United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Southern Nevada District Office
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
http://www.blm.gov/nv/st/en.html

TAKE PRIDE IN AMERICA

MAY 18 2011

In Reply Refer to:
LLNVS0-0530-11-013
2930 (NVS0053)

CERTIFIED MAIL 7009 2820 0001 6804 4502 – RETURN RECEIPT REQUESTED

Mr. Don Wall, President
Southern Nevada Off-Road Enthusiasts
P.O. Box 752172
Las Vegas, Nevada 89136

Dear Mr. Wall:

On March 26, 2011, the Southern Nevada Off-Road Enthusiasts (SNORE) ran the MINT 400 off-highway vehicle (OHV) race (Permit # LLNVS0-0530-11-013). This race was permitted by the Bureau of Land Management (BLM) and the Bureau of Indian Affairs (BIA), and hosted by the Moapa Band of Paiutes. This letter serves as the post-event evaluation prepared by the BLM. This evaluation is based on events witnessed by BLM outdoor recreation planners, biologists, law enforcement rangers, and managers, along with comments provided by the United States Fish and Wildlife Service (FWS) staff. Issues identified before, during, and after the race are included in the evaluation.

PERMITTING ISSUES

During the permitting process for 2011 Mint 400 event, SNORE was informed on numerous occasions, both verbally and in writing, of their obligation to provide information that would enable BLM to process the permit. In a certified letter dated November 26, 2010, SNORE was given a deadline of December 30, 2010, to submit the required information and to resolve noncompliance with both the BIA and BLM permits from 2010 Mint 400.

A key request of the November 26, 2010, letter was that BLM receive a written notice from the BIA stating that BIA was willing to permit the 2011 Mint 400, and requesting BLM to take the lead for Section 7 consultation under the Endangered Species Act. The BIA declined to give BLM a written notice until February 25, 2011, due to SNORE's lack of coordination with BIA regarding noncompliance with the 2010 Mint 400 permit, which had caused 30+ acres of disturbance on the Moapa Band of Paiutes Reservation. The delay in receiving the written

request to take the lead for consultation jeopardized BLM's ability to receive the required biological opinion from the FWS, and thus the ability of BLM to permit the race itself. SNORE's failure to provide information to the federal agencies in a timely manner and to follow the direction of BLM and BIA, caused coordination issues among the agencies themselves.

Additional information requested of SNORE in the November 26 letter, and not provided by the December 30 deadline follows:

1. Approval / Concurrence letters from:

    a. Bureau of Indian Affairs (received on 02/25/11)
    b. Nevada Department of Transportation (received on 03/01/11)
    c. Nevada Highway Patrol (received on 03/01/11)
    d. LA Water and Power (telephone confirmation call made by SNORE President Don Wall after a reminder from BLM staff on 3/12/11)
    e. Las Vegas Metropolitan Police Department (received on 03/11/11)
    f. Union Pacific Railroad (received on 03/11/11)

2. Cost recovery fees in the amount of $34,740 (received on 1/10/11)

Because of the importance of the Mint 400 to the Moapa Band of Paiutes, the City of Las Vegas, and the OHV racing community, BLM persisted in working with all parties involved to facilitate this event, in spite of the numerous delays in receiving requested information from SNORE.

EVENT MANAGEMENT

On March 11, 2011, BLM hosted a pre-event coordination meeting with the following participants: Moapa Band of Paiutes Tribal Chairman and staff, Moapa Tribal Police, Las Vegas Metropolitan Police Department (Metro), BLM law enforcement (LE), BLM recreation and wildlife staff, BLM managers, BIA representatives, and SNORE representatives including the president, vice-president, and race steward. At this meeting, BLM asked SNORE about specific details such as coverage of the Pabco Road spectator area, Pabco Road Pits C and D, road crossing personnel, and personnel to ensure that only approved, credentialed individuals were allowed into Pits C and D and within the interior portion of the temporary closure area along Pabco Road. Don Wall and Robert Gross, SNORE president and race steward, respectively, gave assurances that the proper personnel were assigned and were aware of their duties. Other discussions included management of retrieval vehicles used to tow disabled vehicles out of harm's way during the event while not causing any new disturbance to the surrounding desert, placement of portable toilets/restrooms, other critical road crossings, and management of all pits, including the Start/Finish (S/F) line on Moapa Tribal private lands. The terms and conditions for the biological opinion (BO File # 84320-2011-F-0132) for the desert tortoise were also discussed in detail, along with specific concerns for all work related to the event.

At the conclusion of this coordination meeting, arrangements were made to have a pre-event compliance check of the entire marked race course with the Moapa Band of Paiutes Tribal Chairman, SNORE president Don Wall, and BLM outdoor recreation planner Chris Linehan. This pre-event race course check was conducted on Wednesday, March 23, 2011. During this

course inspection, the marked course was confirmed to be the approved course by using GPS and GIS. This course was approved through the BLM and BIA permits, as well as the biological opinion. Following the race, the race course was again driven by BLM. During the tortoise mortality sweep conducted on Sunday, March 27, 2011, BLM found that a section of the raced course in the Nellis Dunes area was not a part of the originally marked course, or approved by any permit. This was determined because SNORE's course markings were still present. At some point between Wednesday, March 23, and Saturday, March 26, the course markings were changed, altering the race course from the approved course to an unapproved course. The arbitrary, unauthorized adjustment to the authorized course is not compliant with permit stipulations or the terms and conditions of the biological opinion. This piece of course was not and would not have been approved due to the fact it enters into Hydrographic Basin 212, which is in nonattainment for Air Quality (PM10). It is a violation of the State Implementation Plan under the Clean Air Act to allow high-speed racing in nonattainment areas.

In spite of the pre-event meeting, and the fact that SNORE has extensive past experience conducting OHV races, the management of this race was unacceptable. Specific descriptions of the issues noted during race activities, including the time trials, race day, and post-race follow.

Safety Issues

SNORE's reliance on a small group of individuals to perform all of the race management duties is dangerous and unacceptable. The most egregious SNORE failure was the lack of control and management of the race closure areas. When the race began, there were no SNORE officials checking pit passes/credentials on either end of Pabco Road, along Bitter Springs By-Way, or at the Ute exit (Milepost 80 on I-15) and the Bryon exit (Milepost 84 on I-15). In addition, there were no SNORE officials along Pabco Road to ensure that only authorized personnel were allowed access from the Pabco Road spectator area and the road crossing across Pabco Road at Pit C. SNORE's failure to manage these areas created a major safety situation. In one incident, BLM representatives witnessed a member of the public inside the temporary closure area just to the north of Pit D. This person was returning to Pabco Road. The gentleman and his young son had been watching the race from an unauthorized area, immediately adjacent to the course. He was clueless of his whereabouts or the dangers he exposed his young son to. When asked how he gained access into the area, he stated that he came in from Lake Mead Boulevard, via the Pabco Plant. This lack of control of ingress and egress points throughout the Pabco Road temporary closure area during the event could have easily led to an incident similar to the August 2010 Southern California desert OHV racing tragedy where eight spectators were killed. Due to a lack of SNORE personnel, BLM LE rangers had to manage the Pabco Road situation.

SNORE stated in their post-use report to the BLM that the person(s) staffing this position was late and that the SNORE race director had resolved the situation. This statement was untrue. SNORE did not resolve the situation, or properly manage the area. BLM LE rangers had to stay and manage this location all day. This issue was event-critical, and SNORE stated in the Mint 400 pre-race coordination meeting held March 11 that SNORE personnel would manage all access on Pabco Road, including the spectator area, Pit C, and road crossings.

Another serious occurrence throughout the event was SNORE's inadequate staffing and management in all of the pits. SNORE pit officials, or "Pit Captains," were too busy pitting cars

and not managing the pits, or they were absent. There was no physical control of racers' speed in any of the remote pits. A dangerous incident at Pit B was reported by racers and pit personnel via racing blogs. It was documented in the blogs and by video on YouTube that a racer attempted to pass another race truck in Pit B. This incident was in direct violation of their own rule book, which states on page 12, SGL6, that all pits are a no-passing zone. While SNORE took action against the driver involved in this incident, it was documented that several other racers were passing in the pits, indicating a lack of control of the pit area and enforcement of SNORE's rules. In addition, SNORE failed to prevent the use of ATVs and UTVs in the pits. This was observed in the Main Pit, Pit B and Pit D, and had the potential to cause a serious accident between the ATV's/UTV's and race vehicles. SNORE's inability to manage the pits in a proper and stipulated manner, or follow their own rule book put racers, pit crews, and unauthorized spectators that filtered into these areas in danger.

Road closure personnel at the Byron and Ute Exits did not manage the area and allowed people to park and watch the race in unauthorized areas within the I-15 corridor. Unauthorized spectators were allowed to walk-in from their vehicles and set-up adjacent to the course. The road closure personnel also allowed race crews to pit outside of approved pit areas. When a BLM representative spoke to these individuals, all stated a very similar response that they were told to watch traffic and make sure no cars got hit by a race vehicle. There was no evidence of any SNORE race officials in the area coordinating with the road crossing personnel.

SNORE failed to stop media personnel who were not wearing safety vests from walking into the desert and on the course to take photographs. Safety vests are an absolute must, as the media personnel are permitted to be in closed areas along the course. Safety vests allow the racers to see the media personnel while travelling at high rates of speed, frequently with reduced visibility from dust. This issue is related lack of race management by SNORE, as it was observed at several pits and in outlying areas. A BLM representative witnessed the same situation off Pabco Road and provided one photographer a vest for his safety.

SNORE failed to ensure the safety of pit personnel and spectators, specifically at the S/F line. Persons not wearing safety vests were observed crossing the track in multiple locations, predominately in the main pit infield section near the S/F line. This same situation was observed throughout the approximately two-mile long Pit B, which is adjacent to the Bitter Springs By-Way. Again, safety vests are required for people along the course so that the drivers can see them.

There were inadequate restroom facilities in most areas throughout the race course. No restrooms were observed at the Ute Exit (Milepost 80 on I-15) where the course turned west and traveled under the interstate, or at the Bryon Exit (Milepost 84 on I-15) where the course again went under the interstate and returned to the east side of the interstate. Restroom facilities were not present in Pits A, B, or E. No restrooms were present along the Bitter Springs By-Way, which included Pit B and the major road crossing at the Valley of Fire Road (SR-169). BLM personnel reminded Robert Gross, SNORE race steward, that the restroom facilities that were initially provided for the spectator area along Pabco Road were not adequate, and additional restrooms needed to be added. This was accomplished. With the exception of the Pabco Road area and the S/F, all other pit areas, road crossings, and under crossings were left without restroom facilities. Course workers, pit personnel and unauthorized spectators relieved themselves in the desert. At

the Ute Exit on I-15, a female course flagger pleaded with a BLM representative to see if a portable restroom could be provided. Lack of proper restroom facilities put both course workers and racers in peril if those workers had to leave their station for an extended period of time to find a shielded location to relieve themselves. It also created a situation in which a person could cross the course to find a good location. This resulted in course workers not performing the duty of manning critical positions, putting themselves and drivers in harm's way by crossing the course.

Resource Damage Issues

SNORE failed to keep race participants from passing in vegetated areas and failed to keep retrieval vehicles from driving alongside the course, which created new disturbance. Preliminary results of post-use course checks show approximately 13 acres of new disturbance on BLM lands. The permit did not allow for any new disturbance to be created.

Some of the new disturbance was created by course widening and short coursing. In one area south of Pabco Road, the route that was marked and raced was not part of the approved course per the GPS shape file provided to the BLM by SNORE. This section was marked correctly on Wednesday, March 23, when Don Wall, SNORE president, and Chris Linehan, BLM outdoor recreation planner, conducted the pre-event course reconnaissance. The route was changed sometime between Wednesday evening and the start of the race on Saturday, March 26.

SNORE retrieval personnel were observed traveling adjacent to the course through vegetation. Retrieval personnel appeared to have had no guidance or training, and were dispatched by the SNORE race radio relay person, known as "The Weatherman," to retrieve the drivers and their vehicles. The radio traffic directing retrieval vehicles was to go get these drivers and their vehicles at various mileposts along the race course. The Weatherman sometimes reminded the retrieval vehicle drivers to try to stay on the roads during the retrieval. At Pit B, Retrieval 5, a white Toyota pickup, was headed in the direction of the course to retrieve a vehicle. Someone from the pits contacted this person via radio to inform him that there was a race vehicle approaching. The response over the radio was that it would not be an issue because he, Retrieval 5, was off the course paralleling it. This created new disturbance.

Other disturbance occurred when race teams repaired broken race vehicles along the course the day following the race. In one instance, a race team took multiple trucks to the disabled vehicle to retrieve it. These trucks all parked off the existing road and created damage to previously undisturbed lands.

SNORE failed to take action on race participants who violated the stipulations, even after being informed of such violations by BLM personnel. Violations occurred at the approved time trial that took place near Pit D on Thursday March 24, 2011, and during the race. A sampling of these violations includes race vehicles testing in the pits, which was reported to SNORE race steward, Robert Gross, during the time trials, and race vehicles draining transmission fluid on the ground during the race, which was witnessed by BLM and FWS employees and reported to Don Wall and Robert Gross.

Even after BLM notified SNORE about the lack of staffing and problems with the race management, SNORE elected officials and board members continued to race in the event rather than help manage the event. For the race to continue safely, the BLM was forced to perform functions for which SNORE was responsible. Ultimately, the responsibility for the performance of the organization rests with the elected officials of SNORE.

SPECIFIC STIPULATIONS/TERMS AND CONDITIONS VIOLATED

The Permit stipulations were signed by Clay Flippin, Vice President of SNORE on March 11, 2011, and the terms and conditions of the Biological Opinion (BO File # 84320-2011-F-0132) were agreed to and signed by Clay Flippin, on March 18, 2011.

Permit Stipulations Violated

30. *The permittee shall complete the post-event portion of the permit and return it to the Field Office issuing the permit within 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-event portion of the permit. The Authorized Officer will provide permittee BLM's incident report form (DI-134) which details all necessary information to be furnished for any serious injuries or accidents.*

A post-use report and a check were received on April 18, 2011, 23 days after the event. The post-use report is not correct. For an event that is both commercial and competitive, the post-use fees will be either 3% of gross receipts or $5.00 per participant, whichever is greater. The post-use report that was received calculated the fee to be $5.00 per vehicle registered. This is unacceptable. BLM has permitted OHV races for SNORE for more than 20 years and SNORE has submitted numerous post-use reports. This is the first time in recent memory that SNORE unilaterally decided to only submit $5.00 per vehicle. A new post-use report calculating 3% of gross receipts, along with the correct payment, must be provided.

34. *The permittee is required to inform all persons associated with the SRP directly or indirectly of this stipulation requirement:*

X *ALL VEHICLES - A method of controlling and capturing fuel spilled during fueling must be placed under all dump cans and under each vehicle during fueling operations. Commercially available absorbent products are available but a piece of scrap carpet is acceptable as long as the carpet absorbs the fuels and doesn't simply allow the fuels to run off or drain through.*

X *ALL PITS WITH 50 OR MORE GALLONS OF FUEL - All pits that have 50 or more gallons of fuel available, whether in drums or dump cans, must provide for fuel containment. At a minimum this requires - 1) an impermeable membrane with raised edges capable of containing all fuels on site should the containment vessel fail and 2) absorbent materials (commercially produced spill pads, diapers) available to soak up*

spilled fuels. This does not apply to fuels located within fuel trucks or fuel drums *not in use* *stored in trucks or trailers.*

X *FLUIDS (oil, transmission, etc.) - During vehicle maintenance and repairs all fluids must be contained in spill proof containers. Drop cloths and absorbent pads shall be used under vehicles when changing fluids or repairing engines and transmissions where fluids may be released.*

BLM representatives noted that the majority of the pits did not have any type of fuel containment in place. In addition, several had unacceptable types of fluid containment, such as aluminum sheets or cardboard. There was at least one vehicle witnessed changing their transmission in the main pit with nothing under the vehicle. The fluids were draining directly onto the ground. This was reported to Don Wall and Robert Gross by a BLM representative. Nothing was done about this violation.

37. Permittee shall monitor the race events to prevent damage from course cutting and participants traveling off course. The permittee shall establish racecourse checkpoints to prevent short coursing. Any participant 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 found in violation of the stipulations, associated with a participant shall result in the disqualification of that participant.

There were an insufficient number of SNORE monitors along the course to enforce this stipulation on the participants. In addition, SNORE retrieval personnel were observed driving off course through the vegetated areas.

38. The event shall be confined entirely to a clearly defined and plainly marked area/route as shown on the authorized use area maps. Race courses shall consist of existing roads, washes, old courses and trails. For lineal events, 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 courses shall be no greater than the existing disturbance (road, old course or trails).

There are approximately 13 acres of new disturbance from activities that stipulations 37 and 38 are in place to prevent. In one area south of Pabco Road, the route that was marked and raced was not part of the approved course per the GPS shape file provided to BLM by SNORE. This section was marked correctly on Wednesday March 23, when Don Wall and Chris Linehan, BLM recreation planner, conducted the pre-event course reconnaissance. The route changed sometime between Wednesday evening and the start of the race on Saturday, March 26.

39. Permittee is responsible for stationing monitors and/or post signs at road intersections, prohibiting public access, where the general public is likely to access the race course.

SNORE failed to provide enough personnel to adequately close the area to unauthorized persons. An example of this is at the Pabco Road spectator area where a BLM LE Ranger had to check for

credentials and pit passes because SNORE failed to do so. Allowing unauthorized persons in the pits, i.e., spectators and passers-by, creates serious safety hazards and puts the lives of the unauthorized persons and the racers in jeopardy. This is because the race course goes through the pits and the unauthorized persons may not understand or appreciate the danger they put themselves in when they get too close to the course. The LE Ranger stepped in to ensure that unauthorized spectators did not enter the pits and the area throughout Pabco Road. Other LE Rangers had to round up unauthorized spectators that had gained access into the closure area because SNORE failed to manage the Pabco Road area. In addition to the previous example, at several locations where SNORE had personnel positioned, such as at exits 80 and 84 along I-15, and at the Bitter Springs By-Way—Pit B, they did not check credentials and let unauthorized persons have access.

45. The permittee will be responsible for the prompt repair of any event-related damages to utility rights-of-way and related improvements within 72 hours after the event. If they are not returned to a condition that is satisfactory to the Authorizing Official and the Utility Company, the permittee will be assessed a fine to cover the cost of a contractor to get the work completed.

On April 13, 2011, 18 days after the event, several roads, including the Bitter Springs Back Country By-Way and the communication site road off exit 80, had not been repaired or graded. There were major ruts in the road from the race vehicles.

48. Permittee shall provide a minimum of two (2) restrooms at every start/finish (S/F) area, pit location and/or spectator area on public lands which will be occupied for more than four (4) hours; and additional units if; 1) the S/F, pit, or spectator areas are split by the course route or a physical barrier, two restrooms shall be provided on either side; or if 2) the S/F, pit or spectator area is in excess of 1/4 mile (1,320 feet) in length, restrooms (2) shall be provided at both ends. Restrooms may be provided through rental of units, use of self-contained trailers or motor homes or any other means providing access to the general public in S/F and spectator areas and all crews in pit areas. If restrooms other than rental units are used, adequate signage must be provided to make their presence known. All refuse must be removed from the event area and deposited in an approved treatment facility or landfill. Exceptions to this stipulation include; 1) check points manned by only a few personnel; 2) S/F, pit or spectator areas adjacent to hotel or casino properties offering restroom facilities; 3) events where there are no specified S/F, pit or spectator areas (i.e. Tour and Trail rides); and 4) pit areas for point-to-point events where pit crews stay only long enough to service their vehicle then move on to the next point (S/F and spectator areas for these type events still require restrooms if used in excess of four (4) hours). ***All restroom facilities must be staked down to prevent the wind from blowing them over and removed from area within 48 hours after the event.***

There were inadequate rest room facilities in all pits except for Pits C and D. The facilities in spectator area became adequate only after the BLM pointed out this concern to Robert Gross. Most check point locations and road crossings, except for Pabco Road, had no restroom facilities.

54. *Media personnel must wear the appropriate safety vests, and displayed the proper credentials at all times. This includes have the vehicle pass properly affixed to the windshield of the media vehicle.*

BLM representatives observed several media personnel not wearing safety vests. In one instance, Robert Dieli, BLM, provided a safety vest to a media person. In addition, at every pit there were pit personnel walking out of the pits to the race course with cameras, but no media passes. As the media personnel are permitted to be in areas not accessible to the general public and they may be closer to the course then the general public, safety vests are absolutely necessary to ensure they are visible to the racers who are travelling at high rates of speed, with limited visibility due to dust. The failure of SNORE to ensure that all media personnel were wearing safety vests, or take any action against media personnel who were seen without vests, is not only a violation of the permit stipulations, but also created a serious safety violation where someone could have been killed.

57. *Any aircraft must use the designated helicopter pad for staging, refueling, and long term stationing. The designated helicopter pad must be on lands other than public unless authorized by the Special Recreation Permit.*

58. *Aircraft refueling operations occurring on public lands must conform to the "Fuel and Fluids Management" stipulations listed above.*

The BLM permit did not authorize any helicopter landing zones on BLM managed lands. This was discussed at the pre-event coordination meeting on March 11, where it was stated that helicopters could only land at municipal airports or at the defined landing zone at the Moapa Tribal Plaza. Stipulations 57 and 58 were violated during the time trials when a media helicopter landed in the pit area on several occasions and on at least one witnessed occasion, refueled the aircraft. This was reported to Robert Gross at the time, who stated that he would rectify the situation. Nothing was done to resolve the situation. Helicopters are dangerous aircraft, and personnel that work around them require training to understand where they can safely stand while the helicopter is taking off and landing. A helicopter landing amongst people who are untrained in basic helicopter safety has the potential to cause serious injury or death.

Terms and Conditions of Biological Opinion (BO File # 84320-2011-F-0132) Violated

Proposed Conservation Measures

g. *During pre- and post-race activities involving the use of heavy equipment, an authorized biologist or monitor will be present to check for desert tortoises or occupied desert tortoise burrows in areas to be graded or modified, as well as access routes to locations where the work will occur. Any desert tortoises on or adjacent to the race course or in other areas where surface disturbance for pre- and post-race activities are to occur will be moved in accordance with Measure m. Any occupied desert tortoise burrows in the areas where surface disturbance for pre- and post-race activities are to occur will be excavated and collapsed in accordance with Measures c. and d.*

i. *A desert tortoise monitor will clear the section of the race course that is scheduled for watering per the dust abatement plan before the second pass of the water truck is*

completed. The watering during the first pass could potentially attract desert tortoises to the race course. Any desert tortoises on or adjacent to the race course will be moved in accordance with Measure m.

During the pre-event coordination meeting it was determined that William Anderson, Tribal Chairperson, and Don Wall would provide BLM with a list of authorized monitors. SNORE failed to provide the BLM biologist with a list of authorized monitors from the Tribe.

j. In the section of the race course that allows for passing, passing will only be authorized in those areas that have a clear and defined second lane. Areas not authorized for passing will be clearly flagged and blocked with barricades sufficient to prevent access. Vehicles passing in areas not authorized for passing will be disqualified.

Post-event inspection shows that passing occurred through vegetated areas. This is evident due to the widening of the course in several areas as well as additional race lines (new course) along some parts of the course.

o. SNORE will provide a sufficient number of dumpsters based on the needs of the 2010 event. Trash and food items will be disposed properly in predator-proof containers with resealing lids. The permittee is responsible for trash, litter and waste clean-up along the race course, and in parking, spectator and pit areas. Stakes, flagging materials, temporary facilities, litter, and all other event-related materials will be removed from the race course and pit, parking, and spectator areas. The race course and parking areas would be restored, at a minimum, to pre-event conditions within 15 days after the event. Trash containers will be emptied and waste will be removed from the project area daily. All waste will be disposed of in an authorized landfill. Trash removal reduces the attractiveness of the area to opportunistic predators such *as desert kit fox, coyotes, and common ravens.*

There was one dumpster at the main pit and one dumpster at Pit D. There were no additional trash facilities at any locations along the course, including the other four pit areas and the spectator area. The dumpsters that were provided were not predator-proof containers with resealing lids.

q. All vehicles will be inspected prior to the race to ensure proper fluid containment. Any vehicles leaking fluid (oil, transmission fluid, etc.) will not be allowed to participate in the event. Any fuel or hazardous waste leaks 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.

There was at least one vehicle, witnessed by a FWS employee, changing their transmission in the main pit with nothing to contain the fluids under the vehicle. Fluids were draining directly onto the ground. This was reported to Don Wall and Robert Gross by a BLM representative. Nothing was done about the situation. We witnessed unacceptable forms of petro-chemical fluid containment done with cardboard boxes laid flat on the ground.

t. *All event-related vehicles and activities (including pre-race and post-race activities) will be confined to the authorized race course, and designated areas (pit, spectator, and parking areas) and will not stray into vegetated areas. Temporary or permanent fences or boundary markers will be installed around authorized pit areas and spectator areas, as well as parking areas as appropriate. Sturdy and visible materials will be used to clearly delineate the boundaries of these authorized use areas from adjacent desert habitat. Anyone found outside of the designated area(s) will be subject to citation by a BLM law enforcement officer or Tribal police officer.*

All major access routes leading into restricted areas will be monitored, or marked closed as appropriate. The BLM or permittee personnel will be stationed at these areas, as appropriate, to enforce access restrictions. "Race-in-progress" signs will be posted at each location where the race crosses another road. Disqualification or hazard zones will be monitored periodically during the event.

There are approximately 13 acres of new disturbance from course widening and short coursing. In one area south of Pabco Road the route that was marked and raced was not part of the approved course per the GPS shape file provided to the BLM by SNORE. This section was marked correctly on Wednesday March 23, when Don Wall and Chris Linehan, BLM, conducted the pre-event course reconnaissance. The route was changed sometime between Wednesday evening and the start of the race on Saturday, March 26.

u. *Directional signs to spectator, pit, and parking areas will be posted at all main access points. Spectator vehicles will be allowed in designated spectator areas only. The permittee will station at least one person at the primary entrance to any spectator areas for at least two hours before the start of the race and one hour after the start of the race to guide and control spectators to designated spectator areas. All cars coming into the area will be stopped, and the occupants given information on the limits of the spectator area, advising them where they can and cannot park. Monitor(s) will be placed at each pit and spectator area to ensure that spectators remain within the designated boundary. With the exception of areas already disturbed within the Nellis Dunes Recreation Lands, the permittee and BLM will disband informal or unauthorized groups of spectators that form along the course outside of designated spectator areas. Anyone found outside of the designated area(s) will be subject to citation by a BLM law enforcement officer or Tribal police officer.*

SNORE failed to provide personnel to monitor the spectator area along Pabco Road. When the race began, there were no SNORE officials to check credentials and pit passes on either end of Pabco Road and along Bitter Springs By-Way, or at exit 84 off I-15. In addition, there were no SNORE officials to manage Pabco Road to ensure that only authorized personnel were allowed access from the Pabco Road spectator area and the road crossing along Pabco Road at Pit C. This violation created a major safety situation, and had the potential to cause injury and/or death to spectators and racers.

v. *Pit crews will use only authorized pit areas. Pits will be confined to designated areas in existing disturbed areas. Pit areas will be marked with a sign stating that a pit pass is required. A maximum of 10 pit passes will be issued to each race entrant; however, in*

unusual cases BLM may authorize issuance of additional passes to meet the specific needs or conditions. Pit passes will be displayed to ensure their visibility at all times. Under no circumstances will the issuance of additional pit passes create or contribute to expansion of designated pit areas. Pit passes will be identified by color or unique number, the name and date of event, and the pit to which the pass applies (i.e., main pit or course pit), and will be affixed to the windshield of each vehicle. Vehicles in the pit area without pit passes will be towed at the owner's expense. Unauthorized duplication of pit passes will result in disqualification of the entrant and this will be stated on each pass.

At Pit E there were teams pitting along side of the race course outside of the designated pit area.

DETERMINATION OF PERFORMANCE

The permit stipulations were signed and agreed to by Clay Flippin, vice-president of SNORE, on March 11, 2011, and the terms and conditions of the Biological Opinion, BO File # 84320-2011-F-0132, were agreed to and signed by Clay Flippin on March 18, 2011. The permit stipulations specifically state:

Compliance and Monitoring Standards

Non-compliance with any of this set of permit stipulations will be grounds for denial of future permits, and/or race cancellation.

Performance evaluation, violations, and penalties:

Performance will be based upon compliance with the Special Recreation Permit Stipulations, Terms and Conditions of the Biological Opinion, compliance with the Permittee's Operating Plan, Permittee's Protection of Resource Values, and the quality and safety of services provided to the public.

Performance evaluation 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 have been repeated violations or disregards for permit stipulations.
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= Acceptable: Complaints/issues may be discussed over the phone or in writing. When due dates or completion dates are established, the permitted will be afforded a 15-day grace period, unless otherwise specified.

P= Probationary: A Notice of 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= Unacceptable: Permit privileges would be revoked for one to three years. The permittee would be allowed the opportunity to appeal the decision under Title 43 CFR, Part 4.

The BLM has determined that due to the numerous violations of the permit stipulations and the terms and conditions of the Biological Opinion, the 2011 SNORE MINT 400 OHV race has received a performance rating of **U=Unacceptable**. The violations had the potential to cause serious injury and/or death to spectators, pit personnel, and the racers themselves. The violations also caused significant resource damage in that approximately 13 acres of unplanned and unpermitted disturbance occurred on public lands managed by the BLM during and after the race. The violations were repeatedly brought to the attention of SNORE personnel during the race, and the issues were either only partially resolved or not resolved at all.

The BLM Las Vegas Field Office has not yet made a final determination of the penalties related to the finding of an **Unacceptable** rating for the 2011 Mint 400. A separate Decision letter will be mailed to the SNORE address of record when the determination has been made. This Decision will be a district-wide decision for the Southern Nevada District Office, meaning it will effect proposed operations in the Las Vegas and Pahrump Field Offices.

This event evaluation may be considered by this and other BLM offices when evaluating future permit applications by SNORE. Based on this determination SNORE may face administrative penalties up to and including permit privileges being revoked for one to three years.

Post-event Evaluation completed by:

Chris Linehan
Outdoor Recreation Planner

Post-event Evaluation reviewed by:

Robert Dieli
Supervisory Recreation Planner

Post-event Evaluation approved by:

Shonna Dooman
AFM Non-Renewable Resources

Enclosure (1 compact disk):
Maps showing new disturbance
Photos of disturbance

cc: Don Wall, President
Southern Nevada Off-Road Enthusiasts
P.O. Box 752172
Las Vegas, Nevada 89136

William Anderson, Tribal Chairman
Moapa Band of Paiutes
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Moapa, NV 89025

Kellie Youngbear, Superintendent
Southern Paiute Agency
Bureau of Indian Affairs
180 North 200 East, Suite 111
St. George, Utah 84770

ecc: (ecc's sent w/o compact disk enclosure)
Don Wall, SNORE President
Clay Flippin, SNORE Vice-President
Ken Flippin, SNORE Treasurer
Robert Gross, SNORE Race Steward
Leo Drumm, BLM Recreation, Travel and Access Coordinator, NV93300
Michael Burroughs, FWS