

**Worksheet**  
**Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)**

U.S. Department of the Interior  
Bureau of Land Management (BLM)  
Winnemucca Field Office

WFO Document # NV-020-04-DNA-14

**Note:** This worksheet is to be completed consistent with the policies stated in the Instruction Memorandum entitled "Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy" transmitting this worksheet and the "Guidelines for Using the DNA Worksheet" located at the end of the worksheet. (Note: The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision.)

**A. Proposed Action Title/Type: Burning Man Event 2004 & 2005 /  
Issuance of Special Recreation Permit**

**Location of Proposed Action:** T33N, R23E, Section 25; T34N, R24E, Sections 23, 24, 25, 26, 27, 33, 34, 35, 36; T33½N, R24E, Sections 25, 26, 27, 28, 29, 32, 33, 34, 35, 36; T33N, R24E, Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30; T34N, R25E, Sections 16, 21, 22, 26, 27, 28, 33, 34, 35; T33N, R25E, Sections 2, 3, 4, 9; Mount Diablo Meridian.

**Description of the Proposed Action:** The proposed action is to issue a Special Recreation Permit (SRP) to Black Rock City LLC to conduct the Burning Man event, twice in a two year period, during the years of 2004 and 2005. The dates will change slightly between the two years to correspond with the Labor Day holiday weekend. The event is proposed for August 30 through September 6, 2004, and August 29 through September 5, 2005.

The Burning Man event is the largest SRP administered by the Bureau of Land Management (BLM). Burning Man is permitted as an organized group event, and is considered to be a recreation/art festival. The event strives to create a sense of community among participants in "Black Rock City," built for one week on the playa, and culminates with the burning of neon-lighted wooden man atop a platform totaling approximately 80-feet in height. The event would take place on the playa of the Black Rock Desert, about 100 miles northeast of Reno on public lands managed by the BLM Winnemucca Field Office. Last year's event was attended by just over 30,000 people at peak attendance, and organizers expect approximately the same number of participants in 2004. Based on the historic growth rates, participation is expected to slightly increase with each additional year. The event would also include set up of a temporary airstrip in accordance with FAA regulations.

Burning Man has been held on public land in the Black Rock Desert every year but one since 1990. Environmental analyses prepared for Burning Man events in previous years resulted in findings of no significant impact to the playa. Each year stipulations are revised or added based on the experience gained from events of previous years. Stipulations include provisions for: health and safety; elimination or mitigation of adverse impacts to natural resources in the area, participants, and residents of communities near the playa; and administration of the permit. Mitigation measures identified in the 2003 Burning Man EA are incorporated in the Burning Man proposed action for 2004 and 2005 (see Section F).

**Applicant (if any):** Black Rock City LLC, PO Box 884688, San Francisco CA 94188-4688;  
(415) 865-3800.

**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

LUP Name: Sonoma-Gerlach Management Framework Plan	Date Approved: July 9, 1982
Other Document(s): Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 [Public Law 106-554] Date Approved: December 21, 2000  Special Recreation Permit Regulations at 43 CFR §2930-1	

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

N/A
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The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, plan implementation decisions:

The Sonoma-Gerlach Management Framework Plan (MFP) provides for multiple-use management of the Black Rock Desert and includes Objective R-1: "Provide as many recreation opportunities as possible without undue environmental degradation . . ." The MFP also states that it is BLM policy to: "Provide a variety of outdoor recreation use on Bureau-administered lands commensurate with public needs and resources potentials and consistent with a quality environment."
The Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (NCA Act), Section 5(c)(3) reads as follows:  (3) PERMITTED EVENTS – The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).  The referenced management plan is currently in preparation, so the MFP remains the governing LUP where it is consistent with the NCA Act. Should the Resource Management Plan (RMP) for the NCA be implemented prior to the proposed dates of the Burning Man Event, it should be noted that the RMP contains provisions for large-scale Special Recreation Permit events in a designated area of the Black Rock Desert Playa that encompasses the site proposed for the event for 2004 and 2005 and that the proposal received from Black Rock City, LLC, is in conformance with the RMP.
Any SRP issued to Black Rock City LLC will be prepared in full compliance with Special Recreation Permit Regulations at 43 CFR 2930-1.

**C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.**

List by name and date all applicable NEPA documents that cover the proposed action.

Document: 2004 Final Biological Opinion (BO) and Conference Opinions on the Proposed Resource Management Plan for the Black Rock Desert – High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada. U.S. Fish and Wildlife Service File No. 1-5-04-F-034.
Document: 2003 Burning Man Event Environmental Assessment (NV-020-03-16)
Document: Decision Record/Finding of No Significant Impact (FONSI), Burning Man, August 25 to September 1, 2003, Environmental Assessment NV-020-03-16
Document: Documentation of Land Use Conformance and NEPA Adequacy (DNA), Burning Man, August 26 to September 2, 2002. NV-020-02-DNA-30
Document: Decision Record/Finding of No Significant Impact (FONSI), Burning Man, August 26 to September 2, 2002, DNA Burning Man NV-020-DNA-30
Document: 2001 Burning Man Event Environmental Assessment (NV-020-01-18)
Document: Decision Record/Finding of No Significant Impact (FONSI), Burning Man, August 27 to September 3, 2001, Environmental Assessment NV-020-01-18
Document: Final Environmental Impact Statement and Proposed Resource Management Plan for the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA) and Other Contiguous Lands in Nevada, September 2003 (BLM/WN/PL-03/027+1793)

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

Report: Final Post -Event Compliance Inspection, Burning Man 2003 Date Approved: October, 10 2003

This inspection found no adverse environmental effects attributable to the Burning Man 2003 Event, and concluded that the permittee was in full compliance with the terms, conditions, and stipulations of the Burning Man 2003 Event SRP. Permit authorization would be contingent on second inspection, which will be conducted in the spring of 2004. In past years, Spring inspections have always proven satisfactory when Fall inspections were in compliance with established standards.

The following standard would be adopted for the 2004 event through permit stipulations:

*80. Inspections of the event site in October 2004 and in the spring of 2005 will be made by BLM using randomly placed transects on the site and a measurable cleaning standard. The inspecting party will intensively collect debris found on the ground within the transects. Post-Event Cleanup Standard: The average total surface area of debris collected from either the fall or spring transects will not exceed the equivalent of 1 square foot per acre*

Report: Black Rock City 2002 Oil Drip Survey - Results and Management Recommendations

Date Approved: April 2003

This survey found no significant environmental impacts caused by the discharge of vehicle fluids onto the playa surface. Based on the findings of this survey, recommendations were made to Burning Man organizers to encourage participants to take an active role in preventing vehicle leaks from occurring on the playa. These recommendations were incorporated into the permit stipulations for the 2003 event. The survey was conducted a second time in 2003 with similar results.

The following stipulation for the 2004 event would be adopted:

*36. Black Rock City LLC will make educational materials available to participants prior to the event that explain the need to inspect vehicles and repair or modify those with drips of oil or other fluids. Black Rock City LLC will also train staff involved with greeting participants to identify vehicles likely to have an increased risk of oil or fluid drips, inspect suspect vehicles and take appropriate actions to minimize contamination from leaking vehicles. Greeters will advise the use of materials, such as cardboard, hazmat pads, or drip pans to minimize impacts.*

## D. NEPA Adequacy Criteria

### 1. Is the current proposed action substantially the same action or part of the same action that was previously analyzed?

Documentation of answer and explanation:

No substantive changes of any kind from the Burning Man 2003 Event are proposed.

No substantive change in location from the Burning Man 2003 event is proposed.

No substantive change in the number of participants from the Burning Man 2003 event is proposed or anticipated.

### 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Documentation of answer and explanation:

The range of alternatives considered in the Decision Record/Finding of No Significant Impact (FONSI), Burning Man, August 25 to September 1, 2003, and its accompanying Environmental Assessment NV-020-03-16 included two: Alternative 1, No Action, that would have required BLM to reject the proposed action; and Alternative 2, The Agency Preferred Action, that permitted the Burning Man 2003 event at the same location used in 2000, 2001, and 2002. No significant changes have been proposed or have occurred since preparation of the EA for the Burning Man 2003 event. No adverse impacts occurred as a result of the 2003 event. Therefore, it is reasonable to conclude that the existing NEPA documents are fully applicable to the current proposed action.

**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?**

Documentation of answer and explanation:

No new information has been developed, no adverse impacts have been identified, and no circumstances have arisen that would require a new NEPA analysis.

**4. Does the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

Documentation of answer and explanation:

Yes. Issues analyzed in the Burning Man 2003 EA included: Access, Adverse Playa Impacts/Playa Degradation, Public Health, Event Security/Infrastructure Issues Associated with Event Location, Sufficient Fees/Monitoring of Attendance, Monitoring (Cumulative Effects), and Socio-Economic Impacts to local and regional communities.

The Affected Environment analyzed in the Burning Man 2003 EA included: The Black Rock Desert Playa, Cultural Resources, Playa Sediments and Vegetation, Air Quality, Wildlife (Includes Migratory Birds and Sensitive Species), Waste, The Recreation Environment, Visual Resources, Native American Concerns, Water Resources, Land Use and Access, and Socio-Economics.

These items represent a comprehensive listing of issues that required analysis. No new issues or concerns have arisen since the Burning Man 2003 EA was completed. Therefore, if stipulations refined from those developed in the 2003 Decision Record are included in a Special Recreation Permit issued to Black Rock City LLC, the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the current proposed action.

**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?**

Documentation of answer and explanation:

Yes. The Burning Man 2003 EA analyzed the following specific items as part of the proposed action and alternatives: Event Set Up and Signing, Public Access, Traffic Control, Event Security and Public Safety (on-site and off-site law enforcement), Communications, Illegal Substance Policy, Medical Services, Resource Management, Fire Management, Dust Abatement, Runway and Aircraft, Sanitary Facilities, Event Take Down and Clean Up.

There are no substantive changes from the 2003 Burning Man event proposed and none are anticipated. Minor adjustments may be made to Runway and Aircraft operations to further minimize risks to public safety. The Post Event Inspection of October 10, 2003 determined that the 2003 Burning Man event caused no adverse effects to resources. A second inspection will be conducted in May of 2004 to confirm that clean-up standards were achieved.

Therefore, the Burning Man 2003 EA does sufficiently analyze site-specific impacts related to the current proposed action.

**6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?**

Documentation of answer and explanation:

Yes. No additional adverse cumulative impacts resulting from the Burning Man Event have been identified. However, to better measure potential cumulative impacts, the event location will remain in the same area where it has been permitted since 2000.

Based on all available information, it can be concluded without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s).

**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Documentation of answer and explanation:

Yes.

News releases were sent to several local and regional newspapers to inform the public that BLM had received the permit application (2/2003), and again to announce the issuance of the permit based on a new environmental assessment (6/2003). Several comments were received, some of which were incorporated as revisions to the EA or adopted in part as permit stipulations. Information about the comment and appeals processes were included in the news releases. Letters of concern were also received by the BLM state director and senators from both Nevada and California, all of which were resolved without protest.

During preparation of the 2003 Burning Man EA, consultation or coordination with all affected federal, Tribal, State, county, and community agencies, and corporations was conducted. No new concerns or issues have arisen since the EA for the 2003 Burning Man event was completed less than a year ago.

If this DNA is approved and a decision is made to issue a Special Recreation Permit to Black Rock City, LLC to conduct the Burning Man Event in 2004 and 2005, a news release will be sent to local and regional news media outlets throughout all of Nevada and Northern California notifying the public of the decision to issue the permit and explaining the appeal process.

Therefore, the public involvement and interagency review associated with existing NEPA documents is adequate for the current proposed action.

During consultation with the Fish and Wildlife Service for the Black Rock Desert High Rock Canyon Emigrant Trails National Conservation Area Resource Management Plan, no adverse impacts to Federally listed Threatened, Endangered or Candidate species were identified in the Biological Opinion as a result of continued issuance of Special Recreation Permits on the Black Rock Desert Playa. Previous consultation for events on the playa did not indicate the presence of sensitive species on the playa.

**E. Interdisciplinary Analysis:** Identify those team members conducting or participating in the preparation of this worksheet.

Name	Title	Resource Represented	Initials
Dave Cooper	NCA Manager	NCA	
Gene Seidlitz	Assistant Field Manager	Non-Renewable Resources	
Jamie Thompson	Public Affairs Officer	Public Affairs, Editor	
Jeff Johnson	Environmental Coordinator	NEPA	
David Valentine	Archaeologist	Cultural Resources	
Dave Lefevre	Outdoor Recreation Planner	Recreation	
Roger Farschon	Ecologist	Vegetation, Soils, Wildlife Habitat, T & E Species, Wild Horse and Burros, Fisheries	
Barbara Kehrburg	Realty Specialist	Realty	
John Moody	Rehab	Fire	

**F. Mitigation Measures:** List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific

mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

The EA prepared for the Burning Man 2003 event identified the 59 special stipulations and 16 standard stipulations as the "Potential Mitigation/Monitoring Measures" (see EA #NV-020-03-16 at Section 4.11, pp. 30). All 75 of these stipulations were incorporated and implemented by DR/FONSI #NV-020-03-16. Permit stipulations are adjusted each year to reduce potential adverse impacts, and can be expected to be modified as necessary to minimize impacts from future activities. No additional mitigation measures have been identified. Please see the attached 2004 Burning Man Event Stipulations.

**CONCLUSION**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked.

\_\_\_\_\_  
Jeff Johnson, Environmental Coordinator

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Date

\_\_\_\_\_  
David C. Cooper, NCA Manager, Authorized Official

\_\_\_\_\_  
Date