

RECLAMATION

Managing Water in the West

Laughlin Races and Events Environmental Assessment

Finding of No Significant Impact
LC-18-26

Lower Colorado Region, Boulder City, Nevada



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

September, 2018

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for

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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 Steiner Date: 9/25/2018
Natural Resource Specialist

Recommended: [Signature] Date: 25 Sep 2018
Manager, Environmental Compliance Group

Approved: [Signature] Date: 9/27/18
Chief, Resources Management Office

Background

The Bureau of Land Management (BLM) completed the “Laughlin Race and Event Environmental Assessment” (EA) (DOI-BLM-NV-S010-2018-0082-EA) in September, 2018 to analyze the potential impacts of issuing multiple Special Recreation Permits (SRP) and Rights of Use (ROU) for high-speed truck/buggy/Utility Track Vehicle-Utility Terrain Vehicle /motorcycle/quad races and endurance /obstacle events throughout the year at an established race course on BLM and Bureau of Reclamation (Reclamation) land just west of Laughlin, NV. The race course includes race routes, parking, spectator areas, pits, staging areas, and all other facilities and/or areas associated with the races.

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. Reclamation hereby adopts the EA which is incorporated by reference into this FONSI. The BLM has issued a separate FONSI and Decision Record for the lands they administer.

Races of this type (excluding the endurance/obstacle races which are a recent addition) have been held at this location for many years, and there are established race routes, parking, race pit, and spectator areas. The EA was prepared because the endurance/obstacle races were not included in DOI-BLM-NV-S010-2016-0019-EA.

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 ROU 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 ROU to allow events on the Reclamation administered portion of the race course. Reclamation will review applications submitted by potential Permittees and determine if the individual events will be permitted for that year and if the activities proposed are within the scope of the EA. Additional NEPA compliance may be needed if the proposal is not consistent or additional impacts are identified. Reclamation will impose race stipulations and terms and conditions in the ROU.

The race course will be between 6 and 16 miles long, depending on the race. Approximately three miles cross Reclamation land on existing primitive roads at the following location: N½, E½ of section 10, Township 32 South, Range 66 East, and the W½ of section 11, Township 32 South, Range 66 East, MDM, Clark County, Nevada. 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. Additional details about races and endurance/obstacle events can be found in Chapter 2 of the EA.

Environmental Commitments

The Permittee is required to comply with the following General Resource Stipulations and BLM Special Recreation Permit (SRP) Stipulations. These measures may have requirements that do not directly relate to Reclamation lands, or Reclamation may not specifically be named in the requirement; 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. The Reclamation Authorized Officer will be identified in the ROU.

General Resource Stipulations

- The Permittee shall assure that no spectators are allowed on Reclamation managed lands. Reclamation and the BLM Authorized Officers shall be notified of any spectators or race participants who travel outside of authorized areas during events.
- The Permittee shall notify the Reclamation and BLM Authorized Officers of any injuries, serious incidents, or accidents which occur on Reclamation and BLM lands. The notification should be made within 1 hour of the injury, incident, or accident.
- The Permittee shall provide the information statement below to race participants and spectators for their awareness of Naturally Occurring Asbestos 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.clarkcountynv.gov/airquality/announcements/Documents/asbestos/AsbestosFAQ_ENG_web.pdf”

- At the request of BLM and/or Reclamation, the Permittee shall implement measures to minimize disturbance and erosion along race routes, at obstacle areas, and any other areas authorized for use. This may include but not be limited to: route design to minimize erosion, limiting the width of the route with flagging or other barriers or delineation, establishment of course checkpoints and chicanes, stabilizing erodible areas or installing drainage and/or waterbars. All measures shall be approved by BLM and/or Reclamation and shall be at the expense of the Permittee. This includes the previously disturbed but revegetated portion of the Endurance/Obstacle race course on Reclamation land. At this

location the route shall not exceed 15 feet in width and the potential measures discussed above shall be implemented as needed.

- Any new disturbance caused by races or associated activities shall be restored by the Permittee or subject to a fee per acre disturbance fee as described in item No. 51 in the SRP Stipulations (or another fee schedule determined by Reclamation). Restoration shall include development and implementation of a restoration plan approved by Reclamation and the BLM. The restoration plan shall include an assessment of damages, timeline for restoration, required restoration, monitoring, and if necessary, a watering schedule. The Permittee shall be responsible for all costs associated with restoration.
- The Permittee will provide BLM and Reclamation with an operations plan to include parking and medical plans for each proposed event. Medical plans will require adequate medical personnel for the event being held. BLM and Reclamation will evaluate these plans for consistency with the Proposed Action and must approve these plans prior to issuing a permit.
- Each event will have checkpoints throughout the course. Each checkpoint will have approximately two volunteers/workers to ensure safety of participants. All checkpoints will also have some type of communication with the event promoter if any issue occurs on the course. All checkpoints will be set up in previously disturbed areas.
- The Permittee shall notify Reclamation 2 weeks in advance if helicopter or drone use is planned over Reclamation land.
- If showers are used, the Permittee shall ensure that non-potable water associated with showers is contained and does not leave the race course area.
- Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Permittee, or any person working on their behalf on public or Federal lands shall be immediately reported to the BLM Authorized Officer. The Permittee shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the BLM Authorized Officer. An evaluation of the discovery will be made by the BLM Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Permittee will be responsible for the cost of evaluation. Any decision regarding suitable mitigation measures will be made by the BLM Authorized Officer after consulting with the Permittee. The Permittee shall be responsible for the resultant mitigation costs.
- All vehicles shall be inspected by the Permittee for fluid leaks, and any vehicle leaking fluids shall be repaired prior to racing and may be disqualified from the race if determined necessary by the Authorized Officer. Any fuel or hazardous waste leaks or spills shall be contained immediately and cleaned up at the time of occurrence. Waste materials known or found to be hazardous waste shall be disposed of at an approved treatment, storage or disposal facility.
- Any obstacle course burnable fuels (i.e. straw bales, liquid fuels) shall be located far enough from the fire that there is no potential for them to ignite.

- The Permittee will provide education to race participants and spectators on fire prevention and, if appropriate, general environmental safety and lightning safety.
- If a noxious weed issue associated with the race area is identified and avoidance or removal is not possible, the Permittee shall set up an inspection (by a qualified professional with appropriate experience identifying and treating noxious weeds) and equipment cleaning sites to prevent the spread of weeds upon departure from the event. Weed awareness training will be integrated into the events.
- In compliance with the Migratory Bird Treaty Act, habitat-altering race activities should be scheduled outside of the bird breeding season, which generally occurs February 15th through August 31st. If habitat-altering race activities are scheduled to occur during the breeding season, then a qualified biologist must survey the area for nests, including ground nesting species, immediately prior to commencement of the habitat-altering activities. If any active nests are found, an appropriately sized buffer area must be established and maintained until the young birds fledge. If feasible, the buffer area should connect to suitable, undisturbed habitat. As the above dates are a general guideline, any active nests that are observed outside this range, must be avoided as described above.
- Any infrastructure for race activities will be designed and constructed in a manner that does not allow open pipes that birds or other wildlife could be trapped in. This includes fencing, gates, or other materials with open holes. All open pipes will be capped or secured so that wildlife cannot access.
- If any Gila monsters are encountered during race activities they must be reported immediately to the Nevada Division of Wildlife at (702)486-5127.

BLM SRP Stipulations

Standard Stipulations:

1. The Permittee shall be subject to all applicable provisions of the regulations (43 CFR Group 2930) which are made a part hereof. A copy of this CFR subpart may be obtained from the Authorizing Officer or online at www.ecfr.gov. (Title 43; Subtitle B 1000-9999; 2930).
2. 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.
3. The Permittee shall monitor all aspects of the event and all conditions affecting public safety. At the discretion of the Authorized Officer or his/her representative, the BLM may delay or cancel the event due to any actions placing the public in danger.
4. The Permittee shall ensure any aircraft operations including unmanned aircraft will be outlined in the operations plan and be in conformance with Clark County Department of Aviation (CCDOA) and FAA regulations.

5. 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 shall inform event participants of all hazards with pre-event notices such as the event website, participant registration packets and at any mandatory meetings.
6. The Permittee shall follow the BLM and Reclamation approved operations plan and follow through with any commitments made to outside entities and/or agencies. Any changes made to the operations plan will need to be approved by the BLM and Reclamation Authorized Officers.
7. The Permittee shall require each race team to assign a team captain at registration. The team captain will be responsible for their team and will ensure the team's compliance with all rules and regulations. The team captain will sign a statement that he or she has read and understands said rules, regulations, stipulations, etc.
8. The Permittee shall remove all staking, flagging materials, equipment, temporary facilities, and all other event related materials within 15 days following the event.
9. 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.
10. 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 resulting from the event and event related activities, including the poker runs and demo course.
11. The Permittee shall comply with all applicable local, state, and federal laws and regulations, to include, but not limited to, laws and regulations pertaining to air quality, cultural, hazardous materials, soil, vegetation, water, and wildlife resources.

Event Staff:

12. The Permittee shall provide a BLM liaison, which will accompany and/or be available to the BLM staff assigned to the event as the sole liaison between the Permittee and the BLM for the entirety of each event. The BLM liaison must have the authority to act on any aspect of the event.
13. The Permittee shall require event personnel (volunteer or paid) to be on site at designated positions, including checkpoints and road crossing, 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.
14. For all event personnel (volunteer or paid), the Permittee shall ensure the following:
 - a. Event personnel are informed of their duty and are familiar with the rules, procedures, safety plan, and stipulations before the event.
 - b. Event personnel have reliable 2-way communication (radio and/or cell phone) to report any issues or ask for relief.

- c. Event personnel check in with event control at the start and end of the event.
 - d. Event personnel that have been drinking alcohol or using any illegal substance before or during the event shall be immediately replaced.
 - e. Event personnel are only performing the duties assigned to them and are not distracted by other unassigned tasks (i.e. pitting for a race team).
15. All event staff vehicles such as but not limited to media and retrieval vehicles that will be operating within the closure area must have a flag at least 8 feet from the ground with the exception of stationary position (checkpoints and road crossing). The Permittee will provide BLM a map of all stationary position no later than two weeks before the event.

Spectator and Pit Stipulations:

16. 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.
17. The Permittee shall require passes and wristbands for all race team members in the race pits and the start and finish area. Spectating will only be allowed in designated spectator areas, as identified in the approved operations plan.
18. Only vehicles with Pit Passes displayed on the windshield will be allowed in the pit or start/finish areas, unless otherwise authorized by the BLM Authorized Officer. Access to pit and start/finish will be controlled by event personnel.
19. The Permittee shall clearly mark the boundaries of all pits and ensure that all pit crew members and non-race staff remain within those boundaries.
20. The Permittee shall manage all pits/staging areas as described within the approved operations plan. The Permittee shall ensure all pets are leashed in the staging and pit areas.
21. The Permittee shall inform individuals (including minors) accompanying event participants that only licensed street legal vehicles are allowed in the pit areas, unless authorized through the BLM Authorized Officer.
22. The Permittee shall ensure race vehicles operate only in the designated pit areas, approved race course, or authorized retrieval routes.
23. The Permittee shall not allow race support crews to repair a disabled race vehicle outside of an authorized pit area.
24. The Permittee shall clearly mark the boundaries of the spectator areas with barriers and/or signage approved by the BLM Authorized Officer and ensure that all non-event staff are limited to those boundaries.

25. The Permittee shall monitor the spectator area(s) to ensure the safety of the spectators. 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 manage the spectator area(s) as outlined in the approved operations plan.
26. In hot pits, the Permittee shall ensure no pets, children under the age of fourteen (14) (except for arm banded racer), campfires, camp stoves, or barbeques are within 50 feet from a hot course.
27. The Permittee shall ensure no smoking or welding occurs while fueling or working around fuel containers.

Sanitation:

28. The Permittee shall provide a sufficient number of restrooms to support the anticipated number of people 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.

Medical Incidents:

29. For the duration of the authorized events, the Permittee shall have emergency medical services (EMS) personnel onsite capable of locating, rendering aid to and evacuating any accident victim(s) on course or any individual requiring medical attention in the race pits, spectator areas or access roads. The Permittee shall provide a Medical Plan and Incident Action Plan/Emergency Action Plan that identifies the provisions of EMS.

Fire and Fuels:

30. Compliance with fire restrictions is mandatory while fire restrictions are in effect (43 CFR 9212). Fire restrictions are generally enacted May through October. Fire restriction orders are available for review at BLM district offices and on the BLM website.
31. The use of standard fire prevention measures should be practiced at all times (43 CFR 2805.12). Conditions that support wildfires can occur any time of the year in Southern Nevada.
32. The Permittee shall immediately report fires to 911 or (702) 631-2350 and make all accommodations to allow immediate safe entry of firefighting apparatus and personnel.
33. An Origin and Cause Investigation will be carried out on any human caused fire by BLM law enforcement or their designated representative. To minimize disturbance of potential evidence located at the fire scene, the applicant/proponent shall properly handle and preserve evidence in coordination with the BLM. The BLM shall pursue cost recovery for all costs and damages incurred from human-caused fires on BLM lands when the responsible party(s)

has been identified and evidence of legal liability or intent exists. Legal liability includes, but is not limited to, negligence and strict liability (including statutory and contractual liability), products liability, etc.

34. For vehicle races: All race vehicles must carry a means to suppress and extinguish fires- such as fire extinguishers, buckets, shovels or other fire suppression equipment. Fire extinguishers are required at all pits. Exhaust systems and other hotspots can heat up enough to ignite grass or other debris that has built up on the machine which can drop off and cause a wildfire. Participants must remove build-up or clean debris from the machine's hotspots as needed and in compliance with weed stipulations to prevent fires.
35. For vehicle races: Fire restrictions include prohibiting the operation of a motor vehicle or combustion engine equipment without a spark arrestor (43 CFR 8343.1 (c)). Year round compliance with 43 CFR 8343.1 (c), 43 CFR 9268.3, and NRS 475.060 as applicable will further reduce risk of an ignition, simplify compliance, and increase enforceability with respect to the proposed activities. By posting appropriate signs or by marking a map which shall be available for public inspection at local BLM offices, the Authorized Officer may indicate those public lands upon which no off-road vehicle may be operated unless equipped with a properly installed spark arrestor.
36. Pyrotechnics and Obstacle Race – Fire Feature:
 - a. The proponent shall notify the BLM no less than 2 weeks prior to their use. This notification must include number of features, fuel sources, duration of active fires, and identify fire suppression equipment and staff that will monitor the features for the duration of burning.
 - b. The proponent shall only utilize these features in areas of previous disturbance completely denuded of vegetation.
 - c. If sustained winds are forecast to be greater than 10 MPH or gusts greater than 15 MPH the day before or up to the event, the fire features shall not be utilized during the event.
37. The Permittee shall be responsible for clean-up and assumes liability for any and all releases of hazardous substances by event participants on public/Federal land 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. Permittee will immediately notify the BLM and Reclamation Authorized Officers of any and all releases of hazardous substances on public/Federal land.
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 available 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.
39. The Permittee shall provide Environmental Protection Agency approved waste fluid dump tanks. These waste tanks must be removed and the contents disposed as required by law within 48 hours of the completion of the event.

Safety and Hazard Mitigation for High Speed Events:

40. The Permittee is to ensure the safety of participants, spectators, and the general public by not starting races until after the race course is cleared of any persons not authorized to be on or near the course.
41. 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. Each team will sign in, the Permittee will be responsible for penalizing the team(s) that do not sign in.
42. Race vehicles shall contain high visibility clothing or flag(s) for occupants to use in case of an accident or breakdown so that they may be seen by other participants.
43. The Permittee shall require that all race officials, course workers, photographers, and retrieval and medical personnel wear reflective safety vests or other Occupational Safety and Health Administration approved reflective garments.

Race Course / Fun Run Stipulations:

44. 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.
45. The Permittee shall utilize a gate-type system (utilizing poles or cones) with a gap as wide as the track and be placed at areas on the track that could be used for course cutting to help prevent course degradation. Vehicles will be required to pass through the gates to keep the course from becoming wider. At locations identified in consultation with the BLM and/or Reclamation, the Permittee will use monitors, game cameras (or something similar) on the outside of the gates to capture images of anyone cutting the course.
46. 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.
47. The Permittee shall station monitors and/or post signs at road intersections where the general public is likely to access the temporary closure area and/or course to ensure that only authorized personnel access these areas.
48. The Permittee shall only allow retrieval vehicles to travel on routes that have been identified and approved in the event operations plan. 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. In short course venues, retrieval of participants and their disabled vehicles may occur between heats or when the course is deemed safe for retrievals.

49. It is the Permittee's responsibility to monitor and prevent all high-speed testing and/or pre-running. Once course marking and event preparation has commenced, the approved course and the surrounding area, is off-limits to all high-speed testing or pre-running, at any speed. The Permittee must advise all participants of this stipulation through their event websites and other publications. If a team is caught testing or pre-running the driver of record, co-driver, and the race vehicle itself must be penalized by the Permittee. The approved race course is off limits to any use, or testing 24 hours after the event to ensure no new disturbance occurs and/or prevent a "take" of a desert tortoise.

50. The Fun Run will not exceed 25 M.P.H.

Activity Site Rehabilitation:

51. The BLM will conduct a post-event evaluation of course conditions the day following the race. The BLM will assess the condition of the course, all facilities, pits, staging areas, road crossings, temporary closure control points and spectator areas. The review will determine if any new disturbance was caused by the race and/or any associated activities. It is recommended that the Permittee accompany the BLM during the post-event review. Once the BLM makes a final determination on the amount of new disturbance, the Permittee shall be responsible for all costs associated with the restoration (please note that this is separate from the desert tortoise remuneration fees as required by the Biological Opinion (BO) for the project). 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."

a. Reoccurring Issues

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 Areas of Critical Environmental Concern. 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.

b. Unforeseen Disturbance

For any new disturbance of tortoise habitat occurring outside the approved race course that would appear to create a new course that was not authorized, 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 a BLM 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 approved restoration plan, the proponent will implement or contract to have the plan implemented as directed by the BLM.

c. Disturbances in Special Areas

New disturbance in special areas, such as in penstemon habitat or incursions into 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.

Photographers/Media:

52. The Permittee shall ensure all photographers adhere to the applicable 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 photographers of the rules and conditions that they must follow. The Permittee shall ensure photographers receive a map of the approved access for photographers identified in the operations plan. This meeting will be mandatory and all photographers 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
53. All media personnel shall be a minimum of 50 feet from course. All media vests must be labeled with the word “MEDIA” and be assigned a unique number identifier. The number identifier must be clearly visible below the MEDIA label.
54. If media personnel are present, the Permittee shall inform them and ensure they travel to different parts of the course using approved routes that are not part of the race course with travel restricted to 25 mph or less. All cross-country travel off of designated roads will be accessed via foot only.

Noxious Weed Prevention:

55. The Permittee shall avoid all types of travel through weed- infested areas.

56. In order to reduce the accidental spread of noxious weeds, the Permittee and any event participants shall avoid or minimize all types of travel through a state listed noxious weed-infested areas that can be carried to the race course area. Event participants include all event personnel, race participants, pit crews, spectators, and vendors covered by the Permittee. In order to minimize the threat of spreading noxious weeds all race-related vehicles and equipment (i.e. undercarriages and wheel wells) should be cleaned of all mud, dirt, and plant parts before moving into relatively weed-free areas or out of relatively weed-infested areas. Event participants shall inspect, remove, and dispose of weed seed and plant parts found on their clothing and personal equipment, bag the product, and dispose of it in a dumpster. Permittee questions on these requirements shall be referred to the BLM Southern Nevada District Office (SNDO) noxious weed coordinator
57. The Permittee shall locate stops and staging areas in areas that are relatively weed-free.
58. The Permittee will be held responsible for any weed infestations that the BLM determines were spread or introduced as a result of race course related activities.
59. The use of pesticide treatment requires the Permittee to coordinate with the BLM SNDO weed management specialist (702-515-5000) and prepare, submit, obtain, and maintain a Pesticide Use Proposal (PUP) to utilize pesticides for project activities.

Geology /Mineral Resources/Energy Production

60. The Permittee shall notify all mining and exploration operators at least 30 days before a race takes place. (Contact a BLM Recreation Specialist for a complete list of mining and exploration operators.)
61. The Permittee shall ensure that participants in the race and spectators do not enter any mine sites currently under contract or Free Use Permit with the BLM or who are authorized under an Exploration Notice or Mine Plan of Operations.
62. The Permittee shall make provisions to allow mine and exploration personal through road closures so that they may access their mine and exploration sites during the race event.

Domestic Livestock/General Resources:

63. 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.
64. 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.
65. The Permittee shall be held responsible for monetary damages incurred by the grazing Permittee if the race event injures or kills the grazing Permittee's livestock.

Threatened, Endangered or Candidate Animal Species:

66. Compliance with the special stipulations below will help to ensure desert tortoises are not impacted:
 - a. Should a desert tortoise enter the area of activity, all activity shall cease until such time the animal leaves the area of its own accord.
67. All drivers must check underneath vehicles and equipment before moving to ensure no tortoise has taken cover underneath parked vehicles.
68. The Permittee will comply with the terms and conditions of the BO File No. 84320-2010-F-0365.R038 for this project. The BO is on file at the Bureau of Land Management, Southern Nevada District Office. The terms and conditions are listed in Appendix A.
69. The Permittee, upon completion of the Proposed Action, must submit Appendix G found in the terms and conditions of the BO. Please forward Appendix G to the BLM, Attn: Wildlife Biologist, 4701 N. Torrey Pines Drive, Las Vegas, Nevada, 89130. Failure to abide by the terms and conditions of the grant and BO, could result in temporary suspension of all activities within your Right of Way (ROW) area per 43 CFR 2807.16 and 43 CFR 2807.17.

Vegetation Excluding Federally Listed Species:

70. Where the course is adjacent to known rare plant occurrences, the Permittee shall ensure that snow fencing, and/or no passing zones are set up to prevent off course travel. Known rare plant occurrences will be identified by BLM staff.

Land and Property Issues:

71. The Permittee shall ensure that if the race course may affect or go through a ROW, lease, or communication site area, the holder will be notified of the event and any written recommendations by the holder will be taken into consideration by the BLM and the promoter. If requested by the BLM, the BLM shall be provided with copies of all written communication between the Permittee and holders of ROW, leases, or communication sites.
72. 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 with no public road (ingress/egress).
73. To the extent permissible by law, the Permittee agrees to indemnify and hold harmless the United States against any liability caused by the Permittee, its agents, contractors, or third parties. The Permittee agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind and nature assessed against the United States arising from the Permittee's use or occupancy of the project area regardless of whether the Permittee has actually developed or caused development to occur.

Course and Route Maintenance (Pre and Post Race):

74. No later than 72 hours after the end of the event, and after the completion of the BLM's post-event course evaluation; grading of access roads, rights-of-ways, facilities, and improvements identified by the BLM as being damaged during the race will begin. A monitor, approved by BLM, will be required during all grading.
75. 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.

Event Related:

76. 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. Reclamation shall provide instructions on proper closure prior to any race activities.
77. The Permittee must follow the following instructions or other pre-agreed upon protective measures for preservation of the Desert Trail. 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 an 85 percent compaction. Through washes the edges are lined with rock to harden the outside edges.
78. The Permittee shall acquire, set up, and maintain all necessary and approved production elements including but not limited to: temporary fencing, power equipment, tents, spectator seating, portable restrooms, traffic control, parking, event signage, garbage disposal, recycling bins, etc.
79. In addition to the requirements of SRP Stipulation No. 10, the Permittee shall provide dust control in Sections 14 and 15, and in areas adjacent to paved roadways, such as Thomas Edison Drive and Bruce Woodbury Drive.

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, Cultural Resources, Environmental Justice and Socioeconomics, Fish and Wildlife Excluding Federally Listed Species, Geology/Mineral Resources, Hydrologic Conditions, Indian Trust Assets, Lands and Realty, Livestock Grazing, Migratory Birds, Native American Concerns, Paleontological Resources, Recreation/Travel/Wild and Scenic Rivers, Soils, Transmission Corridors, Visual Resources, Wastes (hazardous or solid), Water Resources, Wetlands and Riparian Areas, Wild

Horses and Burros, and Wilderness. In compliance with Reclamation guidance, the following three 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. 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 and any impacts resulting from races will be minor and short term. The BLM determined that no group of people will bear a disproportionate share of these potential impacts.

Indian Trust Assets (ITA)

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

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.

Air Quality

A temporary increase in particulates could result in airborne dust in the vicinity of the race area. This impact will be short-term and localized in nature. Naturally occurring asbestos (NOA) has been identified in the vicinity of the race course. Although NOA is not regulated in Nevada, the BLM and Reclamation are taking the precaution of imposing a measure to inform the public of NOA in the vicinity of the race course. Direct, indirect, and cumulative air quality impacts will be minimized by implementation of mitigation measures.

Integrated Vegetation

There is potential for impacts to native vegetation from road widening from repeated use of roads, and from vehicles inadvertently leaving established roads. There is also potential for an increase in noxious weeds from transport of seeds to, from, and within the race area by race participants and spectators. These impacts will be minimized by implementation of the environmental commitments.

Floodplains

The Proposed Action is in accordance with Executive Order 11988 “Floodplain Management”, and will not cause adverse impacts to any floodplains.

Threatened, Endangered, Proposed or Candidate Animal Species

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 will be “no effect” to its designated critical habitat. The U.S. Fish and Wildlife Service 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.

Fuels and Fire Management

Race activities, including the use of pyrotechnics during endurance/obstacle races may increase the potential for fires within the Project Area. These potential impacts will be minimized by implementation of the environmental commitments identified above.

RECLAMATION

Managing Water in the West

Laughlin Races and Events Environmental Assessment

**Finding of No Significant Impact
LC-18-26**

Appendix A- Biological Opinion Terms and Conditions

Lower Colorado Region, Boulder City, Nevada



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

September, 2018

Case Number: NA
NEPA Project #: DOI-BLM-NV-S010-2018-0082-EA
Sec. 7 Log #: NV-052-18-084

TERMS AND CONDITIONS for Speed SRPs: BO File No. 84320-2010-F-0365.R038

RPMI: Applies towards lands and realty, ROWs, and mining actions and other activities that involve vehicle and equipment use, excavation, or blasting. *BLM, and other jurisdictional Federal agencies as appropriate, will 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 to accompany heavy equipment in the event blading or course maintenance occurs.

All authorized desert tortoise biologists (and monitors) are representatives of BLM and the Service and will report directly 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 will be provided to BLM and Service within 24 hours of the observation of take or non-compliance.

Authorized desert tortoise biologists, monitors, and the FCR (see Term and Condition 1.a.) will 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 will record each observation of desert tortoise handled on the Desert Tortoise Handling and Take Report (Appendix E). This information will be provided **directly** to BLM and the Service.

Potential authorized desert tortoise biologists must submit their statement of qualifications to the Service's Southern Nevada Fish and Wildlife Office in Las Vegas for approval, allowing a minimum of 30 days for Service response. The statement form is available in the Desert Tortoise Field Manual on the internet at: https://www.fws.gov/nevada/desert_tortoise/dtldt_auth_form.him

- 1.c. *Desert tortoise monitor* - 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.b. They will report incidents of noncompliance to the authorized desert tortoise biologist or FCR or CIC. No monitors will 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.

- 1.d. *Desert tortoise education program* - A desert tortoise education program will be presented to all personnel on site during construction activities by an agency or authorized desert tortoise biologist. The BLM will approve the program. At a minimum, the program will 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 will 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 will include fire prevention measures to be implemented by employees during project activities. The program will instruct participants to report all observations of desert tortoise and their sign during construction activities to the FCR or CIC and authorized desert tortoise biologist.

- 1.e. *Vehicle travel* - Project personnel will exercise vigilance when commuting to the project area to minimize risk for inadvertent injury or mortality of all wildlife species encountered on paved and unpaved roads leading to and from the project site. Speed limits will be clearly marked, and all workers will be made aware of these limits. On-site, personnel will carpool to the greatest extent possible.

During the desert tortoise less-active season (generally November through February), vehicle speed on project-related access roads and in the work area will not exceed 25 mph.

During the more-active season (generally March through October), and if temperatures are above 60 but below 95 °F for more than 7 consecutive days, vehicle speed on project-related access roads and in the work area will not exceed 15 mph. For large linear projects, and at the discretion of the BLM, all vehicles and construction equipment will operate in groups with size determined by the BLM in coordination with the applicant. A desert tortoise monitor will escort or clear ahead of vehicles and equipment for ROW travel. The escort will be on foot or ATV or UTV and clear the area of tortoises in front of each traveling construction equipment group (see Term and Condition 1.g.). The speed or pace will be determined by an authorized desert tortoise biologist and will be slow enough to ensure adequate inspection.

- 1.f. ***Unauthorized access*** - To the extent possible, BLM will ensure that unauthorized personnel, including the public and off-duty project personnel, do not travel on project-related temporary access roads. Signs will be used and say that access on the ROW is strictly prohibited except by authorized personnel. Any use of the access roads by the public will be recorded.
- 1.g. *Desert tortoise clearance – Not required for this action.*
- 1.h. ***Desert tortoise in harm's way*** - Any project-related activity that may endanger a desert tortoise will cease if a desert tortoise is found on the project site. Project activities may resume after an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.c.) removes the desert tortoise from danger or after the desert tortoise has moved to a safe area on its own.
- 1.i. ***Handling of desert tortoises*** - Desert tortoises will only be moved by an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.b.) solely for the purpose of moving the tortoises out of harm's way. During construction, operation, and maintenance, an authorized desert tortoise biologist will 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 will 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 will be placed in the shade of a shrub, 150 to 984 ft from the point of encounter. In situations where desert tortoises must be moved more than 984 ft (300 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 will be held overnight in a clean cardboard box. These desert tortoises will 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 will 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 1.j. 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 will be handled in accordance with the Desert Tortoise Field Manual (Service 2009). Equipment or materials that contact desert tortoises (including shirts and pants) will be sterilized, disposed of, or changed before contacting another tortoise to prevent the spread of disease. All tortoises will be handled using disposable surgical gloves and the gloves will be disposed of after handling each tortoise. An authorized desert tortoise biologist will document each tortoise handling by completing the Desert Tortoise Handling and Take Report (Appendix E).

- 1.j. *Penning – Not required for this action.*

- l.k. *Temporary tortoise-proof fencing – Not required for this action.*
- l.l. *Permanent tortoise-proof fencing – Not required for this action.*
- l.m. *Wildlife escape ramps – Not required for this action.*
- l.n. *Dust control - Not required for this action.*
- l.o. *Blasting - Not required for this action.*
- l.p. *Power transmission projects - Not required for this action.*
- l.q. *Timing of construction – The BLM will ensure that when possible, the project proponent schedules and conducts construction, operation, and maintenance activities within desert tortoise habitat during the less-active season (generally October 31 to March 1) and during periods of reduced desert tortoise activity (typically when ambient temperatures are less than 60 or greater than 95 °F).*

All vehicles and equipment that are not in areas enclosed by desert tortoise exclusion fencing will stop activities in desert tortoise habitat during rainfall events in the more-active season (generally March 1 to October 31), until the FCR or CIC can determine, in coordination with the BLM and Service, when it is appropriate for project activities to continue based on tortoise activity.

- l.r. **Required for course maintenance** - For large linear projects, an authorized desert tortoise biologist will be assigned to each piece or 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.

RPM2: Predator Control-Applies to all actions. *BLM, and other jurisdictional Federal agencies as appropriate, will ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize desert tortoises as a result of predators drawn to the project area from operation, and minor maintenance activities: injury to construction,*

Terms and Conditions:

- 2.a. **Litter control, applies to all projects** - A litter control program will 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 and emptied daily.
- 2.b. **Deterrence** - The project proponent will implement measures to discourage the presence of predators on site (coyotes, ravens, etc.), including elimination of available water sources, designing structures to discourage potential nest sites, and use of hazing to discourage raven presence.
- 2.c. **Monitoring and predator control** - The project proponent will implement BLM's Raven Management Plan to monitor for the increased presence of ravens and other potential human-subsidized predators.
- 2.d. **Evaporation ponds and open water sources** - Tortoise-proof fencing should be installed to prevent

tortoises from entering the ponds.

RPM 3: Impacts to Desert Tortoise Habitat- Applies towards all actions that involve habitat impacts. *BLM, and other jurisdictional Federal agencies as appropriate, will 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. **Restoration plan** - BLM will ensure that the applicant develops and implements a restoration or reclamation plan approved by the BLM prior to surface disturbance.
- 3.b. **Minimizing new disturbance** - Cross-country travel outside designated areas will be prohibited. All equipment, vehicles, and construction materials will be restricted to the designated areas and new disturbance will be restricted to the minimum necessary to complete the task.
- 3.c. **Chemical spills** - Hazardous and toxic materials such as fuels, solvents, lubricants, and acids used during construction 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.
- 3.d. **Residual impacts from disturbance** - BLM will collect remuneration fees to offset residual impacts to desert tortoises from project-related disturbance to desert tortoise habitat.

Remuneration fees will be used for management actions expected to promote recovery of the desert tortoise over time, including management and recovery of desert tortoise in Nevada in accordance with Hastey et al. 1991. Actions may involve habitat acquisition, population or habitat enhancement, increasing knowledge of the species' biological requirements, reducing loss of individual animals, documenting the species status and trend, and preserving distinct population attributes. Fees will be used to fund the highest priority recovery actions for desert tortoises in Nevada.

The current rate is \$885 per ac of disturbance, as indexed for inflation, effective March 1, 2018. The next adjustment will become effective March 1, 2019. 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, becoming effective March 1st. Fees assessed or collected for projects covered under this biological opinion will be adjusted based on the current CPI-U for the year they are collected. Information on the CPI-U can be found on the internet at: <http://stats.bls.gov/news.release/cpi.nr0.htm>

RPM4: Recreation: Speed events-BLM, and other jurisdictional Federal agencies as appropriate, will 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 will be provided to registered drivers and support personnel prior to race activities. The fact sheet will include discussion of the Act, and consequences of noncompliance with it. Additionally, it will include a tortoise education program

with information on the legal protection for desert tortoises, penalties for violations of Federal and State laws, general tortoise activity patterns, reporting requirements, measures to protect tortoises, and terms and conditions of the biological opinion.

- 4.b.** An appropriate number of monitors, as determined by BLM, will be present to control spectators and enforce compliance with stipulations of the event permit.
- 4.c.** All non-race vehicles will not exceed the legal speed limit (posted or unposted) on the roads used during events.
- 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.
- 4.e.** Temporary or permanent fences or boundary markers will be installed around pit and spectator areas to clearly delineate the boundaries of these areas from adjacent desert habitat, using sturdy materials such as ropes and T-posts.
- 4.f.** 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. Personnel will be stationed at these areas, as appropriate, to enforce access restrictions.
- 4.g.** During pre-race maintenance activities involving the use of heavy equipment to grade new course, if required, a tortoise monitor will be present to check for tortoises.
- 4.h.** Any desert tortoises located on, immediately adjacent to, or moving directly toward the racecourse will be captured and temporarily held. All handling and temporary holding of desert tortoise will 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). Tortoises will be held to the end of the event or to the following morning and released at the point of capture. All instances of handling tortoises will be reported to the Service with the Desert Tortoise Handling and Take Report (Appendix E).
- 4.i.** 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 will be temporarily penned (as stated in Table 4) 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 will occur by no later than 12:00 p.m. the day after each race event. Penning will be constructed as directed in Term and Condition 1.j.
- 4.j.** 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 will be notified immediately (Appendix E). Any desert tortoise injured as a result of race activities will immediately be transported to a qualified veterinarian. As soon as possible or within 12 hours of the injured tortoise being found, the Service's Southern Nevada Fish and Wildlife Office in Las Vegas will be notified at (702) 515-5230.
- 4.k.** 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.
- 4.l.** The race promoters will ensure that all measures are deployed to prevent racers from straying into vegetated areas identified as potential problems (e.g., sharp turns and sandy soils) during pre-race meetings with **BLM**. Potential measures include flagging, signing and reduced speed requirements.

- 4.m.** If a vehicle breaks down, it will be moved to the side of the racecourse, avoiding damage to vegetation to the extent possible. Teams will not be allowed to retrieve vehicles without an official escort to the retrieval site to ensure that no additional habitat disturbance takes place during this process. Any retrieval must be done on the racecourse, or approved routes, not the adjacent vegetated areas.
- 4.n.** 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 will be accompanied by the attached Section 7 Fee Payment Form, and completed by the payee (Appendix F).
- 4.o.** Race promotor and BLM will ensure that race vehicles are free of dried mud and vegetation debris prior to technical inspection. If race vehicle is documented to have either mud or debris, vehicle must be cleaned prior to entering the race area to prevent the spread of noxious weeds. Any vehicle that leaves the race area will be cleaned prior to re-entering the race area.
- 4.p.** The racecourse will 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.
- 4.q.** A brief report will be written by BLM documenting the results of implementation of the terms and conditions and submitted to the Service's Southern Nevada Fish and Wildlife Office in Las Vegas within 30 days.
- 4.r.** Information for the report includes amount of new disturbance, amount of take exempted and take reported (Appendix E), effectiveness or ineffectiveness of the Terms and Conditions of this incidental take statement (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.

RPM 7: *Compliance and Reporting-Applies towards all actions. BIM, and other jurisdictional Federal agencies as appropriate, will 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 will be investigated as thoroughly as possible to determine the cause. The Service 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 will 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 will be immediately documented by an authorized desert tortoise biologist. Documentation will include photos, OPS coordinates, and details on the circumstances of the event. The incident will be included in the annual report and post-project report.
- 7.c.** *Fence inspection – Not required for this action.*
- 7.d.** *Project reporting requirements* - BLM will submit information on below-acreage threshold projects and its effects to desert tortoise in an annual report. BLM will also submit an additional annual report for all appended actions (except those completed and provided in a prior annual report). Both annual reports will cover the calendar year and are due January 31st following each calendar year.
- 7.e.** The annual reports will include Appendix Gs (annual and final project reports) and Appendix Es (Desert Tortoise Handling and Take Reports). If available, GIS shape files will be included.
- 7.f.** *Operation and maintenance* - If a tortoise is observed or if take occurs during any maintenance and repair activities (within any of the five general categories), a report will be submitted to the BLM and the Service. The report will include all deaths, injuries, illnesses, moving, or observation of desert tortoises within the operation and maintenance area, whether associated with project activities or not.

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 EA NEPA No.: DOI-BLM-NV-S010-2018-0082-EA Case File No./SRP No.: NA BLM Section 7 log no.: NV-052-18-084	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 G. PROGRAMMATIC BIOLOGICAL OPINION (FILE NO. 84320-2010-F-0365.R038) 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.

Project Name: Laughlin EA
 NEPA no.: DOI-BLM-NV-S010-2018-0082-EA
 Case File no./SRP no.: NA
 BLM Section 7 log no.: NV-052-18-084

Annual Report Project Completion Report

1. Date: _____
 2. Fish and Wildlife Service File No (for appended actions): 84320-_____

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)
0		0	

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	0	0	0
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 tortoises 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: _____)
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11. 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
Las Vegas, Nevada 89130
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