

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

**Documentation of Categorical Exclusion
DOI-BLM-NV-L030-2009-0007-CX
January, 2010**

**Wildbunch MC Competitive Race
Special Recreation Permit**

Lincoln County, NV

Caliente Field Office
Caliente, Nevada
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Documentation of Land Use Plan Conformance and non-statutory Categorical Exclusion of Federal Action

A. Background

BLM Office: Caliente Lease/Serial/Case File No.: NV-043-10-005
Proposed Action Title/Type: Wild-bunch Motorcycle Race Special Recreation Permit
Location of Proposed Action: T 03 s, R 64 E, sections 25, 36
T 03 S, R 65 E, sections 29, 31-33
T 04 S, R 64 E, sections 11- 15, 23, 24
T 04 S, R 65 E, sections 8, 9, 15-35
T 04 S, R 66 E, sections 8, 9, 16, 17, 19, 20

Description of Proposed Action: The Wild Bunch Motorcycle Club has applied for a Special Recreation Permit. The purpose of the action is to conduct their motorcycle race on Saturday May 15th 2010. The race will be held within the Caliente Special Recreation permit area. The staging area and course are completely within BLM Caliente office managed lands. The race would be conducted using motorcycles. A combined start/finish, pit, and spectator viewing area would be the only "staging area" that will be used for this event. located on public land that has been used as a pit area for similar events in the past. The course follows existing roads and trails that cross BLM administrated land. All portions of the course have been used in past races. The event would consist of multiple classes. The Mini bike (50cc) race would run for one hour, the 65-85 cc classes would run for one and a half hours with a maximum of four laps, the Big Bike (≥125cc) race would run for two hours with a maximum of three laps. 350 participants are anticipated for this event. Checkpoints would be located along the race course to assure entrants are limited to the authorized route only, and to radio in any accidents, injuries, or disabled vehicles. Participants caught short coursing or missing checkpoints would be disqualified. A sweep of the race course would be conducted after the leader crosses the finish line to check for disabled racers. An approved emergency response team consisting of a dedicated ambulance and EMTs would be onsite to provide emergency medical services.

A BLM outdoor recreation planner would monitor for compliance of the event. The race promoter and all participants would be required to abide by BLM stipulations (SRP stipulations 1-16 and Special Stipulations for SRPs common to all Field Offices, Nevada). Post event, the permittee would be required to perform rehabilitation work on portions of the racecourse that utilize or cross major roads to pre-event conditions. All work, including the submittal of a post use report and payment of fees, must be performed within 15 days following the event. After 15 days, BLM recreation staff would conduct a post use inspection to evaluate any resource damage and to check if the rehabilitation of the roads and course clean up has been completed.

B. Land Use Plan (Plan) Conformance

LUP Name: Ely Resource Management Plan Date Approved/Amended: August 20, 2008

The proposed project is consistent with the following Plan goals and objectives:

Goals: "Provide quality settings for developed and undeveloped recreation experiences and opportunities while protecting resources. Conduct an assessment of current and future off-highway vehicle demand, and plan for and balance the demand for this use with other multiple uses/users. Develop sustainable off-highway vehicle use areas to meet current and future demands, especially for urban interface areas."

Objectives: “To provide a wide variety of recreation opportunities to satisfy a growing demand by a public seeking the open, undeveloped spaces that are characteristic of the planning area. To provide visitor information to familiarize people with recreational opportunities throughout the planning area and encourage minimum impact or “Leave No Trace” and “Tread Lightly” recreational skills and ethics for recreational activities.”

The proposed action is specifically provided for in the following management decision:

In the 2008 Ely RMP under Recreation “REC-11 (p81)” the Ely District is to “Manage four special recreation permit areas totaling approximately 1.3 million acres to provide opportunities for competitive motorcycle special recreation permit events. In addition, management decisions for other resources and concerns that would possibly be impacted by the project were reviewed, and it was determined that the proposed action is in conformance with the Plan.”

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 H(1) , Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

The potential for significant impacts to public and private resources will be mitigated through stipulations issues with the proponent’s permit and attached to this document (See attachment A & Specific Event Stipulations).

D: Signature

Authorizing Official: _____ Date: _____
(Signature)

Name: Victoria Barr
Title: Caliente Field Office Manager

Contact Person

For additional information concerning this CX review, contact:
Elizabeth Townley at Elizabeth_Townley@blm.gov
or
Adam Stoldal at Robert_Stoldal@blm.gov
Ely BLM District Office 775-289-1800

Attachment A - Special Stipulations*

Standard Race Stipulations

1. This permit is issued for the period specified. It is revocable for any breach of conditions or at the discretion of the Bureau of Land Management, at any time upon notice. This permit is subject to valid adverse claims heretofore or hereafter acquired.
2. This permit is subject to all applicable provisions of the regulations (43 CFR Group 2930).
3. This permit is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the BLM.
4. This permit may not be reassigned or transferred by permittee.
5. Permittee must pay the sum of estimated user fees in advance of permit issuance. Adjustments to use fee charges will be based on actual use reported on the Post Use Report.
6. Permittee must observe all Federal, State, and local laws and regulations applicable to the premises; to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and animals, and must keep the premises in a neat, orderly manner, and sanitary condition.
7. Permittee must take all reasonable precautions to prevent and suppress forest, brush, and grass fires, and to prevent polluting of waters on or in vicinity of the public lands.
8. Permittee must not enclose roads or trails commonly in public use.
9. Permittee must pay the United States for any damage to its property resulting from this use.
10. Permittee must notify the BLM of address change immediately.
11. Permittee must not cut any timber on the public lands without prior written permission from the BLM.
12. Permittee must indemnify, defend, and hold harmless the United States and/or its agencies and representatives against and from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to, damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the permittee's use and occupancy of the public lands described in this permit or with the event authorized under this permit.
13. Authorized representatives of the Department of the Interior, other Federal agencies, and game wardens must at all times, have the right to enter the premises on official business.
14. Permittee must abide by all special stipulations attached.
15. Permittee must not disturb archeological and historical values, including, but not limited to, petroglyphs, ruins, historic buildings, and artifacts.
16. Permittee must leave in place any hidden cultural values uncovered through authorized operations.
17. The permittee shall comply with all Federal, State, County and local governmental agencies having jurisdiction, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the special recreation permit. The permittee must contact and receive concurrence and license, where required, from all other federal, state, county and local governmental agencies having jurisdiction. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients or customers under the permittee's supervision.
18. A SRP represents a nonexclusive privilege authorizing special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend a SRP if necessary to protect public resources, health, safety, the environment, or in the event of noncompliance with permit stipulations.

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

20. A SRP only authorizes the use, for the time and in the area, as specifically described therein.

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

22. The permittee may not assign or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary, to supplement a permittee's operations. Permit use is not considered here to be a "service" and cannot be contracted. Such contracting should not constitute more than half the required equipment or services. If equipment or services (excludes use under permit) are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.

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

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

25. Unless specifically authorized, a SRP does not authorize the permittee to erect, construct, or place any building, structure, or other fixture on the public lands. Any use of the public lands is subject to the condition that upon leaving, the lands must be restored as nearly as possible to preexisting conditions.

26. The permittee must present or display a copy of the special recreation permit to a participant, authorized officer's representative, or law enforcement personnel upon request.

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

28. Trash, food items and race-related litter shall be promptly contained and removed from the race area immediately upon completion of the event. The permittee shall dispose of refuse resulting from the permitted use, including flagging, signs, waste materials, garbage, and rubbish of all kinds, and shall guard the purity of streams and other surface waters.

29. The race course shall be confined entirely to a clearly-defined and plainly-marked route as shown on the authorized course maps, consisting of existing roads, washes, old courses and trails. Passing shall be limited to the disturbed areas of these roads, washes, old courses and trails. Passing is not permitted in vegetated areas adjacent to the course. The maximum allowable width of the course shall be no greater than (10) ten feet. Pre-running of the course will not be allowed.

30. The race course and pit area shall be confined entirely to disturbed areas only. The boundaries shall be clearly marked and monitored to the extent necessary to restrict pit crews/spectators and others to the confines of the designated pit and start/finish areas. All course workers must stay in areas assigned. Stakes, flagging materials, equipment, temporary facilities, and all other event-related materials must be removed after the event. The permittee will be responsible for marking the race course and boundaries of spectator parking and pit areas to the satisfaction of the authorized officer. The permittee will not mark the course by painting rocks or plants or other land features.

31. The permittee shall do everything possible to insure that race participants and spectators do not harass or collect wildlife, plants, or livestock.

32. Race officials shall monitor the race to prevent damage from course cutting and participants traveling off course. The permittee shall establish race course checkpoints to prevent short-coursing. Any rider caught short-coursing or passing in no passing areas will be disqualified by race officials. The permittee will be responsible for keeping contestants on the designated route/course. Participants who violate any of the mitigation measures or stipulations shall be disqualified from the race.

Additionally, any support personnel or spectators found in violation of the stipulations, associated with a rider or riders shall result in the disqualification of that rider or riders. The permittee will be responsible for public safety in the event area.

33. The permittee is required to post warning signs, at all known mine shafts and other hazardous areas which occur within 100 feet of the race course or pit/spectator area and will verbally inform race participants of all hazards at the pre-race meeting.

34. All children and animals of course workers shall be limited to their designated area only.

35. **Recreation Use Permit First Aid Stipulation for OHV events involving enclosed canopy motor vehicles (Truck and buggy races, and movie stunts):** Permittee shall insure the provision of first aid services capable of locating, rendering aid to, and evacuating any accident victim. First aid service shall include an ambulance unit which is dedicated to the event and has no public call response responsibility, and is permitted by the local authority having jurisdiction. (Use of a public entity is permitted where no suitable private services capable of being Aevent dedicated@ are available or located within 100 miles of the main event site.) This unit shall only be acceptable if staffed and equipped to the local standards as prescribed by the authority having jurisdiction. A means of suppression of a fire in an incipient stage, and for the extraction of victims from within a motor vehicle must be provided, and remain dedicated to the event. This includes the provision of a hydraulically operated gas or electric powered tool system for the cutting and spreading operations related to victim extrication from vehicles. A reliable means for the first aid provider to contact emergency dispatch centers shall be required. Additionally, the permittee will arrange with the local Emergency Medical Service/Hospital for coordination of emergency services.

36. Staking, flagging materials, equipment, temporary facilities, litter and all other event related materials will be removed by the permittee within 15 working days following the event.

37. The race start will start in intervals, depending on class. Mass starts will be held on private ground or in approved sandy soil areas only.

38. The permittee shall make every effort to repair the race route to normal driveable conditions following the event. A Post Race Evaluation of the course will be completed by the Authorized Officer. Upon inspection, a determination will be made on which portions of the course, if any, need to be rehabilitated. The permittee will be required to completely rehabilitate resources listed in the Post Race Evaluation within 45 days of receiving the Post Race Evaluation.

39. This permit does not give permission to cross over or use any private lands during the event. The permittee will be fully responsible for all trespass on and/or damages to private land which result from the conduct of the event.

40. The use of improved trails on BLM land is permitted, but the right to use county, state or federal roads crossing BLM lands is neither granted, nor implied by the issuance of this permit.

41. The permittee will be responsible for the prompt repair of any race-related damages to utilities and related improvements to a condition which is at least as good as the condition just prior to the race. The permittee will be responsible for the repair and/or restoration of any improvements placed on public lands by BLM or its authorized users that may be damaged as a result of the event.

42. The permittee shall be responsible for ensuring that adequate sanitation facilities for participants and spectators are provided.

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

44. The permittee will do everything reasonable, both independently and/or upon request of the Authorized Officer, to prevent or suppress fires caused by the race or related activities on or near the lands utilized. Compensation may be required of the permittee for Federal, State, or private interests in suppression and rehabilitation expenses.

45. Use Fees shall be calculated at 3% of the adjusted gross fees collected or \$4.00 per event participant, whichever is greater. Gross receipts include the total income which has been generated from the permitted activity (on public lands) before deducting costs such as insurance, prizes, other permit or license fees, etc. Gross receipts would also include total supplemental monies collected through sponsor contributions, other donations, the sale of clothing, specialized equipment, or food or beverages (on public lands) when sold on an incidental basis at the permitted activity. Use Fees must be paid within (15) days following the event. If a Special Recreation Permit Application fee (\$80.00) has been charged in advance it will be deducted from the adjusted gross fees.

46. The permittee is responsible for clean-up and assumes liability for any and all releases of hazardous substances and or oil (more than one quart) disposed on public land as defined in the National Oil and Hazardous Substances Contingency Plan (40 CFR 300). Permittee will immediately notify the BLM Authorized Officer of any and all releases of hazardous substances and or oil (more than one quart) on public land.

47. The permittee will inform all event participants and staff that collection, excavation or vandalism of archaeological artifacts or sites is illegal on public land. Collection or disturbance of artifacts and other archaeological, historical, and materials by the permit holder, its representatives, employees, or event participants shall not be allowed. Offenders shall be subject to prosecution under the appropriate State and Federal laws.

48. Should any cultural resource (historic or pre-historic site or object) be discovered by the permit holder, representatives, or event participants on public or Federal land shall be immediately reported to the Authorized Officer. The permit holder must stop all activities in the discovery vicinity, protect the discovery and notify the BLM Authorized Officer immediately upon discovery of archaeological artifacts or human remains. To determine the appropriate actions to follow to prevent the loss of significant cultural or scientific values, event activities in the discovery vicinity must cease until written authorization to proceed is issued by the Authorized Officer.

49. The permittee shall comply with 43 CFR 7.18 and shall not make available to the public any information concerning the nature and location of any archaeological resource.

50. The permittee will be responsible for the cost of the evaluation of cultural resources impacted by event or participant activities. Any decision as to proper mitigation measures to be taken will be made by the Authorized Officer, in consultation with resource specialists.

Event Specific Stipulations

None

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

Monitoring

Performance evaluation, violations, and penalties:

Performance will be based upon:

- 1) Stipulation and Operating Plan Compliance;
- 2) Protection of Resource Values; and
- 3) Quality and safety of services provided to the public.

Performance levels are:

A= Acceptable: Permittee is in compliance with permit stipulations; has taken prompt steps to rectify any performance issues and complaints; does not repeatedly violate conditions, or show a disregard for stipulations.

P= Probationary: Where there has been repeated violations or a disregard for permit stipulations, the permittee will be placed in probationary status.

U= Unacceptable: Permittee willfully and/or repeatedly violated permit conditions to provide substandard service to the public. Conduct is lacking in reasonableness or responsibility to the point that it becomes reckless or negligent.

Violations and Penalties:

A= Complaints and issues may be discussed over the phone or in writing. When due dates or completion dates are established, the permittee will be afforded a 15 day grace period, unless otherwise specified.

P= A notice on Noncompliance (Notice) will be issued by the Authorized Officer specifying in what respects the permittee has failed to comply, the terms of the probationary status, and the consequences of further noncompliance.

U= Permit privileges would be revoked for one to three years.

A notice of Noncompliance and Decision to Terminate permit privileges would be issued by the Authorized Officer. The permittee would be allowed the opportunity to appeal the decision under Title 43 CFR, Part 4.

Critical Standards - a breach of critical standards can lead directly to administrative penalties, suspension or revocation of a permit. Critical standards are necessary for the health and welfare of the public and protection of resources.

The permit shall be suspended or revoked if required State or local licenses pertaining to public health and safety are revoked.

Violation of mandatory Federal or State safety requirements will result in probationary status or loss of permit privileges.

The conviction of a violation of any Federal or State law or regulation concerning the conservation or protection of natural resources, the environment, endangered species or antiquities that is related to permit operations will result in probationary status or loss of permit privileges.

PLEASE RETURN PRIOR TO EVENT

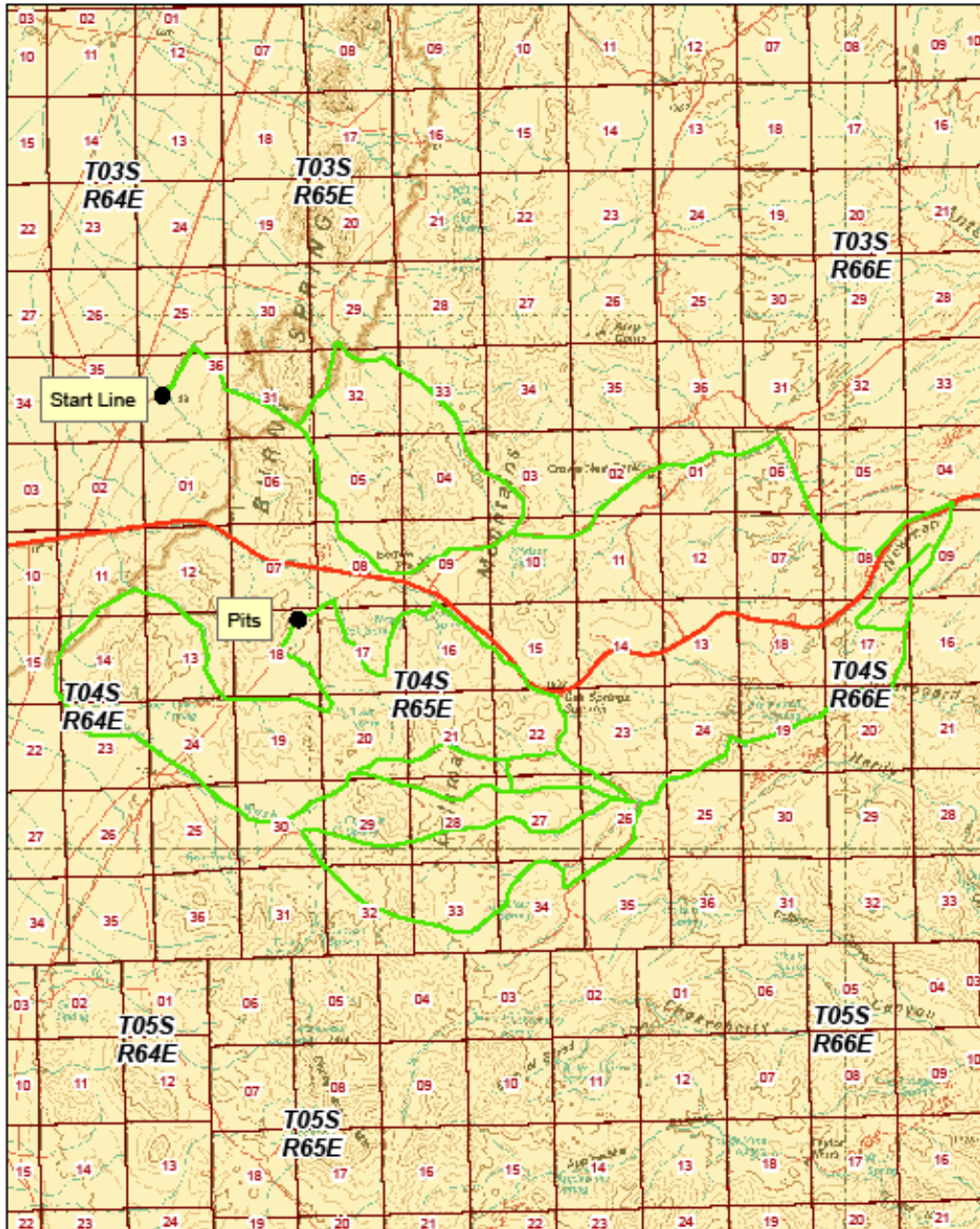
I HAVE READ, UNDERSTAND AND AGREE TO ABIDE BY THESE PERMIT CONDITIONS AND SPECIAL STIPULATIONS. I HAVE THE AUTHORITY TO OBLIGATE THIS ORGANIZATION TO THE ABOVE REQUIREMENTS.

SIGNATURE

DATE

Wild Bunch

BLM



Legend

- Wild Bunch
- EYDO_NDOT_Highways
- Sections
- Townships
- BLM

