

United States Department of the Interior  
Bureau of Land Management  
Elko Field Office

**ELKO MOTOCROSS RACETRACK: Extended Site Permit  
2004-2009**

**Elko County Riders and Racing Club**  
**SRP Stipulations (Final Revised 5/27/04) SRP-NV-014-03-16**  
BLM/EK/PL-2004/13

**SPECIAL RECREATION PERMIT (SRP) STIPULATIONS**

This permit will be in effect from the date of issuance by the Authorized Officer to September 30, 2009 on public lands administered by the Elko BLM office in Nevada, unless terminated earlier by the Authorized Officer. Conduct of activities authorized by this permit signifies knowledge of and constitutes an express and implied agreement by the Permittee and other employees to fully comply with the Terms and Conditions checked on the reverse side of the Special Recreation Application and Permit, Form 8370-1 (1-16) and the following Special Recreation Permit Stipulations (17-53). The Authorized Officer (Elko BLM Assistant Field Office Manager or designee) shall, at his/her discretion, rescind the permit and motocross site authorization or withhold all, or some portion of, the Permittee's bond if these Terms & Conditions and SRP Stipulations are not adhered to in the strictest manner possible.

**Annual Requirements**

Privileges granted by this permit are subject to the following Annual Requirements to maintain an acceptable level of performance and secure annual authorizations. This permit will be placed in **probationary** status during the next annual operating period if the Permittee fails to comply with these requirements. A **probationary** permit shall automatically terminate without the necessity of prior notice when (1) annual or minimum use fees are in arrears for more than 30 calendar days from the required due date; or (2) a post use report has not been submitted by the required due date. The annual operating period for this permit will end on September 30 of each year.

1. Submission of post use information on the Post Use Report form provided for your use by September 30 of each year. Permittee must provide the BLM with information to evaluate the continuing use of the site and the gross income for calculation of commercial use fees.
2. Payment of final fees, which is 3% of your gross receipts, must be paid within 30 days of submission of the Post Use Report, but no later than October 30. The following fees will be due annually:
  - a) Site use fee of \$160, which is adjusted periodically based on IPDI (H-2930-1 Recreation Permit Administration, III.G.2.f.2.; 54 FR 42998)
  - b) Commercial use fee of 3% of gross receipts or \$80, whichever is greater. Gross receipts are income from the operation of the event. This includes participant, spectator and any other fees; and food, beverage and all other concession sales. No deductions are

allowed for the cost of prizes, taxes, insurance or any other costs associated with maintaining or running the motocross track area or any motocross activities.

Fees must be made payable to "U.S. Dept. of the Interior - BLM". Any fees paid in advance as pre-use fees will be subtracted from the total commercial fees due for the permit year. Recreation use fees may be adjusted periodically to reflect increases or decreases in the Implicit Price Deflator Index (IPDI). It is likely that the use fees will increase over the five-year life of this recreation use permit.

3. Submission of annual liability insurance coverage. Furnish evidence to BLM that minimum levels of liability insurance (\$30,000 property damage, \$300,000 per occurrence bodily injury or death and \$600,000 annual aggregate) are in effect. The *United States Government, its agencies and representatives* must be named as an Additional Insured on your insurance policy and shall not be held responsible for personal injury and/or property damage that may occur as a result of construction, maintenance or use of motocross racetrack and associated facilities. BLM must be notified at least 30 calendar days prior to cancellation or modification of such insurance.

Liability insurance will remain in place for the entire duration of the permit—including from the time construction (including fence installation) begins to the time when the dismantling of the motocross track and associated areas is completed.

Activities authorized by this permit shall be temporarily suspended during any period when evidence of liability insurance coverage has not been provided to BLM. This permit shall automatically terminate without the necessity of prior notice when liability insurance coverage has lapsed during a period when permit activities have been conducted on public lands.

4. Submission of an Annual Plan of Operations at least 30 calendar days prior to the first intended use date. This will include a schedule of race events, fees, maintenance, construction and any other information BLM requires for the year.
5. Payment of the minimum or estimated fees at least 30 calendar days prior to the first intended use date. Should 3 percent of the gross or adjusted client payments exceed the minimum annual fee or estimated fee paid by the permittee, the dollar amount over and above the minimum or estimated fee will be paid to the Bureau of Land Management. If a fee overpayment occurs, the overpayment will normally be credited to the next annual use fee unless a refund is requested. Refunds of less than \$10 will not be processed.
6. Resolution or relief of any valid public complaints or controversy. The annual review and re-authorization of this permit is subject to satisfactory resolution or relief of any valid public controversy or complaint for the following operating year. In other words, if several public complaints are received regarding a particular aspect of the management, operation or maintenance of the motocross track facility, these complaints must be addressed and resolved by the Permittee. If a satisfactory resolution of the issue cannot be made, then the Authorized Officer reserves the right to suspend the permit until resolution of the issue. If the issue is determined by the Authorized Officer to be critical and resolution is not possible, then the permit may be terminated.

## General Requirements

7. Any time during the duration of the permit, these stipulations may be revised and/or updated, as deemed necessary by the BLM Authorized Officer.
8. A copy of the signed Special Recreation Permit and SRP Stipulations must be posted on-site.
9. The Permittee will assist BLM personnel with inspections and monitoring to ensure compliance with permit stipulations. This will include on-the-ground inspections of the location and boundaries of the motocross track and parking areas before any construction begins, fencing and construction. This will also include annual periodic monitoring of racetrack events and use throughout the 5-year duration of the permit.
10. The motocross racetrack area and facilities will be confined within the area authorized as indicated on the map attached to the Special Recreation Permit and Letter of Authorization and as flagged on-the-ground. Permittee will not mark or use any roads, trails, washes or any other area than that indicated on the indicated map.
11. The total area of surface ground disturbance will be less than 5 acres. In order to exceed this limit, the Permittee will be responsible for contacting the BLM regarding compliance with the Phase II Storm Water Rule and the Nevada Division of Environmental Protection-Bureau of Air Pollution Control for a Surface Air Disturbance Air Quality Operating Permit.
12. The following actions may result in modification of this multi-year permit:
  - (a) Change in fee structure;
  - (b) Significant stipulation changes; or
  - (c) Administrative program changes.
13. **Bond.** The Permittee will provide a \$2900 Performance/Reclamation Bond or financial guarantee for the Special Recreation Permit in order to ensure reclamation of the motocross course and payment of any outstanding use fees. The bond must be secured for the entire duration of the permit plus a two-month period after the expiration of the permit for completion of reclamation. BLM will return and/or cancel the financial guarantee when all of the reclamation is completed and any remaining use fees are paid. If for any reason the Permittee does not perform all of the terms of the stipulations related to reclamation of the motocross course, BLM will deduct an amount equal to the damages from the face amount of the financial guarantee. If the damages exceed the amount of the financial guarantee, the Permittee is liable for the excess.
14. Permittee will inform other pertinent agencies and individuals of motocross racetrack events. This includes grazing permittees and rights-of-way and land use authorizations that may be affected by the motocross racetrack activities, the Elko County Commissioners and County Sheriff (especially with regard to use of County-maintained roads).
15. This permit may be renewed upon written application from the Permittee, contingent upon review of conformance with all permit terms and conditions, SRP stipulations and environmental impacts by the BLM Authorized Officer, an Outdoor Recreation Planner and

any relevant BLM resource specialists or staff. The Permittee must file an application for a new permit no less than 120 days prior to the expiration date for this permit. BLM reserves the right to accept or reject the application and change the terms of the new permit.

16. Permittee agrees to make all relevant permit books and support records available to the BLM upon request for analysis by qualified representatives of the BLM or other Federal agencies authorized to review BLM's permitting activities. All such permittee records will be furnished upon request as stated in 43 CFR 2932.55.
17. Permittees and their clients will not interfere with other valid existing uses occurring on the public lands outside of the motocross facility and parking area. This includes grazing, mining and other recreational uses (including other guide-outfitting uses, hunting, fishing, etc.).

### **Construction Requirements**

18. **Fencing.** Before construction of the motocross course and parking areas begins, the entire area (including the parking area) will be fenced off. Minimally, this fencing will consist of t-posts and smooth wire with orange plastic mesh in those areas where the fence needs to be more visible to riders. The Permittee will notify the BLM when fencing has been completed and a BLM employee will inspect the fencing before any ground disturbance occurs for the construction of the motocross track or facilities. The fencing will be maintained and will remain in place for the entire extent of the permit, including the dismantling and reclamation of the motocross racetrack.

Where the fence cuts off any roads, the following will be done, unless otherwise stipulated by the Authorized Officer:

- a) Warning signs will be posted approximately 300-800 feet previous to where the road is cut off and a barrier will be installed;
  - b) The portion of the road behind the barrier/warning sign will be reclaimed; and
  - c) Large signs will be posted on the fence where the fence cuts across the road.
19. A locked gate will be installed at the entrance to the motocross area. The gate will be locked when the motocross track is not in use.
  20. The bulldozer and any other earth-moving/construction equipment or vehicles to be used at the motocross construction site will be washed down thoroughly before being transported to the site in order to deter the introduction of undesirable plant species, including noxious weeds.
  21. **Dust abatement.** During construction, the ground will be watered as frequently as needed to keep the ground surface moist but not saturated. Keeping a water truck on site is recommended. Also, installation of wind-break or wind-limiting fences, application of soil binding agents or chemical surfactant to road surfaces and areas of disturbed soil, and any other appropriate methods for dust control may be required, if determined necessary by the Authorized Officer.
  22. Permittee will consult with the BLM hydrologist about course design and State Best Management Practices (BMPs) to control runoff and sedimentation from the site.

Applicable BMPs may include: designing the motocross course to utilize already disturbed areas and roads; leaving patches and strips of vegetation on the course; armoring drainages with gravel and/or water bars at crossings; and not racing in drainages. Further erosion control methods may be necessary if erosion becomes a problem.

23. All facilities installed in association with the motocross racetrack (including toilets, registration trailer, public announcement system, spectator viewing stands, etc.) will be portable, temporary or otherwise capable of being removed upon expiration or termination of the permit. Additional facilities or improvements may be requested by the Permittee through a written request.
24. When modifications are made to the motocross racetrack course, the Permittee will contact the NDEP Bureau of Water Pollution Control and submit a new erosivity waiver form.

### **Use of the Motocross Racetrack: Race Events and Open Practice**

25. **Dust abatement.** During dry weather, the motocross track will be watered the day before and the days of race events to keep the ground surface moist but not saturated.
26. **Hours of operation.** The motocross track will be open year-round. Motocross activities, including practice sessions, will not be conducted any earlier than 7:00 a.m. or any later than 5:00 p.m. during the fall and winter months (November 1 through March 30) and no earlier than 7:00 a.m. or later than 8:00 p.m. during the spring and/or summer months (April 1 through October 31).
27. Race events will be held on weekends, beginning Friday and ending Sunday evening, not more than twice per month.
28. An adult club member or representative of the Elko County Riders and Racing Club will be on-site any time the motocross track is open for use—including practice sessions. At no time will the gate be left open and unlocked for unsupervised use. This adult will be 18 years or older and trained in first aid/CPR.
29. Large group, open-to-the-public practice sessions will not be held more than once per week, including weekends. Club members may practice any day, provided groups remain small.
30. Night races, running from 5 p.m. to 10 p.m. will not be held more than twice per year, during the period from April 1 through October 31. These events will be restricted to Friday and Saturday evenings.
31. The Permittee will assume full responsibility for assuring the safety of all race officials, contestants, spectators and casual bystanders. This will include:
  - a. Adequate signing to keep contestants on the course, spectators off, and to caution contestants of hazards. No paint of any type will be used as course markers on rocks or other natural areas (such as vegetation).
  - b. Pit, spectator and parking areas plainly marked, patrolled and separate from each other.
  - c. Appropriate emergency personnel and facilities on-site for the race events.
  - d. Monitors to provide for control and safety of spectators.

- e. Adequate head, eye and body protection to be worn by all contestants.
  - f. Cautionary signs posted on major access routes, such as Bullion Road, on the days of race events to warn the general public and other motorists of racing activities.
32. No overnight RV parking is permitted within the parking areas or any other facility associated with the motocross race park.

### **Cultural Concerns**

33. During construction of the motocross course and parking areas, racing events and subsequent reclamation, if any cultural properties, items, or artifacts (stone tools, projectile points, etc.) are encountered, such items are NOT to be collected. Also, although the possibility of disturbing Native American gravesites within the project area is extremely low, inadvertent discovery procedures must be noted. The Native American Graves Protection and Repatriation Act, section (3)(d)(1), 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 that caused the discovery is to cease and the materials are to be protected until the land manager can respond to the situation.
34. The Permittee will inform all event participants that it is illegal to excavate, collect, remove, damage, alter or deface any archaeological or historic resource or vertebrate fossils.
35. Should historic or prehistoric archaeological resources be discovered at any time on the motocross racetrack or associated parking and other areas, activities in the vicinity of the discovered resources shall cease immediately and the Permittee shall notify the BLM. The BLM will, as appropriate, evaluate the significance of the find and determine the need for mitigation.

### **Resource Protection, Safety and Property Damage**

36. The Permittee will provide for the protection of, and limit the disturbance to, all cultural (archaeological and historical); visual; forage; riparian; woodland and watershed resources; and livestock, wildlife and/or wild horse improvements (structures) which may be affected by the increased use in the area from motocross racetrack activities. This will involve undertaking any reasonable preventive and/or restorative measures as determined by the Authorized Officer, including:
- a. Adequate sanitation and litter disposal facilities.
  - b. Limiting competition to vehicles equipped with AMA and SRA approved mufflers.
  - c. Discouraging vehicle travel off established roads and parking areas.
  - d. Discouraging spectators from littering, vandalism and collecting cultural artifacts.
  - e. Informing all race participants to wash race vehicles thoroughly prior to arriving at the event to help prevent the introduction of undesirable plant species, including noxious weeds.
  - f. Handling oil, gasoline, and other hydrocarbon products in accordance with Environmental Protection Agency and NV State laws and regulations. Used hydrocarbons will not be dumped on the ground but will be removed for proper recycling or disposal. **Any hydrocarbon spill must be cleaned up** and spills of 25 gallons or more must be reported to the Nevada Division of Environmental Protection, the National Response Center and the BLM. Contaminated soil, less than 25 gallons and/or less than 3 cubic yards, shall be

dug up and placed in bags or buckets to be disposed of at a landfill permitted to take hydrocarbons. (Many but not all landfills are permitted to take hydrocarbons. Check with your local landfill for authorization.) It is recommended that absorbent pads be placed under vehicles when refueling, particularly in designated fuel pit-stops. Pads contaminated with hydrocarbons must be disposed of legally. The Permittee shall reclaim the site following cleanup to BLM specifications.

37. The Permittee must provide appropriate first aid services and provide for safe and rapid transport of injured persons that require medical care. Costs for emergency evacuation of the permittee, employees of the permittee, and customers/participants shall be paid by the Permittee or customers/participants. No costs will be borne by the US Government or its agencies.
38. Permittee will notify BLM within 24 hours of any accidents occurring on the public land which result in: loss of life, loss of consciousness, disabling of individual(s) in excess of 24 hours, having to secure medical treatment, or property damage in excess of \$100.00. The Permittee will submit a detailed written report to BLM within 10 days from the date of the accident or incident.
39. The operation and maintenance of all sanitation, food-service, and water-supply methods, systems, and facilities shall comply with the standards of the Nevada Division of Health and the United States Public Health Service.
40. **Range.** The Permittee will coordinate with the grazing permittee before each race event to ensure livestock will not be present in the area on the days of the motocross races to prevent potential conflicts.
41. All garbage, ribbons, lath, arrows and any other markings used at the motocross facilities will be disposed of at an authorized dump site. Materials will not be buried or burned on-site.
42. Any unauthorized activities will be assessed a fee for inspection and repair of resource damage.

### **Reclamation Requirements**

43. Reclamation will include a complete dismantling of the motocross course. All constructed jumps, whoops, table tops, step ups and downs, etc. will be leveled; pits and trenches will be filled in; and berms will be smoothed out. Any new trails or disturbances that developed as a result of motocross racetrack activities will be rehabilitated. The overall area generally will be recontoured to its previous landscape conditions before the construction of the motocross course. Fencing will remain in place until revegetation of the site has occurred.
44. Liability insurance will be in place during reclamation activities and will remain so until the Authorized Officer determines reclamation is complete. All reclamation will be completed no later than thirty days after the expiration of the permit. BLM personnel will conduct an on-site inspection to ensure all reclamation has been completed.
45. The recontoured motocross track, parking area and any other disturbed areas created as a result of motocross activities will be reseeded with a native seed mix specified by the BLM.

This will help stabilize the soil and provide for regrowth of vegetation to inhibit noxious weed invasion. Drill seeding, if possible, is recommended. Species selection and approval will be done in coordination and cooperation with BLM personnel. The grass seed mix will include species that compete with cheat grass (such as crested wheat).

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This permit may be suspended or revoked at the discretion of the Authorized Officer of the Bureau of Land Management upon written notification to the Permittee, no less than 24 hours in advance of any scheduled race event, if in his/her judgment:

- a. On-site conditions within the permit area are such that motocross activities would cause significant or irreparable environmental damage.
- b. Climatic factors will not allow use of the permit area for the intended motocross activities, i.e. extended rain that results in wet and saturated ground conditions.
- c. Fire conditions are such that utilizing the permit area would threaten resources or create a public hazard.
- d. The Permittee has not complied with any or all of the above SRP Stipulations or the Terms and Conditions checked on the reverse side of the permit.

#### CERTIFICATION

As Applicant for Special Recreation Permit, SRP-NV-014-03-16, and as the responsible party for all actions associated with this 5-year permit for the Elko Motocross Racetrack, I hereby certify that I have read, understand and agree to abide by all the Special Recreation Permit Stipulations listed herein and the Terms and Conditions checked on the reverse side of the Special Recreation Application and Permit, Form 8370-1.

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Permittee's Signature

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Date