

**DECISION RECORD/FINDING OF NO SIGNIFICANT IMPACT
FOR SPECIAL RECREATION PERMIT NV025-04-02
(2004 BURNING MAN EVENT)**

Decision

It is my decision to approve the proposed action subject to identified stipulations and mitigation measures that are hereby incorporated into this decision.

Finding of No Significant Impact

I have reviewed Environmental Assessment (EA) NV-020-03-16, dated May of 2003, and the Determination of NEPA Adequacy NV-020-04-DNA-14, dated May of 2004. After consideration of the environmental effects as described in the EA, I have determined that the proposed action, conducted in accordance with the mitigation measures and special stipulations, will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined that the proposed action is in conformance with the Sonoma-Gerlach Management Framework Plan, which is the current land use plan, and well as the enabling legislation and proposed Resource Management Plan (RMP) for the Black Rock Desert – High Rock Canyon Emigrant Trails National Conservation Area (NCA). This finding and conclusion is based on my consideration of the Council of Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and the intensity of impacts described in the EA.

Context: The Burning Man Event is an art/recreation festival has occurred for the last 14 years on public lands in the Black Rock Desert, with the exception of one year when the event was held on private lands. Over 30,000 participants from around the country and world are expected to attend this year. The event occurs on the Black Rock Desert Playa, approximately 8 miles northeast of Gerlach, Nevada. A portion of the event is situated within the NCA. The playa is a dry lakebed, which is completely devoid of vegetation and is not known to support any year round wildlife populations. The proposed action would occur in the same location that it has been permitted for the last three years.

Intensity:

1) Impacts may be both beneficial and adverse.

The environmental assessment has considered both the potential beneficial and adverse impacts of authorizing the special recreation permit. On the whole, the project will provide recreation opportunities to over 30,000 participants, as well as providing substantial economic gains for surrounding communities. Adverse impacts associated with increased vehicle traffic on the playa and highway systems, and closures to public use are also anticipated, but would be addressed through stipulations.

2) The degree to which the proposed action affects public health or safety.

The proposed action with permit stipulations would not have substantial impacts to public health and safety. Potential impacts to the human environment include vehicle traffic and resulting accidents, criminal acts committed by event participants, and short-term reductions in air quality. However, law enforcement presence would be provided during the permit period, including the days preceding and following the event. In addition, permit stipulations require coordination with federal, state, and local agencies to minimize potential impacts to local communities, resources, and infrastructure. Permit stipulations also require dust suppression efforts before, during and after the event to minimize impacts to air quality. Public health and safety would be largely unaffected as a result of permit authorization.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The permit area does not contain any park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas. Class II and III cultural inventories were conducted in the permit area, which did not identify any risks to cultural resources in the permit area. Permit stipulations also restrict use of sensitive hot spring areas and other public land destinations in the vicinity of the event that contain sensitive resources.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

In past years, the event has drawn considerable public attention, both in support and in opposition of the event. However, only two comments were received during the public comment period for the 2003 EA, one of which was received from the event proponents. Comments received during the public input period for the NCA RMP were also both for and against the issuance of the permit. In response to public input, decisions in the RMP included language to restrict large scale events to the southern portion of the playa, which is where the event would be conducted, to reduce impacts to resources and other recreation users. In the past year, public comments regarding the event have been limited to only a few individuals, which confirms that the event is not highly controversial to the majority of the public sector.

5) *Degree to which the effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.*

There are no known effects of the proposed action identified in the EA that are considered uncertain or involve unique or unknown risks. The event would be managed under the incident command system to coordinate management efforts among cooperating agencies in the case of an emergency situation.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The proposed action does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. This is the 13th year that the event has been permitted by a use of a special recreation permit. All

permit proposals would be subject to the same environmental assessment standards and independent decision making.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

No significant cumulative impacts were identified in the cumulative impact analysis section of the EA. Other permitted activities may be proposed on the Black Rock Desert Playa in the future based on the demand for increased public recreation opportunities, and several other annual events would be expected to continue. However, the proposed RMP for the NCA would restrict more than one large scale event from occurring at the same time. These permitted activities seen together with other land disturbing activities on-going in the area would not result in cumulatively significant impacts at the local or regional scale.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

With the exception of the Nobles National Historic Trail, which the exact location is uncertain, no districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic places were identified in the permit area and EA. Based on cultural resource inventories, the proposed action would not cause the loss or destruction of significant scientific, cultural or historical resources.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

Based on Biological Opinions from the U.S. Fish and Wildlife Service, no known species or critical habitats have been identified in the permit area. The EA did not identify any significant or adverse impacts to Threatened, Endangered, or Candidate species as a result of implementing the proposed action.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed action would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

David C. Cooper, NCA Manager

Date

Attachments:

- Burning Man 2003 Special Recreation Permit Environmental Assessment NV-020-03-16
- Burning Man 2004 Determination of NEPA Adequacy