAC 444.5492 (regarding provision of toilet facilities for mass gatherings). BRC will place portable toilets near the Temple throughout Sunday night.

TRAFFIC MANAGEMENT

43. BRC's Traffic Management Plan will include detail on Burning Man's traffic controls during ingress and egress. This plan will be approved by the BLM authorized officer.
44. No more than 1,000 vehicles per hour shall be released from Black Rock City during the exodus period to avoid deterioration of the external roadway system to an unacceptable level of service (LOS E or F) (Note: Transportation engineers and planners commonly use the term level of service (LOS) to measure and describe the operational status of a roadway network. The Nevada Department of Transportation (NDOT) strives to maintain LOS D or better on all of its roadways. LOS levels E and F are considered unacceptable by NDOT).
45. BRC shall allow any dispatched tow truck that is licensed to operate in the State of Nevada to access the event through the 12-mile access vendor's gate for the purpose of removing vehicles in need of repair, and/or to carry out minor repairs to allow inoperable vehicles to be driven away from the event.
46. BRC shall manage highway clean-up operations in accordance with their annual Operations Plan to include litter and debris collection along the roads and highways surrounding the event. Operations shall focus on:
 - County Road 34 from the "12-Mile" entrance to State Road (SR) 447
 - SR 447 from County Road 34 to Wadsworth
 - Gerlach to the California state line, and
 - SR 446 from Nixon to SR 445 near Sutcliffe
 - and may include as necessary CR34 north of the event site to Jackson Lane.

Weather, traffic and other safety concerns permitting, BRC will begin this cleanup effort on Wednesday post- event, and complete the effort by October 1, 2018. BRC representatives will also meet and confer with local entities that have reported concerns about event participants leaving trash, and BRC will work to mitigate these issues in order to prevent a reoccurrence of complaints, and to promote Leave No Trace ethics outside of the event.

BRC shall coordinate with NDOT and the Freeway Service Patrol to ensure that debris removal is conducted according to NDOT standards and protocols. BRC shall coordinate with Washoe County as needed to identify county roads impacted by event related trash and debris. BRC shall make best efforts to collect all event related trash that can be safely collected and will notify and coordinate with the appropriate agencies for any remaining items.

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

47. Flaggers shall be used at the intersection of SR-447 and SR-427 to provide for greater public safety within the Pyramid Lake Paiute Reservation.
48. BRC shall cooperate with Washoe County Sheriff's Office and NDOT to request a temporary speed limit reduction through the town of Empire. The BLM recommends a posted maximum speed limit of 25 mph. A reduced speed limit would improve the safety of parking along SR-447 through Empire and pedestrians crossing the roadway.

49. BRC shall provide traffic control, using traffic control devices as determined by Washoe County Roads Department and NDOT, at County Road 34 entrances/exits to the Burning Man event, the "Y" intersection of SR-447/County Road 34 and in the towns of Gerlach and Empire during heavy traffic periods.
50. To reduce impacts to the Pyramid Lake Paiute reservation located along the access routes, BRC shall coordinate with the Pyramid Lake Paiute Tribe. BRC shall work with the Pyramid Lake Tribe in developing the applicant's plan to increase public awareness and educational campaigns about Leave No Trace® on tribal land, including for example, signage on roads, Public Service Announcements on BMIR, blog-posts, etc. Also, BRC shall continue to support and promote tribal enterprises that are setup to collect participant trash and recycling for a fee, which also helps with economic benefits of the region.
51. Event speed limits shall be posted on both Gate Road and the 12-Mile/Point I Road. BRC will provide clearly identifiable mileage markers on Gate Road to facilitate emergency response. Will-call area shall have an organized layout including signage.
52. BRC shall delineate the perimeter edges and ends of the NV-88 runways, with visible safety cones, as specified in the annual BRC Event Operation Plan.

COMPLIANCE INSPECTIONS

53. BRC's operation and compliance with the terms, conditions and stipulations of the Special Recreation Permit, Form 2930-2 and BRC's Operation Plan will be evaluated through performance inspections before, during, and following the event. All campsites, vendor operating areas, commercial film/still photography production areas, and permittee operating areas are subject to compliance checks to monitor environmental, vending and film/still photography compliance-related stipulations. This includes the Department of Public Works, First Camp, Heavy Equipment Yards, and the United Site Services Operation Area, among others.

54. BRC shall coordinate with the BLM and any other relevant agency to monitor environmental protection measures identified in these Special Stipulations, the temporary closure order, and BRC's Operations Plan. BRC will manage operations in accordance with their annual Operations Plan. BRC will document and mitigate all violations of environmental protection measures within 24 hours of the violation being brought to BRC's attention. The 2018 BRC Operations Plan shall describe the monitoring, communication, and mitigation protocols for Environmental Compliance, including but not limited to:

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

55. BRC shall make personnel available immediately after the end of the post-event cleanup period, and if deemed appropriate by the BLM, during the spring following the event, to inspect the site with the BLM to determine any latent adverse impacts, such as pit depressions, bumps, depressions from roadways, ruts from vehicular traffic, or surfacing buried materials, to ensure that the site is returned to pre-event condition. Inspections of the event site, in the fall post-event, will be coordinated by the BLM using randomly placed transects on the site and a measurable cleaning standard. The inspecting party will intensively collect debris found on the ground within each transect. A follow-up spring inspection will be conducted only when

deemed necessary by the BLM. The Post-Event Cleanup Standard shall be the average total surface area of debris collected from either the fall or spring transects will not exceed the equivalent of an average of 1 square foot per acre from identified inspection areas. BRC may make a written request for an extension of time for the completion of the cleanup if weather or some other catastrophic event interferes with access to the site for cleanup purposes. The BLM authorized officer may consider such a request. If cleanup studies indicate the Post-Event Cleanup Standard has been or is likely to be exceeded, the permit will be suspended until the site has been cleaned up to a level not to exceed 50% of the standard and the Operations Plan includes reasonable measures to assure that the Post-Event Cleanup Standard will not be exceeded during the life of the permit.

B. Land Use Plan (LUP) Conformance

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

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

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

Recreation decisions REC-21 through REC-27 apply to the issuance of SRPs:

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

No-Trace® principles.

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

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

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

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

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

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

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

DOI-BLM-NV-W030-2012-0007-EA, Burning Man 2012-2016 SRP; DR dated 06/12/2012

and FONSI dated 06/12/2012.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The Event portion, including proposed population, of this action was analyzed in the 2012-2016 Burning Man EA. The proposed modifications of the stipulations are consistent with and meet intent of the stipulations developed in the above cited EA. While this year's Event is outside the time period analyzed in the 2012-2016 Burning Man EA, the 2018 Event has changed two items from the analysis in the existing NEPA document, and that is adding an additional runway (3 total) and breaking the closure order into two phases. The additional runway is within the original analyzed area and is being created in response to public health and safety concerns that arose in 2017. As for the two phase closure order, this is also the same area previously analyzed and is in response to manage user conflict and access of the Black Rock Desert Playa.

2. Is the range of alternatives analyzed in the existing NEPA documents(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The alternatives analyzed in 2012 are appropriate for this action. The magnitude and duration of this proposal is within the same scope of the 2012-2016 Burning Man EA and therefore does not warrant further development of alternatives.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of

BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. At the present time, there is no new information or changed circumstances for the 2018 Event that would substantially change the existing analyses. The information used to support the 2012-2016 EA analysis was conducted in 2011 and 2012 making the information current.

On October 2, 2015, the U.S. Fish and Wildlife Service (FWS) determined that the Greater Sage-Grouse (GRSG) did not warrant protection under the Endangered Species Act (ESA); therefore, the GRSG was not listed as Endangered or Threatened and in addition, the FWS withdrew the species from the Candidate Species List. This finding was due to the conservation efforts implemented by Federal, State and private landowners, including the BLM Nevada and Northern California GRSG Approved RMP Amendment and Final Environmental Impact Statement (FEIS), Record of Decision signed September 22, 2015. The RMP identifies GRSG guidance and defines three types of habitat, which include Priority Habitat Management Areas (PHMA), General Habitat Management Areas (GHMA), and Other Habitat Management Areas (OHMA). Given the new information on GRSG, the proposed action would occur outside of PHMA, GHMA and OHMA. Therefore, the analyses conducted in existing NEPA documents are still valid because the Proposed Action is outside of and would not affect any designated GRSG habitat.

4. Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

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

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

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

Burning Man Preliminary EA

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

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM' compliance with the requirements of the NEPA.

Conclusion (If you found that one or more of these criteria is not met, you will not be able to check this box.)

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

_____s\\Chelsea McKinney_____ July 27, 2018 _____
Signature of Project Lead Date

_____ss\\Mark E. Hall_____ July 27, 2018 _____
Signature of NEPA Coordinator Date

_____ss\\Mark E. Hall_____ July 27, 2018 _____
Signature of the Authorized Officer Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.