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

Environmental Assessment DOI-BLM-NV-B020-2012-0216-EA
DATE: October 2012

Tough Mudder, LLC
Special Recreation Permit
SRP-NVB0000-12-02
Environmental Assessment

Tonopah Field Office
P.O. Box 911
1553 S. Main Street
Tonopah, NV 89049
Phone: 775-482-7800
Fax: 775-482-7810

BLM

Tonopah Field Office

NATIONAL SYSTEM OF PUBLIC LANDS

TABLE OF CONTENTS

1.0 INTRODUCTION/PURPOSE AND NEED FOR ACTION..... 1

1.1 Introduction..... 1
1.1 Purpose and Need for Action..... 1
1.2 Conformance with Land Use Plans and Other Plans..... 1
1.3 Relationship to Statutes, Regulations, Policy or other Environmental Analysis..... 2
1.4 Scoping, Public Involvement, and Issues…….……..…..2

2.0 THE PROPOSED ACTION AND NO ACTION ALTERNATIVES 4

2.1 The Proposed Action..... 4
2.2 The No Action Alternative..... 9

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES..... 10

3.1 General Setting..... 10
3.2 Resources Considered in the Analysis..... 10
3.3 Resources Present and Brought Forward for Analysis 13
Bald and Golden Eagles..... 13
Cultural Resources 14
Migratory Birds..... 15
Noxious Weeds and Invasive, Non-native Species..... 16
Recreation 17
Socio-economic Values 17
Soils..... 18
Vegetation 21
Wild Horses and Burros..... 22
Wildlife 22

4.0 CUMULATIVE EFFECTS..... 24

4.1 Past and Present Actions..... 24
4.2 Reasonably Foreseeable Future Actions..... 26

5.0 CONSULTATION, COORDINATION, AND LIST OF PREPARERS 29

6.0 REFERENCES CITED..... 30

APPENDIX A - SRP STIPULATIONS, GENERAL TERMS AND ENVIRONMENTAL PROTECTION MEASURES…….31

APPENDIX B - RESPONSES TO PUBLIC COMMENTS……36

APPLICATION FOR A SPECIAL RECREATION PERMIT TO HOLD AN ENDURANCE RUNNING EVENT
TOUGH MUDDERS, LLC.
ENVIRONMENTAL ASSESSMENT DOI-BLM-NV-B020-2012-0216-EA

1.0 INTRODUCTION/PURPOSE AND NEED FOR ACTION

1.1 Introduction

The Bureau of Land Management, Tonopah Field Office (BLM-TFO) has prepared an Environmental Assessment (EA) to evaluate the environmental impacts associated with the issuance of a commercial Special Recreation Permit (SRP) to Tough Mudder, LLC (Tough Mudder) to conduct an competitive endurance running event on public and private lands located approximately 6 miles north of Beatty, NV.

As presented in the BLM Recreation Permit Administration Handbook (H-2930-1), the issuance (including renewal) of an SRP is a federal action subject to analysis under the National Environmental Policy Act (NEPA) of 1969 (Public Law [PL] 1-91-190, as amended [42 United States Code (USC) 4321 *et seq*.]). The BLM-TFO has determined that an environmental assessment (EA) is required prior to the potential issuance of the Tough Mudder SRP.

In determining the scope of the Proposed Action, the BLM has determined that actions on private lands are connected actions with those on public lands (40 CFR 1502.4 (2) and 40 CFR 1508.25 (a)). Therefore, this EA will also analyze impacts from event activities on private land.

1.1 Purpose and Need for Action

The purpose of the action is to provide Tough Mudder the opportunity to conduct a competitive endurance running event on public lands through the issuance of a Special Recreation Permit (SRP). The need for the action is established by the BLM's responsibility under BLM Manual 2930 and the H-2930-1 Recreation Permit Administration Handbook (43 Code of Federal Regulations [CFR] 2930) to respond to SRP applications. The BLM would decide to approve the SRP to Tough Mudder and to determine the terms and conditions which would apply to the authorization.

1.2 Conformance with Land Use Plans and Other Plans

The Proposed Action would be in conformance with the Tonopah Resource Management Plan and Record of Decision (BLM 1997). Although the Proposed Action is not specifically provided for in the plan, it is clearly consistent with its goals and objectives, which are to:

- Provide dispersed recreation opportunities on all lands which are not designated as Special Recreation Management Areas;

- Provide a full range of recreational settings, from rural to wilderness, for the pursuit of a wide variety of recreational opportunities; the proposed action area is not designated as ROS primitive, semi-primitive non-motorized or semi-primitive motorized, so falls into

the roaded natural or rural ROS class designation, where the "sights and sounds of man are readily evident, and the concentration of users is often moderate to high."

The Proposed Action would also conform to the Nye County Comprehensive/Master Plan (Nye County 2011). The land use section of that plan supports multiple use of public lands:

- A balanced and diverse use of resources which takes into account the long-term needs of the residents of the county for renewable and non-renewable resources including but not limited to recreational activities, range, timber, energy, minerals, watershed, wildlife and fish, and natural scenic, scientific and historic areas.

The recreational section of the plan articulates the following goals:

- To encourage the use and enjoyment of the many recreational opportunities available within Nye County.

Specific recreation objectives include:

- [The] encourage[ment] of recreation opportunities on public lands and [the identification] and develop[ment] of public lands for concentrated recreational use.

1.3 Relationship to Statutes, Regulations, Policy or other Environmental Analysis

The Proposed Action would be in conformance with the following Federal and BLM regulations:

- National Environmental Policy Act of 1969 (NEPA)
- Federal Land Policy and Management Act of 1976 (FLPMA)
- 43 CFR § 2930 – Permits for Recreation on Public Lands
- BLM Recreation Permit Administration Handbook H-2930-1 (2006)
- WO IM 2011-019 (SRP Administration)

1.4 Scoping, Public Involvement and Issues

The project was internally scoped by the BLM Interdisciplinary Team (IDT) in December 2011. On December 6th, the Tonopah Field Manager, Outdoor Recreation Planner, and Planning and Environmental Coordinator met with a Tough Mudder representative and the private landowner to discuss the proposed event and potential issues associated with its implementation. Preliminary issues identified for analysis included:

- potential impacts to migratory birds and sensitive wildlife species;
- potential impacts to soils and vegetation; and,
- potential cultural resource impacts.

Additional issues identified relating to the proposed event included:

- managing the event staging area to minimize the width of the trail;
- minimizing potential impacts to public land;
- controlling spectator and participant use of public land;
- public safety and first aid response plans;
- the ability of local infrastructure to support the event and the temporary influx of people.

2.0 THE PROPOSED ACTION AND NO ACTION ALTERNATIVES

2.1 The Proposed Action

Tough Mudder has applied for a commercial Special Recreation Permit (SRP) to hold a competitive two-day endurance running event on October 6-7, 2012 in the vicinity of Beatty, Nevada. The 11- mile course begins and ends on private land and includes 4.7 miles of running and hiking trail located on public land. The participants would have to negotiate twenty-five military style obstacles of various types located on the private portions of the course. In order to negotiate the obstacles, the participants would work in teams. Obstacles may include climbing walls, mud or ice, water, heavy objects, or navigating ropes. All of the event staging, parking and support operations would be located on private land. One obstacle and two first aid and water stations would be placed on public land. The proponent expects 8,000 participants to enter the event, plus spectators. For the purposes of analysis, a total of 10,000 individuals (event participants and spectators) are assumed.

The obstacle on public land would consist of two wooden climbing walls placed approximately 25 feet apart. The walls, which measure 36 feet long by 8 feet high, would be attached to wooden supports to facilitate their placement on the ground surface.

<u>Course Description</u>

Participants would be started in stages of 300-500 runners at timed intervals to allow runners to be staggered out along the initial 1.5 - 2 miles of the course as it leaves private land. Event activities are scheduled to take place between 5 AM and 7 PM October 6th and 7th. The course would be marked on the ground in such a way to maintain a maximum width of ten feet. Runners would be required to stay on the course, and given the proposed width, would likely run single file or two abreast when passing.

There would be two long trail segments, 1.5 – 2 miles in length each, and three short segments of .25 - .50 miles each (Figure 1). Participants would leave private land at the south end of the property and follow existing burro trails in a southwesterly direction across the lower gravelly slopes of nearby hills. They would then cross alkaline flats before reversing to the east and north through small sand dunes. The route would then take a turn to the east and head up a gravel ridge for approximately 0.5 mile to a summit where the route takes an abrupt turn to the northwest. It then drops into a sandy wash before turning north and northeast where it re-enters private land.

The other large public land segment of the route begins immediately east of the northernmost ranch pond and parallels the existing graded road to an earthen dam. The route follows the top of dam to the south, and then drops onto an existing ATV trail to parallel the graded road until it reaches an existing 2-track road up onto a mesa to the west. At this point, the route re-enters private land as it follows the mesa ridge in a southerly direction.

From this point, the route turns east and runs down a steep rocky slope, across a graded road, where a first aid and water station may be placed. It then turns to the north and east along gradual slopes across a high plateau. The course then loops around to the north and east and

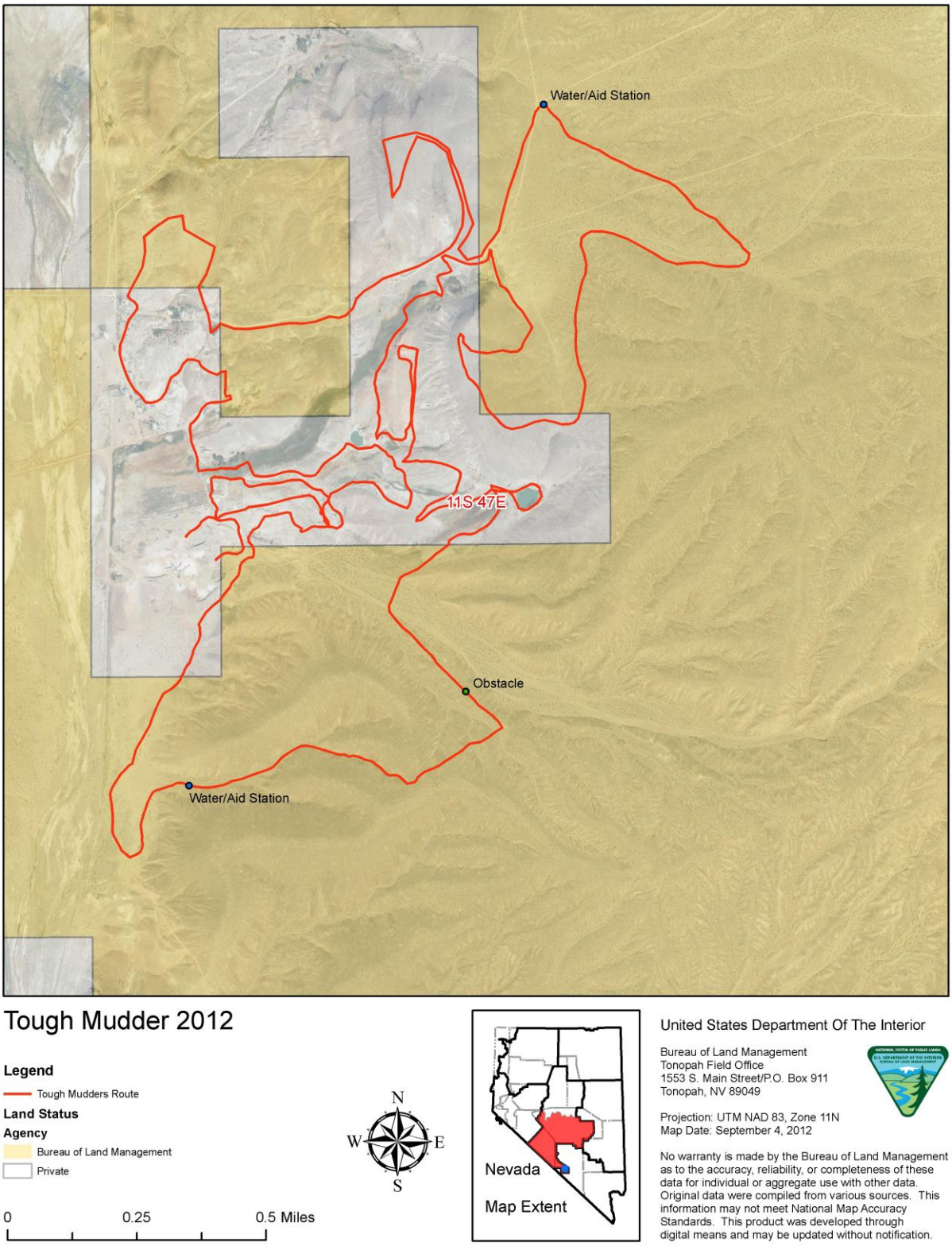

Figure 1. Proposed route and location map of the Tough Mudder event.

returns to the road. It then turns south along the road's west edge and re-enters private land just to the north of where the course entered public land. The entire public land portion of the course was inspected by BLM personnel and care was taken to mark the route to avoid cacti and other sensitive plants.

There would be five (5) water stations on course, located approximately every two (2) miles. Water at on-course hydration stations would be supplied with 250 gallon portable water tanks. Participants would use nine (9) spouts on each tank to serve themselves. Disposable cups would be provided. In addition to the water facilities, a 10 x 10 foot tent, a small dumpster and 5 portable toilets would be placed at each water station. As indicated, two such stations would be placed on public lands.

Health and Safety

At least forty (40) first aid staff would be provided by Amphibious Medics. Access for emergency vehicles (i.e. ambulance, helicopter landing zones)**,** number and location of first aid stations**,** names and qualifications of any medical staffing**,** and a list of emergency phone numbers and local hospitals/clinics can be found in the "Safety Operations Plan" available upon request.

Medical personnel, including paramedics, EMTs, lifeguards and water rescue technicians, would be distributed along the Tough Mudder course. A combination of UAV's and ATVs would be used to help them respond to any incident. Medical and evacuation equipment would be distributed along the event route. Equipment and personnel to carry a patient over rough terrain would be staged for use.

Local EMS resources (Town of Beatty, Nye County, LifeFlight) would be briefed prior to the start of events by the Medical Safety Director where the safety plan, communications plan, and emergency access would be reviewed.

Approximately (60) portable toilets would be provided by Tough Mudder and placed in the base area and on the course. Portable toilets would be maintained by Tough Mudder and would be stocked with extra toilet paper and serviced Saturday night (7:00PM) at a minimum. Accessible portable toilets and onsite accessible parking would be reserved near the Event Base Area.

Trash removal would happen throughout the duration of the event. On-site dumpsters (all bear proof) would be provided to collect all trash, emptied periodically as necessary, and would be removed after the event. Tough Mudder would place at least sixty (60) trash bins in the base area and on the course.

Security and Local Authorities

Tough Mudder endeavors to create mechanisms and lines of communication that will handle the detection and resolution of potential threats to the safety and/or security of all Tough Mudder participants, spectators, stakeholders, employees, partners, and volunteers. Tough Mudder

furthermore strives to minimize the disruptions to communities, properties, and/or residents adjacent to the event location. To help facilitate this, event organizers would:

- Manage the planning and execution of event delivery;
- Coordinate sufficient staffing for event delivery;
- Ensure that proper systems for controlling and policing alcohol consumption during the event;
- Ensure that acceptable environmental management plans are in place;
- Implement appropriate plans for waste disposal and collection ;
- Ensure that minimal safety and security training standards are met;
- Implement appropriate communication plans between all stakeholders;
- Coordinate adequate medical safety staff and ensure emergency measures are in place in conjunction with a selected first aid service provider

Tough Mudder would engage with local police, emergency services, fire authorities, and local municipalities. Organizers endeavor to work together with local authorities and involve them in the planning process to ensure seamless event execution. Law enforcement Officers from the BLM and the Nye County Sheriff's Department would be notified regarding event schedules. A security company would be contracted by Tough Mudder to provide surveillance of the property during the event. During the event, security would be placed at all venue entrances, beer garden entrances/exits, finish chute, in front of TMHQ, and in the parking lot. Security personnel would be responsible for ensuring that patrons possess the appropriate accreditation (to be comprised of wristbands and lanyard credentials) to access different event areas. Any incident requiring security or police presence would be reported to Tough Mudder Command and the Event Director and Security Supervisor would take actions appropriate to the situation.

In areas where the course intersects or utilizes existing roads, vehicle user conflicts would be avoided since the roads would be closed to public access. Parking would be made in available in a previously disturbed 25-acre area of private land. The Nevada Highway Patrol would be on-site to ensure orderly egress and ingress from the parking area to and from US 95. As needed, Tough Mudder would be responsible for any dust abatement associated with the use of the parking area.

The proponent would film the event for their website and take still photos of each participant for potential sale. All of the still photography would take place on private land; public land would not be portrayed in any photographs.

Environmental Protection Measures

The proposed course for this event has been designed to utilize existing roads and washes to the extent possible in order to avoid or minimize impacts to environmental resources. There are approximately 11 miles of course segments, with 4.2 miles located on public land. Tough Mudder would commit to the following environmental protection measures to prevent unnecessary and undue degradation during the event. As part of the Proposed Action, the following environmental protection measures would be followed in order to avoid or minimize any potential adverse effects.

Reclamation

- Cleanup to include the removal of staking, flagging, litter, equipment and all other event related waste and debris from the course, check points, staging areas, and other locations used for this event would be completed to BLM standards following completion of the event.

- The BLM would monitor the course both pre-and post-event to access resource impacts and determine the need for reclamation.

Cultural Resources

- All eligible or unevaluated cultural resources would be avoided to ensure compliance of Section 106 of the National Historic Preservation Act.

- Although the possibility of disturbing Native American gravesites within the event area is low, inadvertent discovery procedures must be noted. Under the Native American Graves Protection and Repatriation Act, section (3)(d)(1), it states that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity, which caused the discovery, is to cease and the materials are to be protected until the BLM authorized officer can respond to the situation.

- During event activities, if any cultural properties, items, or artifacts (stone tools, projectile points, etc…) are encountered, it must be stressed to those involved in the proposed event activities that such items are not to be collected. Cultural and Archaeological resources are protected under the Archaeological Resources Protection Act (16 U.S.C 470ii) and the Federal Land Management Policy Act (43 U.S.C. 1701).

- Pursuant to 43 CFR 10.4(g), Tough Mudder would notify the BLM authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (c) and (d), the permit holder would immediately stop all activities within approximately 300 feet (100 meters). Tough Mudder would appropriately protect the site until the BLM authorized officer issues a Notice to Proceed. The BLM would notify the State Historic Preservation Office (SHPO) and consider SHPO's initial comments on the discovery. If archaeological resources are damaged, it is possible that fines could be assessed under provisions of the Archaeological Resources Protection Act (ARPA) found at 43 CFR 7.

Noxious Weeds and Invasive Non-Native Species

- Noxious weeds shall be controlled by implementing the BLM Battle Mountain District, Mount Lewis Field Office/Tonopah Field Office *Invasive Plants, Noxious Weeds, and Pests Prevention Schedule and Best Management Practices.*

Waste, Solid and Hazardous

- Regulated wastes would be removed from the Project Area and disposed of in a state, Federally, or locally designated area.

Migratory Birds

- The proponent must comply with the Migratory Bird Treaty Act (MTBA) and avoid potential impacts to protected birds within the project area.

Fire Management

- In the event that activities should start a fire, Tough Mudder would be responsible for all the costs associated with suppression.

- Wild land fires will be reported immediately to the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444.

- Prior to the event, Tough Mudders must contact the BLM Tonopah Field Office, (775)482-7800 to ascertain any fire restrictions in place for the area of operation and to advise this office of approximate beginning and ending dates of activities.

Standard Operating Procedures

The event would be conducted according to the Tough Mudder Operational Plan (available upon request) in addition to the BLM's Special Recreation Permit (SRP) Stipulations, General Terms and Environmental Protection Measures (Appendix B).

2.2 The No Action Alternative

Under the No Action alternative, the BLM would not issue a SRP to Tough Mudder and the event would not be held. Casual recreational use of existing roads, trails, and associated impacts would continue under existing trends. The No Action Alternative forms the baseline against which the potential impacts of the Proposed Action are compared. Thus, it includes current actions and activities within the district. The selection of the No Action Alternative would not preclude recreation on designated and existing roads and trails in the Battle Mountain District as allowed under the Tonopah Resource Management Plan (RMP) (BLM 1997).

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 General Setting

The proposed event area is characterized by Mojave Desert vegetation dominated by blackbrush (*Coleogyne ramosissima)*, desert needlegrass (*Achnatherum speciosum)*, Indian ricegrass (*Achnatherum hymenoides)*, Nevada ephedra (*Ephedra nevadensis)*, burro brush *(Ambrosa dumosa)*, creosote bush *(Larrea tridentate)*, and fourwing saltbrush (*Atriplex canescensa)*.

Extremes in precipitation from year to year tend to be more pronounced in this region than in northern or southern Nevada because this region is influenced by an orographic rain shadow of the California Sierra and by two different weather patterns (Continental Tropical and Maritime Polar). This causes highly variable annual and seasonal precipitation. The area generally receives 8 inches or less of annual precipitation and soils are poorly developed, with little or no organic matter, and are typically shallow and well drained. Many of the ecological site types within the area support large proportions of bare ground in shrub interspaces reflecting these dry conditions.

The course traverses an elevation range from approximately 3,600 to 4,000 feet, climbing and descending gravel and cobble rock ridges, slopes and washes, and crossing playa and desert pavement flats.

Most private land portions of the event area have similar characteristics, however, a small portion of developed springs, ponds and associated agricultural areas of deeper soils and associated vegetation are present. A substantial area used for industrial and mineral handling has also been developed on private land.

3.2 Resources Considered in the Analysis

The purpose of this section of the EA is to describe the existing environment of the proposed event area. Supplemental Authorities that are subject to requirements specified by statute or Executive Order (EO) must be considered in all BLM environmental documents. The elements associated with the supplemental authorities listed in Appendix 1 of the NEPA Handbook (BLM 2008) and in the Nevada Instruction Memorandum (IM) 2009030, Change 1, are listed in Table 1. The table lists the elements and the determination of whether the element is present in the event area and if the element would be affected by the Proposed Action.

Supplemental Authorities that may be affected by the Proposed Action are analyzed in Section 3.3. Those elements listed under the supplemental authorities that do not occur in the Project Area and would not be affected are not discussed further in this EA, based on the rationale provided in the following table. The elimination of non-relevant issues follows the Council on Environmental Quality (CEQ) policy, as stated in 40 CFR 1500.4. The potential effects of the No Action Alternative are discussed under Section 3.3.

Table 1. Elements Associated with Supplemental Authorities and Rationale for Detailed Analysis for the Proposed Action				
Supplemental Authorities Element[1]	**Not Present[2]**	**Present/Not Affected**	**Present/May be Affected[3]**	**Rationale**
Air Quality		X		The event is associated with running and hiking which may create small quantities of dust in areas of fine soils along the route. These effects would be of a short-term, transitory nature and would be mitigated as necessary through the application of water
Area of Critical Environmental Concern (ACEC)	X			The proposed event area is not located in or near any ACECs.
Bald and Golden Eagles			X	See discussion in section 3.3.A.
Cultural Resources		X		But see discussion in Section 3.3 B.
Environmental Justice		X		Neither the Proposed Action nor the No Action alternative would disproportionally impact any low income or minority populations as described in Environmental Justice Executive Order 12898.
Farmlands Prime or Unique	X			The proposed event would not be located within or near any prime or unique farmlands.
Floodplains	X			There are no floodplains near the public portions of the course.
Forests and Rangelands (HFRA projects only)	X			There are no HFRA projects associated with the Proposed Action or No Action alternative.
Human Health and Safety (Herbicide Projects)		X		Human health and safety would not be affected because neither the Proposed Action nor the No Action alternative are associated with the use of herbicides.
Migratory Birds			X	See discussion in Section 3.3 C.
Native American Religious Concerns	X			There are no previously identified or known places, objects, or resources of Native American religious concern associated with the Proposed Action or No Action alternative.
Noxious Weeds/Invasive Non-native Species			X	See discussion in Section 3.3 D.
Riparian/Wetlands		X		There are no riparian areas or wetlands

[1] See H-1790-1 (January 2008) Appendix 1 Supplemental Authorities to be Considered.
[2] Resources determined to be Not Present or Present/Not Affected need not be carried forward for analysis or discussed further in the document.
[3] Resources determined to be present/May be Affected *must* be carried forward for analysis in the document.

Table 1. Elements Associated with Supplemental Authorities and Rationale for Detailed Analysis for the Proposed Action				
Supplemental Authorities Element[1]	**Not Present[2]**	**Present/Not Affected**	**Present/May be Affected[3]**	**Rationale**
				located on the public land portions of the course. While there are riparian and wetland areas on private land, the course was designed to avoid these areas.
Threatened and Endangered Species	X			No threatened or endangered plant or animal species or their habitats are present in the proposed event area.
Waste – Hazardous/Solid	X			No hazardous or solid wastes are present in the proposed event area nor will they be used during the course of the proposed event.
Water Quality			X	There is no surface or ground waters on the public land portion of the course. A portion of the course is routed through a pond which would create turbidity during the course of the event. However, the BLM has no jurisdictional authority to compel Tough Mudders to reroute the course in this area or to mitigate anticipated impacts.
Wild & Scenic Rivers	X			The proposed course is not located in or near any wild and scenic rivers.
Wilderness	X			The proposed event is not located in or near any wilderness study areas.

Other resources of the human environment that have been considered in this environmental assessment (EA) are listed in the table below. Elements that may be affected are further described in the EA. Rationale for those resources that would not be affected by the Proposed Action and No Action alternative are also presented.

Table 2. Other Resources considered in the Analysis.				
Other Resources	**Not Present[4]**	**Present/Not Affected**	**Present/May be Affected**	**Rationale**
Grazing Management	X			The area of the proposed event is closed to grazing.
Land Use Authorizations		X		Existing land use authorizations would not be affected by either the proposed Action or No Action alternative.
Minerals		X		The course has been routed as to avoid areas where valid notices of intent exist.

[4] Other Resources determined to be Not Present or Present/Not Affected need not be carried forward for analysis or discussed further in the document based on the rational provided.

Table 2. Other Resources considered in the Analysis.				
Other Resources	**Not Present[4]**	**Present/Not Affected**	**Present/May be Affected**	**Rationale**
Paleontological Resources	X			There are no known rock types or formations exposed in the Area of Potential Effects (APE) that would contain significant paleontological resources.
Recreation			X	See discussion in Section 3.3 E.
Socio-Economic Values			X	See discussion in Section 3.3.F.
Soils			X	See discussion in Section 3.3 G.
Special Status Animals		X		No core Amargosa toad habitat (e.g., springs, seeps, and areas adjacent to the Amargosa River) exists on the public land portion of the route, and the event course is designed to avoid such habitat on private land.
Special Status Plants	X			There are no special status plants or their habitat located on either public or private portions of the course.
Vegetation			X	See discussion in Section 3.3 H.
Visual Resources		X		The event would be located in an area designated as VRM IV. The proposed event would not result in major alterations to the characteristic landscape, and therefore, the visual impacts of the event would be well within VRM IV objectives.
Wild Horses and Burros			X	See discussion in Section 3.3 I.
Wildlife			X	See discussion in Section 3.3 J.

3.3 Resources Present and Brought Forward for Analysis

A. Bald and Golden Eagles

On July 9, 2007, the bald eagle was de-listed from the list of threatened and endangered species. BLM is coordinating with the Nevada Department of Wildlife (NDOW) to ensure compliance with state regulations regarding the bald eagle. As of August 30, 2007, BLM policy is to consider the bald eagle as a BLM Sensitive Species. Golden eagles have been documented as year-round residents of the surrounding area, and bald eagles have been documented and are likely winter foragers in the vicinity.

Environmental Consequences of the Proposed Action on Bald and Golden Eagles

The issuance of the proposed SRP for the Tough Mudder event would likely displace eagles that inhabit the area because a large number of people would be concentrated in their local habitat. This effect would be short-term, however, and eagles would return to their previous patterns of behavior once people leave the event area. Additionally, use of the proposed course routes

during the scheduled event would comply with requirements of the Bald and Golden Eagle Protection Act because it is scheduled outside of the nesting season of these species

Environmental Consequences of the No Action alternative on Bald and Golden Eagles

The No Action alternative would have no effect on Bald or Golden eagles because large numbers of people would not be concentrated in their local habitat.

B. Cultural Resources

The cultural resource area of potential effects (APE) on public land consists of seven 10-ft-wide course segments that total 4.7 miles or about 5.1 acres. A one-mile radius records check of the NVCRIS and the BLM Battle Mountain District database indicated that no previous surveys or cultural resources have been recorded within the APE. Within one-mile of the APE, 13 surveys have been conducted and 5 sites have been documented. These sites consist of two prehistoric lithic scatters, one historic railroad berm and two multi-component sites (a lithic scatter & historic home, and a lithic scatter with a historic trash scatter). Records also indicate that Hicks Hot Springs (a historic railroad camp) is located within one mile of the APE. GLO maps indicate a number of roads generally trending W/E are located within a mile of the APE, none of which would be utilized as the event route.

On 02/22/2012, a BLM archaeologist conducted a Class III survey of the 5.1-acre APE. Approximately 3.3 acres (2.7 course miles) of the APE are located on existing roads or well-defined trails, with the remaining course segments consisting of undeveloped land or narrow and minimally defined burro or game trails. Approximately 3.6 acres of the APE consists of relatively steep terrain and sandy washes; no cultural resources were identified in these areas.

Within the remaining 2.2 acres of the original APE, one prehistoric archaeological site and three prehistoric isolates were identified. In order to avoid any potential for the event to affect the prehistoric archaeological site, a 623-yard segment of the original APE was realigned about 109 yards southwest to an existing road that runs atop an earthen dam, which resulted in reducing the original APE by 0.1 acres. The area that contains three isolates consists of alkali flats and low sand dunes at the base of a hill. This area exhibits the potential to contain cultural resources just below the surface due to the dynamic nature of the sand dunes.

As described above, the majority of the private land associated with the Proposed Action has been previously disturbed. Per the Nevada State Protocol between the BLM and the Nevada SHPO for the Implementing the National Preservation Act, Appendix C.2., the ground has been previously disturbed to the extent that historic properties could not exist. Therefore, the areas affected by the Proposed Action located on private land were not surveyed for cultural resources.

Environmental Consequences of the Proposed Action on Cultural Resources

There is no potential for the event to affect the prehistoric archaeological site identified during the Class III survey because realignment of the original APE resulted in completely avoiding the site.

However, there is some potential for the event to affect the prehistoric isolates within the alkali flat and dune area. Due to the depositional context and dynamic nature of this area, there is the possibility that additional artifacts might be located just below the surface within or immediately adjacent to the APE, and if present, event-related foot traffic could expose artifacts, that when combined with nearby isolates would justify recording the resources as a site.

There is little to no potential that participants would adversely affect Historic Properties, and the associated permit would include stipulations disallowing participants from picking up any materials from public land. However, if the event results in exposing any additional artifacts, unauthorized collection of materials by members of the public in the days following the event could occur. The BLM would assure that the route in this area is accurately demarcated. A BLM archeologist would revisit this area within two days following the event (October 8 or 9, 2012) to formally record the isolates and determine if the event exposed additional artifacts, and if justified, formally record them as archaeological sites.

In order to prevent the Tough Mudder event from causing adverse effects to Historic Properties, and in accordance with agreements between the BLM and the Nevada State Historic Preservation Officer, the BLM would require that the following three stipulations be included as condition of issuing the permit:

1. The BLM would assure that the course is demarcated accurately so it reflects the area that was subject to survey within the southwestern portion of the APE where isolates were identified.

2. Event participants are not to collect artifacts from public lands.

3. Event participants must stay within the 10-foot wide course area demarcated on public land.

Environmental Consequences of the No Action Alternative on Cultural Resources

There would be no direct or indirect effects to cultural resources under the No Action alternative because the event would not take place.

C. Migratory Birds

The USFWS defines a migratory bird as any species or family of birds that live, reproduce, or migrate within or across international borders at some point during their annual life cycle. All migratory birds are protected under the Migratory Bird Treaty Act, as amended (MBTA) (16 USC 703 *et seq*.). The federal MBTA states that it is unlawful to "pursue, hunt, take, capture, or kill; attempt to take, capture, or kill; possess, offer to or sell, barter, purchase, deliver, or cause to be shipped, exported, imported, transported, carried, or received any migratory bird, part, nest, egg, or product, manufactured or not." Depending on distribution, abundance, and breeding habits, the Secretary of the Interior may determine how much a migratory bird may be hunted or taken, if at all (USFWS 2007). To minimize unintentional take as defined by Executive Order 13186, the BLM has issued Washington Office Instructional Memo No. 2008-050, Migratory Bird Treaty Act–Interim Management Guidance, to provide interim guidance to meet the BLM

responsibilities under the MBTA. This provides the BLM with a consistent approach for addressing migratory bird populations and habitats. Currently, there are 1,007 species that are protected under the federal MBTA (USFWS 2010). The Instructional Memo also lists species of conservation concern by the USFWS as those migratory bird species on which the BLM will focus.

Migratory bird species that may be found within the proposed event area could include, but are not limited to, the Ash-throated Flycatcher, Bewick's Wren, Black-headed Grosbeak, Black-throated Gray warbler, Black-throated Sparrow, Blue-gray Gnatcatcher, Brewer's Sparrow, Brown-headed Cowbird, Bushtit, Cassin's Finch, Chipping Sparrow, Common Raven, Costa's hummingbird, Gray Flycatcher, Horned Lark, House finch, House Sparrow, House Wren, Le Conte's Thrasher, Lesser Goldfinch, Loggerhead Shrike, Mourning Dove, Northern Mockingbird, Rock Wren, Sage Sparrow, Say's Phoebe, Spotted Towhee, Swainson's thrush, Vesper Sparrow, Western Scrubjay, and the White-crowned sparrow (Great Basin Bird Observatory 2007).

Environmental Consequences of the Proposed Action on Migratory Birds

The use of the course during the event would result in trampling that would result in the loss of approximately 12 acres (5.1 acres on public land) of migratory bird habitat for a period of about two years. An additional 2 acres would be lost for the same period of time due to the use of the obstacles and the water/first aid stations. However, because the proposed event would occur outside of nesting season (migratory bird breeding season ends no later than July 15), activities would not affect birds protected under the Migratory Bird Treaty Act. The proposed activities constitute a relatively low potential for disturbance to individual birds, and no potential impact to migratory bird populations.

Environmental Consequences of the No Action Alternative on Migratory Birds

There would be no affects to migratory birds under this alternative because the event would not take place.

D. Noxious Weeds and Invasive, Non-native Species

Although there have been no systematic weed or invasive species inventories in the area, it is likely that species such as cheatgrass, Russian Thistle, Russian knapweed, Sahara mustard, and Halogeton are present in areas within or adjacent to the proposed course. These species would typically become established in areas of ground disturbance, the majority of which are located on private lands in the local area.

Environmental Consequences of the Proposed Action on Noxious Weeds and Invasive, Non-native Species

The Proposed Action has the potential to result in the spread of noxious weeds or invasive, non-native species across an area of approximately 12 acres (5.1 acres of public land) because runners would create surface soil disturbances and could potentially transport weed seeds on their vehicles, footwear and clothing. An additional 2 acres would experience higher

susceptibility due to disturbances associated with the use the obstacles and the water/first aid stations. This potential would be minimized by a stipulation that the proponent survey the public land portions of the course during the growing season after the proposed event and eradicate any noxious weeds or invasive, non-native species that are identified per the Mount Lewis Field Office/Tonopah Field Office *Invasive Plants, Noxious Weeds, and Pests Prevention Schedule and Best Management Practices.*

Environmental Consequences of the No Action Alternative on Noxious Weeds and Invasive, Non-native Species

The No Action alternative has little potential to affect noxious weeds and invasive, non-native species because there would be no surface soil disturbance or potential seed transport from event participants.

E. Recreation

The public portion of the area is managed for dispersed recreation which includes hiking, hunting, mountain biking, wild burro viewing, ATV riding, four-wheel drive exploration and rockhounding. The area typically receives light use because public access is limited by a private landowner who controls direct access from US 95.

Environmental Consequences of the Proposed Action on Recreation

The Proposed Action would result in a short-term, but sharp, increase in recreational opportunity and use in the area over the two-day duration of the event. As a result, recreational use in the region could increase as people from outside of the region discover recreational opportunities available nearby.

As a consequence of the influx of people participating in the event, local recreational users may be temporarily inconvenienced. However, the recreational experience of passersby could be enhanced as the event itself offers viewing opportunities. After the event, traditional recreation opportunities would be likely remain unchanged from those that occurred prior to the event.

Environmental Consequences of the No Action Alternative on Recreation

Under the No Action alternative, there would be no impact on recreation; dispersed recreational opportunities would remain characteristic of the area.

F. Socio-economic Values

The Proposed Action would take place approximately 6 miles north of Beatty, Nevada. Beatty is located on US 95 about 90 miles from Las Vegas and 10 miles north of Death Valley National Park. The town serves as a gateway community to the park with highest tourism visitation during spring and fall. Summer recreational travel also brings many tourists through Beatty. Several motels, RV parks, restaurants, gas stations, convenient stores and retail stores provide needed services.

A University of Nevada, Reno study analyzed the economic impacts of Death Valley National Park visitors on the town of Beatty (UNR 2002). The study reports expenditures by visitors who enter the park through Beatty spent an estimated $119 per person per day and the total economic impact from expenditures by park visitors ranged from $3 million (25% capture) to $12 million with 100% of revenues captured annually.

Beatty's population in 2010 was just over 1,000 residents, down 12.5% from 2000. Median household income in 2009 was $24, 991, down from $41,250 in 2000. The Nevada estimated median income, by comparison in 2009 was $53,341. The percentage of Beatty residents characterized as living under the poverty level was 19.0% in 2009 (city-data.com).

Over two thirds of workers (69%) work for private employers, while 29% are government employees (city, county, state and federal). The remainder of workers are self-employed. Occupations include service (29%), sales and office (19%), management (16%), professional (13%), office and support (13%) and construction, extraction and maintenance (10%) (VeryLocalData.com).

Environmental Consequences of the Proposed Action on Socio-economic Values

The local economy of Beatty, NV, relies on tourism for a significant portion of its economy. When a recreation event brings outsiders to a local area, it generates additional economic activity. Preregistration data for the event indicates that 96% of participants are from outside Nye County and 42% are from outside Nevada. Prior events indicate 40% of participants stay overnight prior the event.

Event organizers estimate an economic impact between $1.5 and 2 million to local communities (lodging, food, gas, local shops, tax receipts, etc.) for their events. Using the estimated expenditures of $119 per person per day cited in the University of Nevada, Reno study and correcting for inflation, expenditures for 8,000 participants and 2000 spectators over the two-day event – recognizing some would stay just one day – would be $1.54 – 3.08 million.

Under the Proposed Action the socio-economic effects of this event would be largely short-term, and no permanent jobs would be created as a result. A long-term benefit resulting from increased national media exposure of the area may result, however.

Environmental Consequences of the No Action alternative on Socio-economic Values

The No Action alternative, not issuing the SRP, would result in no economic impact to the community because the event would not occur.

G. Soils

The dominant soil order throughout the proposed course area is Aridisols. Aridisols contain a very low concentration of organic matter due to the paucity of vegetative production. Water deficiency is the major defining characteristic of this soil order.

There are 5 soil mapping units representing10 soils that intersect with the proposed event course (Table 3). Surface textures vary from gravelly to very gravelly sandy loam with a parent material of alluvium derived from various geological materials. Slopes range from 0 to 50 percent and erosion potentials range from slight to moderate.

Table 3. Physical features of soils which occur within the Proposed Tough Mudder Route – Public Land.

Mapping Unit Symbol	Soil Name	Slope Average (Percent %)	Surface Texture	Surface area covered with stone and boulder	Percent Sand	Erosion Potential
2131	Upspring	8 to 50	Very gravelly sandy loam	71.0 %	66.8 %	Moderate
	Shorim	15 to 30	Very gravelly sandy loam	81.0 %	66.6 %	Moderate
	Rock outcrop					Not Rated
2422	Orwash	2 to 4	Gravelly sandy loam	57.0%	64.3 %	Slight
	Louderback	2 to 4	Loamy sand	N/A	83.5 %	Slight
	Arizo Complex	2 to 4	Very gravelly sandy loam	47.0%	67.8 %	Slight
	Typic Halaquepts	2 to 4	Loam	N/A	N/A	Slight
2423	Orwash	4 to 15	Gravelly sandy loam	57.0 %	64.3 %	Slight
	Greyeagle	2 to 4	Very gravelly sandy loam	62.2 %	66.8 %	Slight
	Wanomie	2 to 4	Very gravelly sandy loam	10.0 %	68.5 %	Slight
2152	Arizo	0 to 2	Very gravelly sandy loam	47.0 %	67.8 %	Slight
2500	Commski	4 to 30	Very gravelly fine sandy loam	60.0 %	66.1 %	Moderate
	Greyeagle	15 to 50	Very gravelly sandy loam	62.2 %	66.8 %	Moderate

USDA-NRCS (2006)

Environmental Consequences of the Proposed Action on Soils

The primary impact of the Proposed Action would be increased erosion potential created by runners disturbing surface soils along the course and at obstacles and watering/ first aid stations. This type of impact would be most prevalent in areas characterized by steeper slopes such as

those that typify the distributions of the Upsring, Shorim, Commiski and Greyeagle soil types, which cover approximately 45.8 percent or about 2.1 miles of the public portion of the course (Table 4). Disturbance of these soils could result in rilling and gullying, across an area of approximately 2.3 acres, particularly during and immediately following significant precipitation events. The potential impacts would be mitigated to some degree by stone and boulders that cover more than half of the surface areas of these soils. Pre- and post-event monitoring would be conducted to determine the nature and extent of impacts to soils and establish the extent to which reclamation would be required.

The remaining 55.2 percent or about 2.6 miles of public portion of the course is characterized by soils of relatively low erosion potential, due primarily to their distribution on relatively flat topography. Soils in these areas, which cover an area of approximately 2.8 acres, would be much less susceptible to erosion as a consequence of the event, even during heavy precipitation events. Compaction is not likely to result in substantial impacts both because their surface areas contain substantial amounts of stones and boulders and their surface textures are typically gravelly.

Impacts to soils along the private land portion of the course would be generally similar to those discussed for public lands, though private land use actions have exposed surface and subsurface soils to a greater degree than on public land, rendering them somewhat more susceptible to erosion.

Table 4. Distance, Acreage, and Proportion of the Proposed Course by Soil Name – Public Land.

Mapping Unit Symbol	Soil Name	Distance	Acreage (Based on 10 ft. course route)	Proportion %
2131	Upspring Shorim Rock outcrop	.98 miles	1.07 acres	21.00 %
2422	Orwash Louderback Arizo Complex Typic Halaquepts	.74 miles	.80 acres	15.92 %
2423	Orwash Greyeagle Wanomie	1.4 miles	1.49 acres	29.17 %
2152	Arizo	.43 miles	.46 acres	9.15 %
2500	Commski Greyeagle	1.15 miles	1.26 acres	24.76 %
Totals		4.70 miles	5.1 acres	100.0%

Environmental Consequences of the No Action Alternative on Soils

There would be no impacts to soils as a consequence of the No Action alternative because the event would not occur.

H. Vegetation

Vegetation along the proposed public portions of the course consists primarily of species characteristic of the Sonora-Mojave Creosotebush-White Bursage Desert Scrub community with lesser proportions of species representing the Semi-Desert Shrub Steppe, Mid-Elevation Mixed Desert Scrub, Warm Desert Playa, and Warm Desert Lower Montane Riparian Woodland and Shrubland communities (Table 5). Vegetation in all communities is generally sparsely at approximately 35 cover percent. Vegetation along the private land portion of the course is generally similar to the public land portion though more spare and, in some areas, denuded.

Table 5. Distance, Acreage, and Proportion of Event Course by Vegetation Type – Public Land.

Vegetation Type	Distance	Acreage (Based on 10 ft. course route)	Proportion %
Sonora-Mojave Creosotebush-White Bursage Desert Scrub	3.31 miles	3.60 acres	71.14 %
Inter-Mountain Basins Semi-Desert Shrub Steppe	.82 miles	.91 acres	17.55 %
Mojave Mid –Elevation Mixed Desert Scrub	.44 miles	.49 acres	9.47 %
North American Warm Desert Playa	.07 miles	.07 acres	1.42 %
North American Warm Desert Lower Montane Riparian Woodland and Shrubland	.02 miles	.02 acres	.43 %
Totals	4.70 miles	5.1 acres	100%

Utah State University (2001)

Environmental Consequences of the Proposed Action on Vegetation

The implementation of the Proposed Action would result in approximately 8,000 participants running over 4.7 miles of public land in an area10 feet in width. Vegetation of all communities within this 5.1 acre area would likely sustain damage and grasses and forbs may be destroyed. Potentially, 2 additional acres would sustain damage due to the use of the obstacles and water/first aid stations. However, the intensity of the impact would vary due to differences in the resiliency of the plant communities represented along these portions of the proposed course. For example, the Sonara-Mojave Creosotebush-White Bursage Desert Scrub community, which is present on approximately 71 percent of the public portions of the course, is relatively resilient to the type of tramping that would result from the implementation of the Proposed Action.

On the other hand, the other vegetation types, which are distributed along the remaining 29 percent of the course, are relatively less resilient and are more likely to sustain damage. In general, however, vegetation is sparse along the public portions of the course and it is likely that it would recover in a two-year timeframe, with the Sonara-Mojave Creosotebush-White Bursage Desert Scrub community likely taking somewhat less time and the other communities taking somewhat more time. Vegetation impacts on the private land portion of the course would be similar to those outlined on the public land portion.

Environmental Consequences of the No Action Alternative on Vegetation

The No Action alternative would have no impact on vegetation because the SRP would not be issued and the proposed event would not take place.

I. Wild Horses and Burros

The proposed SRP event lies entirely in the Bullfrog Herd Management Area (HMA). The Bullfrog HMA encompasses approximately 152,000 acres surrounding the town of Beatty, Nevada. The HMA has an established Appropriate Management Level (AML) of 58 – 91 wild burros. The current population estimate is nearly 200 burros.

Environmental Consequences of the Proposed Action on Wild Horse and Burros

Wild burros frequently use the area of and immediately surrounding the proposed event travelling to and from water sources. Due to the short duration of the proposed event, indirect impacts to wild burros would be brief and would likely only involve temporary displacement. Once the event activities conclude, burros would be able to resume normal travel and activity patterns in the area.

Due to the large area of habitat for wild burros in the Bullfrog HMA and the relatively small area of disturbance from the event, there would be no significant impact to habitat for wild burros.

Environmental Consequences of the No Action Alternative on Wild Horse and Burros

There would be no impacts under the No Action Alternative because the SRP would not be issued and the event would not take place.

J. Wildlife

Big game species in and around the proposed event area may include desert bighorn sheep (*Ovis canadensis nelsoni*), mule deer (*Odocoileus hemionus*), and pronghorn antelope (*Antilocapra americana*). Small game species may also occur, such as chukar (*Alectoris chukar*), Gambel's quail (*Callipepla gambelii*), mourning dove (*Zenaida macroura*), and desert cottontail (*Sylvilagus audoboni*). Predators in the area likely include mountain lion (Felis concolor), bobcat (Linx rufus), coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*), and kit fox (*Vulpes macrotus*).

There is also a wide variety of non-game species such as lizards, birds, and rodents found throughout the immediate and surrounding area.

Each species of wildlife using the proposed event area may have different habitat requirements. The proposed event area may only serve as a fraction of habitat for species and individuals with larger home ranges or more complex habitat requirements (i.e. pronghorn), or may comprise the core habitat area of those species and individuals with much smaller ranges (i.e. lizards and rodents). Based on species presence, the current habitat quality is suitable for those species, and adequate to support current populations.

Environmental Consequences of the Proposed Action on Wildlife

The issuance of the proposed SRP for the Tough Mudder event could have short-term indirect impacts to wildlife in the immediate area. Individual animals of all species that may be present near the course could be temporarily displaced. However, activities associated with the event would occur over a short period of time, and when event activities conclude, animals should return to normal activities. If areas exist where habitats are at or near their wildlife carrying capacity, displacement could add further stresses to the habitat and/or reductions in wildlife populations in adjacent habitat areas.

The amount of potential direct habitat loss on public lands would be minimal at 5.1 acres, which would likely recover after two years. The event route would be adequately marked so that participants would stay on the pre-determined route, limiting impacts to wildlife habitat.

Environmental Consequences of the No Action alternative on Wildlife

The No Action alternative would have no effect on wildlife because the SRP would not be issued and the event would not occur.

4.0 CUMULATIVE EFFECTS

The Council on Environmental Quality (CEQ) regulations that implement NEPA define cumulative impacts as: "The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of which agency (Federal or Non-Federal) or person undertakes such actions. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time (40 CFR§1508.7). For the purposes of this EA, cumulative impacts are the sum of impacts resulting from past and present actions, the Proposed Action (and No Action alternative), and reasonably foreseeable future actions resulting from land uses, on both public and private lands. The purpose of the analysis is to evaluate the significance of the Proposed Action's (and No Action's) contribution to cumulative impacts.

As required under NEPA, and its implementing regulations, cumulative impacts have been addressed for each resource brought forward for direct and indirect impact analysis. Although the extent of impacts can vary based on the geographical extent of these resources, an area of approximately 1,008 acres (645 acres-BLM, 363 acres- private) encompassing the proposed event route was selected as the Cumulative Effects Study Area (CESA) because this area is considered the maximum extent in which impacts to these resources would occur (Figure 2).

In addition, the duration of cumulative impacts could vary depending on the duration of direct and indirect impacts to a particular resource. For the purposes of analysis, a two-year time frame was selected. The timeframe was selected because it represents the longest period of time for which direct and indirect impacts are likely to persist as a result of the implementation of the Proposed Action.

4.1 Past and Present Actions

Based on agency records, GIS analysis, landowner interviews, and aerial photography, the following past and present actions, which have impacted the private land portion of the assessment area to varying degrees, were considered in the cumulative analysis: road construction, residential and light industrial development, mineral materials processing, and pond excavation. As presented in Table 6, approximately 107.01 acres of private land or about 9.9 percent of the assessment area have been impacted by these past and present actions. The nature, extent and duration of impacts to resources resulting from these past and present actions are presented in Table 7.

Table 6. Acreage impacted by Past and Present Actions.

Past and present actions	Acres	Percentage of Assessment area
Road Construction*	18.90	2.0
Residential and Light Industrial Development	30.53	3.0
Mineral Materials Processing	48.23	4.8
Pond Excavation	9.35	0.1
Totals	107.01	9.9

***** Assumes a 20-ft. width.

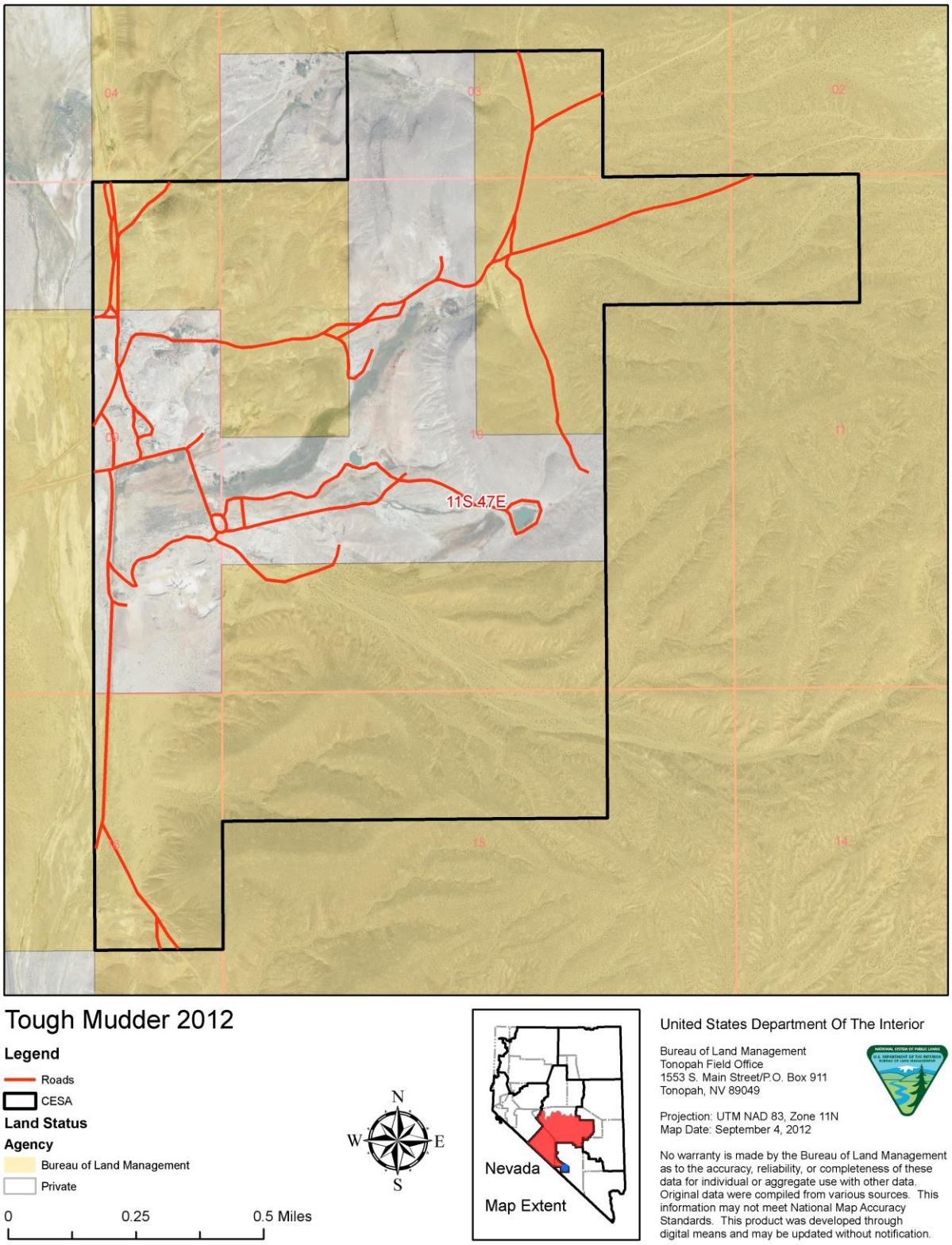

Figure 2. Cumulative Effects Assessment Area.

4.2 Reasonably Foreseeable Future Actions (RFFAs)

There are no proposals within the assessment area that are currently pending or are reasonably foreseeable that would result in an alteration in the kind and intensity of past and present actions. A summary of cumulative effects by affected resource is provided in Table 7.

Table 7. Cumulative Impacts by Affected Resource.

Resource	Impacts from Past and Present Actions	Impacts associated with the Proposed Action	Impacts associated with the No Action Alternative	Cumulative Impact
Bald and Golden Eagles	Past and present actions have resulted in the permanent removal of approximately 107 acres of native bald and golden eagle habitat.	The Proposed Action would result in the loss of 5.1 acres of native habitat on public land and 8.8 acres on private land for a period of approximately 2 years.	The No Action alternative would not contribute to cumulative impacts to bald or golden eagles because the event would not occur.	Approximately 107 acres of habitat has been permanently removed and as much as an additional 13.9 acres of habitat would be lost for a period of approximately two years.
Migratory Birds	Approximately 107 acres of migratory bird habitat has been removed by past and present actions.	An additional 13.9 acres (5.1 acres on public land) of migratory bird habitat would be disturbed for a 2- year period. Birds would be displaced during the two-day event.	Migratory bird habitat would not be affected by the No Action alternative because the SRP would not be issued and the event would not occur	Migratory bird habitat has been permanently removed from 107 acres of the CESA and an addition 13.9 would be lost for a period of two years.
Noxious Weeds/Invasive Non-native Species	Past and present actions have resulted in increased potential for noxious weed and invasive non-native species established across an area of approximately 107 acres.	The Proposed Action will result in increased potential for noxious weed and invasive non-native weed establishment across a 13.9 acre area.	The No Action alternative would not contribute to cumulative effects in relation to noxious weeds and invasive, non-native species because no new ground disturbance would occur.	Past, present and reasonably foreseeable future actions have resulted in increased potential for the establishment of noxious weeds and invasive, non-native species across a 107 acre area and would increase this potential across an additional 13.9 acres.
Recreation	Because the majority of the past and	The Proposed Action will result in a large	The No Action alternative would have no effect on	There would be a large increase in intensive recreational activity that would last for a two-day

	present actions considered in this analysis have occurred on private lands, they have had little effect on recreational opportunities in the CESA.	increase in intensive recreational activity which would last for a two-day period.	recreation.	period.
Socio-Economic Values	Past and present actions have had a nominal effect on socio-economic values in the form of tax revenues from the private landholder.	It is estimated that the Proposed Action would have an economic impact of between $1.54 and $3.08 million dollars on local communities.	Under the No Action alternative, there would be no economic benefit to local communities.	In addition to the nominal tax revenues paid by the private land owner, an estimated economic impact of between $1.54 and $3.08 million dollars on local communities would occur. However, the Proposed Action would not induce substantial growth or concentration of population, displace a large number of people, cause a substantial reduction or increase in employment, reduce or increase wage and salary earnings, cause a substantial net increase in county expenditures, or create a substantial demand for public services. It is expected that the cumulative and incremental socio-economic effects of the Proposed Action would be beneficial and of short duration.
Soils	Past and present actions have disturbed surface soils across an estimated 107 acres of the CESA.	The Proposed Action would result in the disturbance of surface soils across a 13.9 acre area.	There would no effect to soils under the No Action alternative.	Approximately 120.9 acres of surface soils would be disturbed.
Vegetation	Past and present actions have permanently damaged or destroyed vegetation over a 107 acre area.	The Proposed Action would result in impacts to vegetation across an estimated 13.9 acre area that would last two years.	There would be no effect to vegetation.	Approximately 107 acres of vegetation has been permanently removed and as much as an additional 13.9 acres of vegetation will be damaged or lost for a period of approximately two years.
Wild Horse and Burros	Past and present actions have resulted	The Proposed Action would result in the	The No Action alternative would have no effect on	Burros would continue to be displaced over a 107-acre area of the Bullfrog HMA and would

	in the permanent displacement of wild burros over an estimated 107 acre area of the Bullfrog HMA.	displacement of wild burros adjacent to the event course within 1,008-acres of the assessment area in Bullfrog HMA for a two-day period.	wild burros.	be displaced adjacent to the event course within 1,008 acres of the assessment area in the HMA for a period of two days.
Wildlife	Past and present actions have result in permanent habitat loss and displacement over a 107 acre area.	Wildlife would be displaced from an area adjacent to the event course within the CESA for a period of two days. Approximately 13.9 acres of habitat would be lost for a period of two years.	The No Action alternative would have no effect on wildlife because the event would not occur.	Permanent habitat loss and displacement has occurred over a 107- acre area. Wildlife would be temporarily displaced for two days and 13.9 acres of habitat would likely be lost for a period of two years.

* Assumes that approximately 10 percent of the private portion of the CESA has been affected by past and present actions (see Table 6).

The results of the cumulative effects analysis indicate that past and present actions have resulted in direct and permanent habitat loss and displacement of bald and golden eagles, wild horse and burros, migratory birds and other wildlife species. In addition, past and present actions have increased the potential for the establishment of noxious weeds and invasive species through the disturbance of surface soils associated with the removal natural vegetation. However, these impacts have not been substantial because they have occurred on a relatively small proportion of the assessment area (approximately 10 percent).

The Proposed Action would add in a nominal way to the accumulated impact because either the event would occur in areas that have already been affected by past and present actions or the impacts would occur over a very small area (approximately 1% of the assessment area) and for a limited period of time. Since there are no known reasonably foreseeable future actions that are likely to occur in the assessment area, there would be no associated contribution to the cumulative effect.

Consider together, the limited extent of impacts associated with past and present actions, the temporary nature and limited impacts of effects associated with the Proposed Action, and the implementation of environmental protection measures and stipulations associated with the Proposed Action, the effects of the Proposed Action on the resources identified would not result in an accumulated effect that could be considered significant in either context or intensity.

5.0 CONSULTATION, COORDINATION, AND LIST OF PREPARERS

The following is a list of preparers of the Tough Mudder, LLC Special Recreation Permit Draft Environmental Assessment:

Bruce Andersen, Outdoor Recreation Planner
Chris Daul, Archaeologist
Mark Ennes, Assistant Field Manager
Larry Grey, Hydrologist
Dustin Hollowell, Wildlife Biologist
Leighandra Keevan, Petroleum Engineer
Marc Pointel, Natural Resource Specialist
Christopher Worthington, Planning and Environmental Coordinator

The following are groups or individuals that were consulted during the preparation of the document:

Tough Mudder, LLC
David Spicer

6.0 REFERENCES CITED

Bureau of Land Management. 1997. Tonopah Resource Management Plan. Battle Mountain District.

City-Data.com. 2012. Beatty, Nevada. http://www.city-data.com/city/Beatty-Nevada.html

Galli, Justin, Thomas R. Harris and George W. Borden. 2002. The Economic Impacts of Death Valley Tourism Expenditures on Nye County. University of Nevada, Reno, Technical Report UCED 2001_02-30.

U.S. Department of Agriculture, Natural Resources Conservation Service, Fort Worth, Texas. 2006 URL:http://SoilDataMart.nrcs.usda.gov/*Data*

Utah State University, RSGIS Laboratory 2001. http://www.gis.usu.edu/current_proj/swregap_landcover.html

VeryLocalData.com. 2012. Beatty, Nevada. http://verylocaldata.com/89003

APPENDIX A

SRP Stipulations, General Terms, and Environmental Protection Measures

SRP Stipulations, General Terms, and Environmental Protection Measures
Tough Mudder, LLC
SRP-NVB0000-12-02

SRP stipulations

1. The permittee, in coordination with the Nevada Department of Transportation and Nevada Highway Patrol, will plan and manage traffic flow on and off of U.S. Hwy 95, including securing any required permits. Copies of any traffic plans and permits shall be provided to BLM for their SRP event files. Permittee shall provide "Special Event" signing as per NDOT requirements.

2. The Permittee shall utilize the services of a third party parking contractor as deemed necessary to facilitate smooth traffic flow and efficient parking on the event site.

3. The Permittee shall monitor public use of neighboring lands and roads, notably Pioneer Road and Fleur de Lis Road, for excessive use, parking and camping, and work with Nye County officials to keep these lands and roads clear of event-related unauthorized use.

General Terms

1. The permittee shall comply with all Federal, State, and local laws; ordinances; regulations; orders; postings; or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP or permit). 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, customers, participants, and spectators (Form 2930-2, page 2).

2. An SRP authorizes 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 modification of the amount of use. The authorized officer may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or because of non-compliance with permit stipulations. Actions by the BLM to suspend or terminate an SRP are appealable.

3. 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.

4. Unless expressly stated, the permit 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.

5. The permittee or permittee's representative may not assign, contract, 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. Such contracting should not constitute more than half the required equipment or services for any one trip or activity and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.

6. 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 user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.

7. The permittee assumes responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous flora/fauna, abandoned mines, or other hazards that present risks for which the permittee assumes responsibility.

8. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.

9. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.

10. The permittee must present or display a copy of the SRP to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.

11. 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 three years after expiration of the permit.

12. The permittee must submit a post-use report to the authorized officer according to the due dates shown on the permit. If the post- use report is not received by the established deadline, the permit will be suspended and/or late fees assessed.

13. The permittee shall notify the authorized officer of any incident that occurs while involved in activities authorized by these permits, which result in death, personal injury

requiring hospitalization or emergency evacuation, or in property damage greater than $2,500 (lesser amounts if established by State law). Reports should be submitted within 24 hours.

Environmental Protection Measures

Reclamation

1. Cleanup to include the removal of staking, flagging, litter, equipment and all other event related waste and debris from the racecourse, check points, staging areas, and other locations used for this event would be completed to BLM standards following completion of the event.

2. The BLM would monitor the course both pre-and post-event to access resource impacts and determine the need for reclamation.

Cultural Resources

1. The BLM would assure that the course is demarcated accurately so it reflects the area that was subject to survey within the southwestern portion of the APE where isolates were identified.

2. Event participants are not to collect artifacts from public lands.

3. Event participants must stay within the 10-foot wide course area demarcated on public land.

4. All eligible or unevaluated cultural resources would be avoided to ensure compliance of Section 106 of the National Historic Preservation Act.

5. Although the possibility of disturbing Native American gravesites within the Project Area is extremely low, inadvertent discovery procedures must be noted. Under the Native American Graves Protection and Repatriation Act, section (3)(d)(1), it states that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity, which caused the discovery, is to cease and the materials are to be protected until the BLM authorized officer can respond to the situation.

6. During Project activities, if any cultural properties, items, or artifacts (stone tools, projectile points, etc…) are encountered, it must be stressed to those involved in the proposed Project activities that such items are not to be collected. Cultural and Archaeological resources are protected under the Archaeological Resources Protection Act (16 U.S.C 470ii) and the Federal Land Management Policy Act (43 U.S.C. 1701).

7. Pursuant to 43 CFR 10.4(g), Tough Mudder would notify the BLM authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in

43 CFR 10.2). Further pursuant to 43 CFR 10.4 (c) and (d), the operator would immediately stop all activities within approximately 300 feet (100 meters). Tough Mudder would appropriately protect the site until the BLM authorized officer issues a Notice to Proceed. The BLM would notify the State Historic Preservation Office (SHPO) and consider SHPO's initial comments on the discovery. If archaeological resources are damaged it is possible that fines could be assessed under provisions of the Archaeological Resources Protection Act (ARPA) found at 43 CFR 7.

Noxious Weeds and Invasive Non-Native Species

1. Noxious weeds shall be controlled by implementing the BLM Battle Mountain District, Mount Lewis Field Office/Tonopah Field Office *Invasive Plants, Noxious Weeds, and Pests Prevention Schedule and Best Management Practices.*

Waste, Solid and Hazardous

1. Regulated wastes would be removed from the event area and disposed of in a state, Federally, or locally designated area.

Migratory Birds

1. The proponent must comply with the Migratory Bird Treaty Act (MTBA) and avoid potential impacts to protected birds within the project area.

Fire Management

1. In the event the Project should start a fire, Tough Mudder would be responsible for all the costs associated with suppression.

2. Wild land fires will be reported immediately to the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444.

3. Prior to the event, Tough Mudders must contact the BLM Tonopah Field Office, (775)482-7800 to ascertain any fire restrictions in place for the area of operation and to advise this office of approximate beginning and ending dates of activities.

I understand and will comply with these SRP Stipulations, General Terms and Environmental Protection Measures.

Name: _____ Date: _____

APPENDIX B

RESPONSES TO PUBLIC COMMENTS

Comment #1: Aren't there any RULES, REGULATIONS, LAWS regarding the TIME required between the completion of the EA document, notice to the public, deadline for the Public Comment and the event?

Response: While the Council on Environmental Quality (CEQ) direct agencies to encourage and facilitate public involvement to the fullest extent possible (40 CFR 1500.2(d), 40 CFR1506.6), agencies have the discretion to determine how much, and what kind of involvement works best for each individual EA.

Comment #2 - This leads me to wonder whether the decision to grant the Permit has already been made, or has the Permit already been granted? It seems the preparations, publicity, etc. already completed would not have been done, if there was ANY doubt the EA would not be approved or permit granted.

Response: The decision to grant the permit was based on an analysis of environmental impacts associated with its issuance. As a result of this analysis, it has been determined that the issuance of the Special Recreation Permit would not have significant impacts on the human environment.

Comment #3: It is presumed there will be hundreds, if not thousands, of vehicles converging on the property. Will ALL the vehicles be confined on Spicer's private property, or will there be vehicles parked along the highway, roads (Fleur de Lis, Pioneer Rd.), or areas not yet degraded by human contact?

Response: All vehicles will be confined to Mr. Spicer's property. The Nevada Highway Patrol will be on-site to ensure that no parking takes place along US 95 and public access will be controlled on both Fleur de Lis and Pioneer Roads (Appendix B, Stipulation 3).

Comment #4: Will there be overnight parking/camping on these roads and off-road areas?

Response: No. Overnight parking and camping will be prohibited in the event area.

Comment #5: With hundreds of vehicles and thousands of people trampling the area, will there be protection for the flora and fauna in the area? My CONCERN is for the safety of the HABITAT of the native species living there, particularly the AMARGOSA TOAD. I live directly across from Spicer, and a mile from Highway 95. There are Amargosa Toads in my yard, some of which have been recently hatched....within the last two months. I PRESUME there are also toads out and about on Spicer's property.... who will COUNT the DEAD TOADS, and review the DAMAGE done to their habitat and that of other native species living there?

Response: As indicated on page 13 of the EA, there is no core Amargosa Toad habitat along the public land portions of the course and the event course was designed to avoid such habitat on private land (e.g., around springs, seeps, and adjacent to the Amargosa River).

Comment #6: I have seen the Desert Tortoise near my property and in the hills above my property (I am 300 feet higher than Spicer's property, which lies IN Oasis Valley), there are probably Tortoises on his property, too.

Response: As indicated in the EA on page 12, there is no Desert Tortoise Habitat in the event area.

Comment#7: Spicer has graded a great swath of land, probably to accommodate the vehicles.... will there be dust control? What about restoration, not only to prevent dust and erosion, but to replace the grasses and native bushes that provide habitat and protection for other species? I realize it is his property, but there should be some protection of the environment and concern on his part for native species, and animals migrating through the area.

Response: You are correct. The swath of land to which you refer is to accommodate parking. Although slow travel speeds may make dust abatement unnecessary, it would be the responsibility of Tough Mudder to control dust if it proves to be a problem. Because the parking area would be located on private lands, the BLM has no authority to compel Mr. Spicer to restore his property.

Comment#8: We live on Fleur De Lis road north of the location for the Tough Mudder event that is scheduled to take place October 6-7, 2012. Because Fleur De Lis road is one of the access roads to the back side of Spicer's property we are requesting that BLM require Tough Mudder LLC to do dust abetment October 5,6 7 & 8 2012. This road could be used as an access for the event.

Response: The Permittee shall monitor public use of neighboring lands and roads, notably Pioneer Road and Fleur de Lis Road, for excessive use, parking and camping, and work with Nye County officials to keep these lands and roads clear of event-related unauthorized use. Therefore, dust abatement should be unnecessary.