



MITIGATED FINDING OF NO SIGNIFICANT IMPACT

King of the Hammers Competitive Off-Road Race Event Special Recreation Permit (2023 – 2027)



INTRODUCTION

The Marine Air Ground Task Force Training Command (MAGTFTC) participated with the Bureau of Land Management (BLM) in preparing the Environmental Assessment (EA) for the King of the Hammers Competitive Off-Road Race Event, Special Recreation Permit (2023 – 2027). BLM is the National Environmental Policy Act (NEPA) lead agency and MAGTFTC is a cooperating agency.

MAGTFTC adopts the Final EA and incorporates it by reference into this Mitigated Finding of No Significant Impact (Mitigated FONSI) pursuant to Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations (CFR) §§1501.6 and 1506.3) and *Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact* (CEQ Guidance, January 14, 2011).

- MAGTFTC participated in the development of the Draft EA (October 2022) and Final EA (December 2022) and validated the accuracy of information as it pertains to MAGTFTC, Department of Navy, and the Combat Center's Exclusive Military Use Area (EMUA).
- A Mitigated FONSI is appropriate because - some impacts are within the scope of past BLM NEPA documents, to include environmental impact statement(s) (EIS); some mitigation in the Final EA (Appendix B) may be derived from past BLM NEPA documents, to include EIS(s); and measures to avoid and minimize impacts to the desert tortoise in the Final EA (Appendices B and D) are warranted due to the continued population decline of the species in the Western Mojave Recovery Unit.

The Final EA and this Mitigated FONSI were prepared in accordance with NEPA (42 United States Code §§ 4321-4370h), CEQ regulations (40 CFR §§ 1500-1508), Department of Navy regulations (32 CFR Part 775), and Marine Corps Order 5090.2, Volume 12, *Environmental Planning and Review*.

PURPOSE AND NEED

MAGTFTC is implementing discretionary mitigation (REC-2) adopted in the 2013 Record of Decision for the 2012 Land Acquisition and Airspace Establishment EIS (Final EA, Section 1.2).

PROPOSED ACTION AND ALTERNATIVES

Three action alternatives were analyzed – Proposed Action (Alternative 1), No Action (Alternative 2), Closed Course (Alternative 3), and Avoid Combat Center EMUA (Alternative 4). Alternative 3 is BLM's preferred alternative, which involves use of the EMUA to facilitate use of historic race routes and connection to the larger race course on BLM public land and the Shared Use Area. (Final EA, Chapter 2).

ENVIRONMENTAL CONSEQUENCES

Within the Combat Center EMUA, the Proposed Action (Alternative 1) and Closed Course (Alternative 3) may result in less than significant adverse impacts to *Air Quality*, *Biological Resources*, *Cultural Resources*, and *Recreation and Safety*. In summary – air emissions would be below *de minimis* levels; no substantial change in impacts to biological and cultural resources would occur from use of existing EMUA routes, including routes leading to existing BLM “open areas” already subject to OHV use and impacts; EMUA areas with sensitive biological resources would be avoided; and the public safety risk would be minimized by removal of detected unexploded ordnance and requiring personnel to stay on the existing routes in the EMUA. Despite these safety measures, Hammering Productions and persons participating in the King of the Hammers race events assume the risk of harm or loss to their persons or property from choosing to recreate in the EMUA, which is an active military training area. Adverse impacts to *Soil Resources*, *Water Quality*, and *Wastes, Hazardous or Solid* are unlikely given that no new impacts are anticipated and event waste generation would occur outside the EMUA. (Final EA, Chapter 3).

Significant cumulative impacts were not identified, considering – the relevant past, present and reasonably foreseeable projects influencing impacts within the EMUA, including associated desert tortoise mitigation efforts; and that the potential impacts of the alternatives analyzed, in combination with the relevant projects, are largely captured as impacts of past actions. The impacts of past actions are reflected under the baseline conditions explained under the *Affected Environment* section of the Final EA and used to evaluate the *Environmental Consequences* of the alternatives. While the issuance of new permits and a license to Hammerking Productions is a major federal action triggering NEPA, the underlying use authorized (e.g., OHV activities) is not a new action or impact in the project area. (Final EA, Chapter 3).

AUTHORIZATIONS

MAGTFTC has complied with the Endangered Species Act (ESA) and National Historic Preservation Act (NHPA) in support of MAGTFTC and Department of the Navy decisions to authorize EMUA use under Alternatives 1 or 3. No authorizations are required for Alternatives 2 or 4. (Final EA, Chapters 1 and 4).

MITIGATION & MONITORING

MAGTFTC developed impact avoidance and minimization measures in addition to monitoring and reporting requirements applicable to Alternatives 1 and 3 within the Combat Center’s EMUA (Final EA, Appendix D). The main authorities for these requirements is NEPA, Clean Air Act, ESA, and NHPA. While significant impacts are not anticipated within the EMUA from use of existing routes, the Appendix D requirements are enforceable because they minimize the need for substantial analysis in the Final EA and were offered as part of a larger project for which a Mitigated FONSI is appropriate.

CONCLUSION

Based on my review of the Final EA, I conclude that Alternatives 1 and 3 would not significantly impact any resource within the Combat Center’s EMUA because – use of the EMUA would be limited to existing routes previously used by OHVs and currently used by military vehicles; the limitations and requirements of Appendix D would ensure that OHV impacts remain within the scope of existing MAGTFTC uses and authorizations; and Alternatives 2 and 4 would not result in OHV activities or impacts within the EMUA. Therefore, further analysis in an EIS is not required for limited use of the EMUA under either alternative.

DECISION

Consistent with the BLM decision, I authorize use of the EMUA under Alternative 3. Hammerking Productions is required to comply with MAGTFTC requirements, listed in Appendix D of the Final EA, and any additional Department of the Navy requirements imposed in the license. MAGTFTC staff will initiate an update of the Integrated Natural Resources Management Plan to document that limited use of the EMUA for organized OHV race events may be authorized on a case-by-case basis. Because EMUA use is an incidental aspect of Alternative 3, MAGTFTC’s decision is subject to BLM and Hammerking Productions compliance with applicable federal, state, or local laws and requirements. Any substantive deficiency may render the MAGTFTC and Department of Navy authorizations void.

IMPLEMENTATION

The Proposed Action may be implemented any time after this Mitigated FONSI is signed and after the requirements of Appendix D have been resolved each year (advance coordination required).



A. E. RENFORTH
Major General, U.S. Marine Corps
Commanding General
Marine Air Ground Task Force Training Command
Marine Corps Air Ground Combat Center

19 DEC 22

Date

**U.S. Department of the Interior
Bureau of Land Management
California Desert District**

**ENVIRONMENTAL ASSESSMENT
DOI-BLM-CA-D010-2022-0001-EA**

**King of the Hammers
Competitive Offroad Race Event
Special Recreation Permit (2023 to 2027)**

Lead Agency

**U.S. Department of the Interior
Bureau of Land Management
California Desert District
Palm Springs, California**

Cooperating Agency

**U.S. Marine Corps
MAGTFTC/MCAGCC
Twentynine Palms, California**

December 2022

1 Introduction

The Bureau of Land Management (BLM) and the Marine Air Ground Task Force Training Command (MAGTFTC) prepared this Environmental Assessment (EA) to evaluate potential impacts to the human environment from an applicant proposal to conduct off-highway vehicles (OHV) race events on public lands and military lands in the Mojave Desert, San Bernardino County, California, from 2023 to 2027. BLM is the NEPA lead agency and MAGTFTC is a cooperating agency.

This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) (42 U.S.C. Ch. 55), Council on Environmental Quality's NEPA implementing regulations (40 C.F.R. Parts 1500 to 1508), as amended, BLM's H-1790-1 NEPA Handbook (BLM 2008a), Department of Navy NEPA regulations (32 C.F.R. Part 775), and other relevant laws and policies discussed herein.

This EA would support permitting and licensing actions in accordance with BLM and Department of Navy licensing procedures, namely: the California Desert Conservation Area (CDCA) Plan, as amended (BLM 1980) and Naval Facilities Engineering Command P-73, Chapter 19, "Real Estate Procedural Manual."

1.1 Background

Applicant Proposal & Agency Actions

BLM and MAGTFTC are evaluating the Hammerking Productions, Inc. (Hammerking) proposal to conduct the annual King of the Hammers (KOH) OHV race events on public lands within the Johnson Valley OHV Area and military lands within the Marine Corps Air Ground Combat Center for the next five years.

The proposed action would involve the following agency authorizations:

- BLM Special Recreation Permit (SRP);
- BLM Land Use Permit;
- Department of the Navy license.

In addition, the BLM would evaluate a temporary closure on public lands within the Johnson Valley OHV Recreation Area (see Alternative 3 in Section 2.3) for the duration of the annual King of the Hammers events. Under Alternative 3, the general public would not be allowed in the closure area unless they have paid for entry in the King of the Hammers events.

Hammerking submitted separate requests to the BLM and MAGTFTC. Under Alternatives 1 and 3 (see Section 2), the BLM SRP would authorize the majority of the event activities as they would primarily occur on BLM-managed lands, but portions of the proposed routes would enter the Combat Center's Exclusive Military Use Area (EMUA). If either of those Alternatives were selected, MAGTFTC requirements and limitations (Appendix D) would be included in the BLM permits as an enclosure to ensure compliance with the requirements and limitations of both BLM and MAGTFTC.

Johnson Valley OHV Area

Johnson Valley OHV Recreation Area is situated between the communities of Apple Valley and Lucerne Valley to the north and Yucca Valley to the south; it is about 25 miles southeast of Barstow and 10 miles east of Lucerne Valley, California. This area was designated in 1980 (BLM 1992, BLM 1980) as an open OHV area, meaning that general motorized vehicle use is allowed anywhere within the designated area and is not restricted to designated routes. Designated routes do not exist within open OHV areas. Specific areas within Johnson Valley that are OHV destinations include Means Dry Lake, Melville, Dry Lake, Soggy Dry Lake, Anderson Dry Lake, Galway Dry Lake, the Hammers, the Rockpile, Cougar Buttes, and Giant Rock.

The terrain contains steep rock-covered mountains, gently rolling hills, open valleys, and several dry lake beds, and sandy washes. Trails that traverse rolling hills and dry lake beds make popular speedways and are used regularly for competitive events. Elevations range from 2,300 feet at Melville Dry Lake to 4,600 feet at Hartwell Hills. The Hammers Trails, located in the Hartwell Hills, are world famous extreme trails. The diverse terrain provides opportunities for OHV participants of all skill levels. Johnson Valley is unique from other nearby OHV areas, such as Stoddard Valley OHV Area, because of its large size and remoteness, offering an experience free from the views and sounds of interstate highways.

OHV use has occurred in the Johnson Valley OHV Recreation Area, which previously extended into an area that now includes the Combat Center, since World War II. In the past 50 years, the Johnson Valley OHV Recreation Area has evolved into one of the most intensively used OHV areas in California.

In December 2013, in response to a need for an expanded area for military training, Congress enacted, and the President signed into law, the National Defense Authorization Act (NDAA) of 2014 expanding the Marine Corps Air Ground Combat Center at Twentynine Palms to include portions of Johnson Valley OHV Recreation Area for exclusive military use. The National Defense Authorization Act also designated 53,231 acres of public land as a “Shared Use Area” available for public recreation at least 10 months of the year and military training up to two months of the year. The Shared Use Area is jointly managed by the BLM and MAGTFTC per the NDAA and a resulting inter-agency agreement. The NDAA also designated 43,431 acres as the Johnson Valley OHV Recreation Area for year-round public recreation. In 2019, Congress expanded the Johnson Valley OHV Recreation Area by 20,240 acres under the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116-9 March 12, 2019). Under Section 1441 (amending Section Public Law 103-433 Section 1301(e)(C)), current management plans remain in effect until BLM completes the required updates (see Section 1.4).

Hammerking proposes to conduct an OHV race event within the NDAA-designated Shared Use Area, BLM land designated as an OHV Open Use Area (Figure 1) and the Combat Center’s EMUA, with the initial proposal shown on Figure 3. The King of Hammers OHV race events would use pre-existing routes similar to the past events (Figure 2), but within BLM land and the Shared Use Area, the exact routes for future events may vary each year as discussed in Section 2. Approximately 202 miles of the racecourse traverses the Johnson Valley OHV Recreation Area and Shared Use Area (also known as the Means Lake Training Area when under MAGTFTC management). Approximately 39 miles of existing routes could be used within the Combat Center’s EMUA. MAGTFTC modified the initial proposal as explained in Section 1.5 and shown on Figure 5.

Agency Roles and Responsibilities & Level of NEPA Analysis

BLM initiated the NEPA process as the lead agency. NEPA was initiated at the EA level of analysis in order to determine if the action would have significant effects. Additionally, an EA would be appropriate even if it is determined that certain significant impacts may occur, if the EA tiers to a broader Environmental Impact Statement (such as a Land Use Plan EIS) that fully analyzes those significant impacts (BLM 2008a).

MAGTFTC requested designation as cooperating agency (40 CFR § 1501.8) to ensure NEPA compliance for its decisions to be made (Section 1.3). NEPA analysis is required to consider the environmental effects and obtain public input on the Proposed Action and amend the Combat Center’s Integrated Natural Resource Management Plan (INRMP) (MAGTFTC 2019) to allow limited OHV use of existing routes in the EMUA; the Department of the Navy requires a completed NEPA document before issuing a license to Hammerking for access and use of the EMUA; and the Proposed Action and INRMP amendment do not fit within a Department of the Navy categorical exclusion and extraordinary circumstances are present.

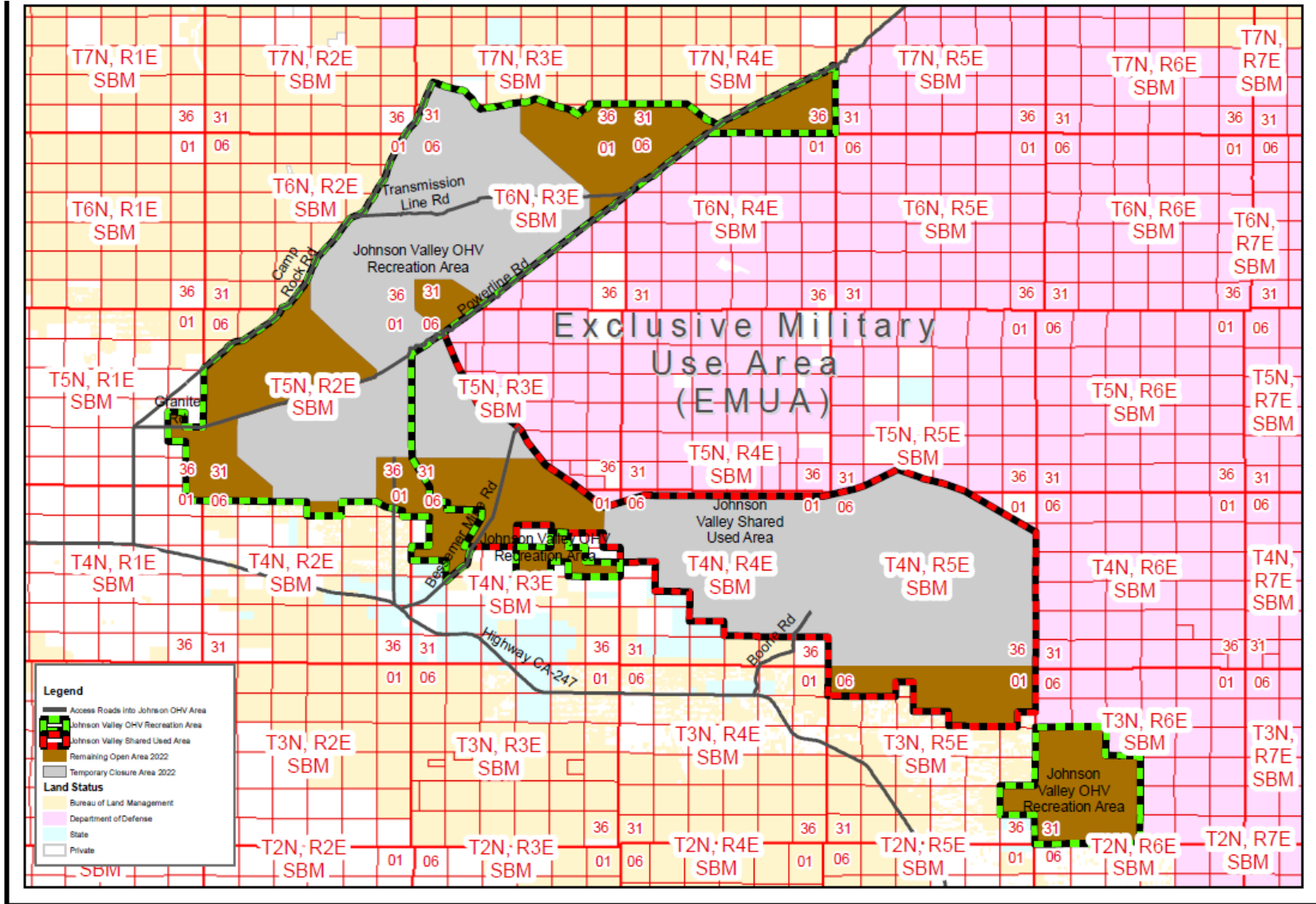


Figure 1. King of the Hammers Closure Area located in Johnson Valley OHV Recreation Area and the routes outside of the OHV area on lands under the jurisdiction of the Twentynine Palms Marine Corps Air Ground Combat Center

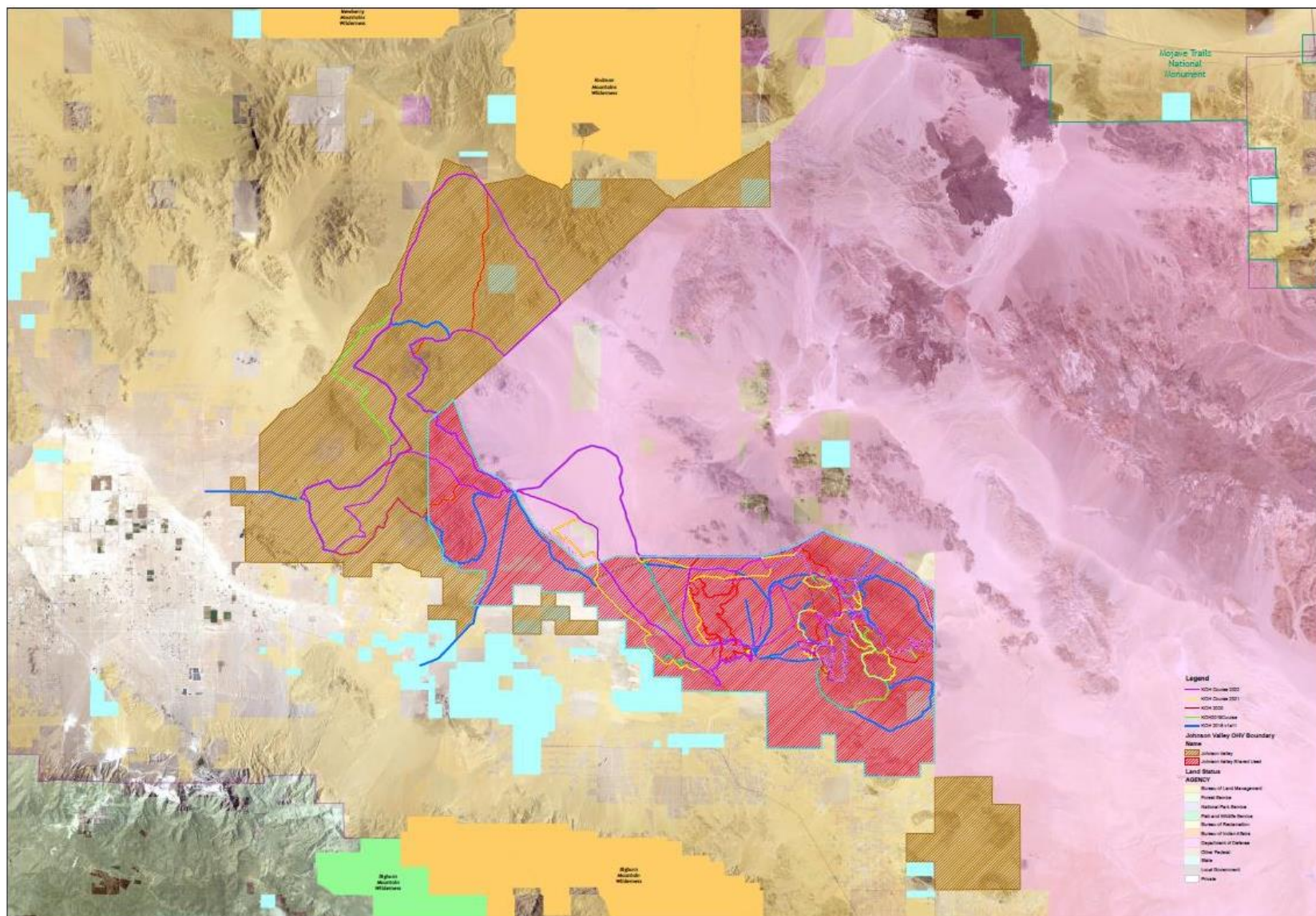


Figure 2. Prior King of Hammers Race Routes (2018 to 2022). Source: BLM 2016a.

1.2 Purpose and Need

BLM

The BLM's purpose is to respond to Hammerking's request for a SRP and Land Use Permit authorizing Hammerking to conduct a competitive, commercial high speed OHV event on lands administered by the Bureau of Land Management (BLM), California Desert District, Barstow Field Office, in San Bernardino County, California, as well as other permits associated with the event. The BLM would evaluate this request in accordance with 43 CFR 2932 (Special Recreation Permits for Commercial Use and Competitive Events) and 43 CFR 8340 (Off-Road Vehicles).

The need for the BLM's action is established by the policies and mandates set forth in the Land Use Plans identified in Section 1.4 and in 43 CFR 2932 and 43 CFR 8340. The BLM has been given authority under 43 CFR 8340.0-3, 43 USC 1740, and 16 USC 6802. The BLM is required to evaluate the request while considering the factors identified in 43 CFR 2932.26:

- Conformance with laws and land use plans;
- Public safety,
- Conflicts with other uses,
- Resource protection,
- The public interest served,
- Whether in the past the applicant has complied with the terms of previous permits or other authorizations from BLM and other agencies, and
- Other such information that BLM finds appropriate.

MAGTFTC

The purpose of the proposed action is to consider the Hammerking request to allow limited public use of the Combat Center's EMUA for organized OHV race events. The authorities for considering the request are NEPA, NDAA Section 2943(a), and the Sikes Act of 1960 (Public Law 86-797) as amended.

The need for the action is to adhere to past commitments in a 2013 Record of Decision (ROD) for the Combat Center expansion. The 2012 Final Environmental Impact Statement (FEIS) explained that OHV race routes would need to be relocated outside of the Combat Center (DON 2012), but the Department of Navy agreed to consider case-by-case use of the EMUA for organized OHV events under mitigation measure REC-2; adopted in the Record of Decision (ROD) for selected Alternative 6 (DON 2013). This EA is a subsequent analysis for implementation of REC-2.

Although the EMUA is closed to public access, the Secretary of the Navy can authorize access under NDAA Section 2943 (a). Due to the lack of expanded airspace in the EMUA (see Section 3.7) and the importance of OHV race events to the public and economy, MAGTFTC would continue to consider access requests per the 2013 ROD.

The Combat Center is managed in accordance with various environmental laws and policies, summarized in MCO 5090.2, *Environmental Compliance and Protection Program* (DON-USMC 2018a). Per the Sikes Act, natural resources are managed per the INRMP (MAGTFTC 2019), the guide for how natural resources will be managed to sustain military use, comply with federal laws and regulations, ensure sound stewardship of public trust resources, and provide opportunities for public access and recreation where and when possible. MAGTFTC can authorize public access if the use does not interfere with the military mission, present safety or security issues, or cause substantial environmental degradation (DON-USMC 2018a Vol. 11, Ch. 3, Sections 030102 and 030108).

1.3 Decisions to Be Made

BLM

Based on the information in this EA, the BLM will decide whether to:

- Approve the SRP application, issue the SRP and other associated permits (e.g., vendor permits, commercial filming permits), and (if selected) issue a temporary closure order as proposed; or
- Approve the SRP application, and/or issue the SRP and other associated permits, and/or (if selected) issue a temporary closure order with modifications. The BLM may also require the applicant to abide by additional Conditions of Approval necessary to ensure the proposed project complies with relevant laws, regulations, policies, and land use plans;
- Deny issuance of the SRP and other associated permits.

If the SRP is not approved, Hammerking shall not conduct the proposed King of the Hammers event within the proposed project area.

Combat Center

MAGTFC and the Department of the Navy would decide: (1) whether to issue a five year license to Hammerking for limited use of the EMUA within the Combat Center; (2) whether to amend the Combat Center's INRMP to allow limited OHV use of existing routes within the EMUA; (3) what requirements apply to the Proposed Action; (4) whether to adopt this EA; and (5) whether this EA supports a Finding of No Significant Impact, mitigated FONSI, or requires an Environmental Impact Statement (EIS) for the aspects of the Proposed Action for which MAGTFC and the Department of the Navy are decision makers.

1.4 Conformance with Land Use Plans, Law, and Policy

The Proposed Action has been assessed for conformance with the following:

Federal Land Policy and Management Act of 1976 (FLPMA) – Provides direction to the Secretary of the Interior on the management of public lands under the principle of multiple use and sustained yield and to develop land use plans for that purpose. It requires that the use of all California desert resources can and should be provided for in a management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off- road recreational vehicles. It also established the CDCA in which Johnson Valley OHV Recreation Area is located. The Proposed Action would conform to the relevant management plans discussed below, which have been prepared pursuant to the requirements of FLPMA.

National Environmental Policy Act (NEPA) – Directs “a systematic, interdisciplinary approach” to federal planning and decision making. CEQ regulations (40 CFR Parts 1500 to 1508) require federal agencies to identify and assess reasonable alternatives to proposed actions that will restore and enhance the quality of the human environment and avoid or minimize adverse environmental impacts. Federal agencies are further directed to emphasize significant environmental issues in project planning and to integrate impact studies required by other environmental laws and Executive Orders into the NEPA process. The NEPA process should therefore be seen as an overall framework for the environmental evaluation of federal actions, including the issuance of SRPs.

Because OHV use in the Johnson Valley OHV Area has been previously authorized and analyzed under the management plans and NEPA documents listed herein, this EA would largely tier to these documents and rely on available data. This environmental assessment (EA) documents the

environmental analysis of the proposed race event and any alternatives. A Decision Record will be issued to document the alternative selected for implementation; describe additional terms and conditions or other mitigations that may be required; and discuss considerations that the BLM used in making the final decision. MAGTFTC has contributed content to this EA because it plans to adopt this EA (40 CFR §1506.3(a)) in support of its separate decisions (see Section 1.3).

Federal Endangered Species Act of 1973 (ESA) – Requires all federal agencies to consult with the Secretary of the Interior, through the U.S. Fish and Wildlife Service (FWS) for any action that “may affect” federally listed species or critical habitat. See Section 4.1 of this EA.

National Historic Preservation Act of 1966 (NHPA) – Section 106 (54 U.S.C. § 306108) of the National Historic Preservation Act (54 U.S.C. 300101 et seq.), requires federal agencies to take into account the effects of their undertakings (projects), licensed or executed by the agency, on historic properties listed or eligible for listing in the National Register of Historic Places, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings (16 U.S.C. 470[f]). Section 106 process seeks to accommodate historic preservation concerns with the needs of federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. This investigation provides the information to evaluate the potential effects to cultural resources from each of the proposed alternatives. See Section 4.3 of this EA.

Executive Order 13112, Invasive Species (64 FR 6183 et seq.) – Provides that no federal agency shall authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk or harm will be taken in conjunction with the actions. See Section 3.1 of this EA.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations. Requires that each federal agency consider the impacts of its programs on minority and low-income populations (49 FR 7629). See Section 3.1 of this EA.

Executive Orders 11644 (1972, 37 FR 2877) and 11989 (1997, 42 FR 26959), Use of Off-Road Vehicles on Public Lands – Require public land managers “to establish policies and procedures to ensure that use of [OHVs] on public lands will be controlled and directed to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.” The BLM has satisfied these requirements by developing and implementing its required management plans, with the relevant ones discussed herein.

Title 43 Code of Federal Regulations 8340 – These OHV regulations are based largely on Executive Order 11644 and establish criteria for designating public lands as open, limited, or closed to OHV use and establishes controls governing the use and operation of OHVs in these designated areas. It also defines off-road vehicles, which is inclusive enough to effectively establish regulation of all types of motorized access to public lands. The BLM ensures compliance by implementing management plans that identify designated areas and allowed uses discussed herein.

California Desert Conservation Area Plan – The CDCA Plan, as amended (BLM 1980), provides a multiple-use management blueprint for approximately 25 million acres in Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, and San Bernardino counties, of which 10 million acres are managed by the BLM. The CDCA Plan designated Johnson Valley as Multiple Use class “intensive” to “provide for

concentrated use of lands and resources to meet human needs” and off-highway vehicle “open” indicating vehicles may travel anywhere within the designated area. Since adoption, the BLM has amended the CDCA Plan numerous times; the West Mojave Desert CDCA Plan Amendment (2006) includes direction for management of the public lands in Inyo, Kern, Los Angeles, and San Bernardino counties including the vicinity of Johnson Valley OHV Recreation Area. The Proposed Action is in conformance with CDCA Plan because organized competitive vehicle events are allowed within “Intensive” and OHV Open Area classifications.

West Mojave Desert (WEMO) CDCA Amendment – The West Mojave Plan (BLM 2006) amended the CDCA Plan by establishing new and modified boundaries of existing Areas of Critical Environmental Concern (ACECs), amended some of the Multiple Use class designations to reflect the new management actions, and modified specific management areas and programs including motorized routes designations and the Stoddard Valley to Johnson Valley connector. Initiated as an interagency habitat conservation plan, it does not include specific management direction for the Johnson Valley OHV Recreation Area.

West Mojave Route Network Plan (WMRNP) CDCA Amendment – The WMRNP (BLM 2019) was developed in response to litigation associated with the 2006 WEMO Plan, as well as recent BLM transportation and travel management guidance. The analysis in the FSEIS revisits and updates the 2005 WEMO Final Environmental Impact Statement (EIS). The FSEIS identified the need to offset Johnson Valley OHV Area competitive event opportunities lost due to the expansion of the 29 Palms EMUA.

Desert Renewable Energy Conservation Plan (DRECP) CDCA Amendment – The DRECP (BLM 2016b) amended the CDCA Plan by a landscape-level plan that streamlines renewable energy development while conserving unique and valuable desert ecosystems and providing outdoor recreation opportunities. It does not include specific management direction for the Johnson Valley OHV Recreation Area.

Johnson Valley Off-Highway Vehicle Area Management Plan – This Plan (BLM 1992) provides management direction for OHV recreational opportunities, other resource allocations, and enhanced visitor services and safety programs in the Johnson Valley OHV Recreation Area. The Plan retains the “Open” vehicle use designation established in the CDCA Plan reflecting the importance of the Johnson Valley OHV Recreation Area as one of the most heavily used areas of its kind in the California desert. The Management Plan EA tiers to the decisions in the Plan to require organized event promoters to obtain SRPs that include stipulations that provide participant and spectator safety, protection of sensitive resources, and use supervision. The Management Plan EA analyzes the impacts from implementation of these decisions noting that issuing permits would assist in eliminating conflicts between permitted uses and other activity. The EA serves as a programmatic environmental assessment for organized events, vendors, and commercial filming in Johnson Valley and acknowledges that organized OHV events may result in slight impacts to sensitive resources, requiring specific stipulations in the permit would decrease the potential occurrence of these impacts (BLM 1992 pp10-12). This analysis is incorporated here by reference.

29 Palms Land Acquisition and Airspace Establishment Final Environmental Impact Statement (FEIS) (DON 2012) and National Defense Authorization Act of Fiscal Year 2014 – The FEIS for the Department of Navy (DON) evaluated the establishment of a large-scale training range facility at the Marine Corps Air Ground Combat Center at Twentynine Palms, California (DON 2012). A portion of Johnson Valley OHV Area was required to meet this military training need. The NDAA of 2014 authorized the withdrawal of a portion of Johnson Valley to meet training requirements. Approximately 107,000 acres were designated as an EMUA, and an approximate 53,231-acre Shared Use Area would be available for public recreation 10 months per year and for military training

two months of each year. The FEIS characterizes the existing conditions within the Johnson Valley OHV Recreation Area (West Study Area) and analyzes the consequences of transferring these lands to the Department of the Navy (DON). It included an alternative that recommended continued public access to a “Shared Use Area” when the Marines would not use the area for training. This EA tiers from the FEIS, which is incorporated by reference. More specifically, this EA uses available data to inform the Affected Environment and Environmental Effects sections in regard to the Shared Use Area and EMUA. These areas are within the scope of Alternative 6 (selected) and the No Action, respectively.

Combat Center Integrated Natural Resource Management Plan (2018-2022) – Public OHV use is not currently authorized in the EMUA per the INRMP (MAGTFTC 2019). Per the FEIS, the INRMP anticipated OHV use only in the Shared Use Area. The current EA (DOI-BLM-CA-D010-2022-0001-EA) provides the NEPA analysis to support an amendment to the INRMP.

1.5 Scoping and Issues

During spring 2022, internal scoping was conducted by a BLM and MAGTFTC interdisciplinary team to refine the proposed action and identify relevant resources, specific issues, and appropriate alternatives to be evaluated in this EA.

The specific issues considered in this analysis are:

- The safety of spectators and participants could be impacted by the way the race is conducted, such as access to the racecourse itself.
- The environmental impacts of the race routes and concentrating a large number of spectators in Hammertown and along the spectator view areas during the event.
- The health of those attending the event could be impacted by the concentration of individuals, vehicles, and equipment due to tailpipe emissions and dust and the availability of sanitation facilities.
- Potential environmental impacts and safety concerns with use of the Combat Center’s EMUA, which is comprised of two active training areas.

MAGTFTC evaluated the initial proposal from Hammerking for use of the Combat Center’s EMUA. Approximately 79 miles of mostly existing routes were initially proposed (Figure 3). To minimize impacts to the environment, public safety, and the military mission, MAGTFTC modified the initial proposal and is willing to consider use of approximately 39 miles of existing routes (Figure 5). Environmental considerations included desert tortoises, known cultural resources, eagle nests, and desert washes that seasonally support multiple species and vegetation. The 39 miles of existing routes are currently used for Combat Center operations and prior to MAGTFTC management, these routes were part of the Johnson Valley OHV Area and designated “open,” subject to “free play,” with high vehicle use (BLM 2006). This includes Route D and L as discussed below.

- A portion of Route L bisects a Combat Center desert tortoise control site associated with past NEPA mitigation and ongoing desert tortoise monitoring (DON 2017 and USFWS 2017a). Route L is retained because it is an existing route and there may be limited options to exit the EMUA into the area expanded by the Dingell Act. There would be no new impacts along this existing route.
- A portion of Route D bisects a historic property eligible for listing in the National Register of Historic Places. Route D is retained because this route is critical to the race event, it has historically been authorized, and there may be limited options to enter the EMUA. There would be no new impacts along this existing route. Further review of available data confirms

that Route D would not enter a high-density tortoise area.

Based on the identified issues, the relevant resources to be analyzed in detail in this EA are: *Biological Resources; Cultural Resources; Recreation & Safety; Soil Resources; Water Quality; and Waste*. Other resources considered but not included for detailed analysis are briefly discussed in Section 1.5.1.

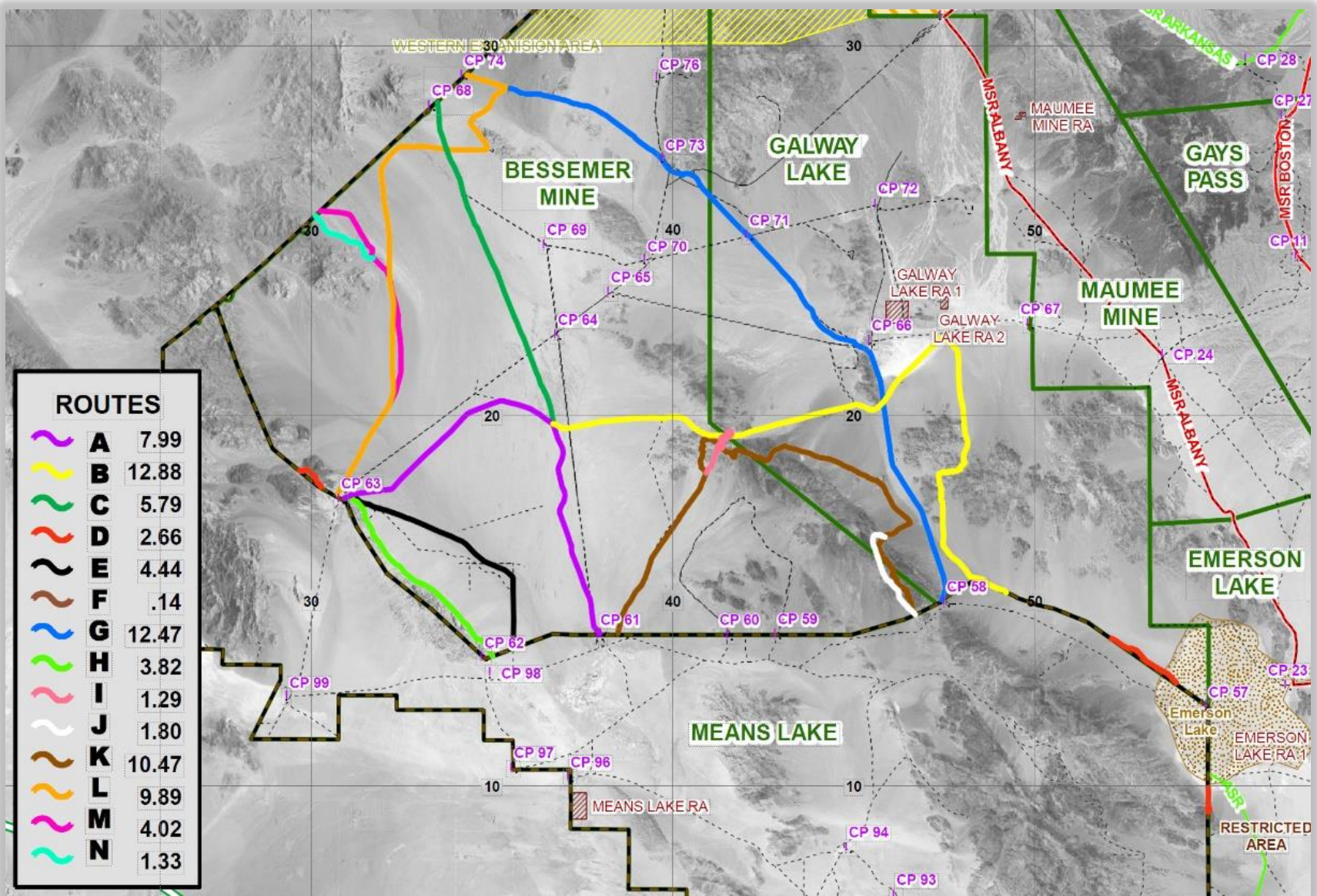


Figure 3. Initial Hammering Production Inc., Proposal for Use of the Combat Center' EMUA.

1.5.1 Resource or Issues Considered but not Analyzed in Detail

The resources discussed below were not carried forward for detailed analysis because potential effects were anticipated to be non-existent, negligible, and/or not capable of meaningful analysis. This is based on the reasons provided below in addition to the explanations provided in Section 1.5 (Scoping and Issues) and requirements incorporated into the action to avoid and minimize effects in advance (Appendix B and D).

Environmental Element:	Rationale for not Retaining Resource or Issue for Detailed Analysis:
<p><i>Air Quality</i></p>	<p>The Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. Areas are classified as “attainment” (meeting all NAAQS) or “nonattainment” (an exceedance of one or more criteria pollutants). The county in which the proposed project would be held (San Bernardino County, California) is classified as a nonattainment area for two pollutants: ozone and PM10. The CAA general conformity rules apply in nonattainment areas; because of this, the proposed project must conform with the State Implementation Plan (SIP) to remedy the air pollution problem.</p> <p>Air quality emissions for OHV use were previously estimated in the 29 Palms Land FEIS. These past estimates are relevant to ongoing OHV use in the project area as this use has continued despite the fact that MAGTFTC now manages some of the area which was formerly part of the Johnson Valley OHV Area (DON 2012, pp. 3.8-1 - 3.8-8). This prior analysis demonstrates that OHV use in the project area is not a new use.</p> <p>The BLM has calculated the estimated direct and indirect emissions from the proposed project including tailpipe and fugitive dust emissions from competition vehicles, vehicles utilized by vendors/other support staff, and vehicles driven by spectators attending the event (BLM 2022a). These emission estimates are below the <i>de minimis</i> thresholds (see Appendix E) established by the Mojave Desert Air Quality Management District (MDAQMD) Rule 2002, General Federal Actions Conformity, which exempts the proposed project from further air quality analysis under the CAA.</p> <p>The event organizer (Hammerking) would be required to take sufficient action necessary to ensure the event continues to meet local, state, and federal CAA requirements. BLM and MAGTFTC would confirm (on an annual basis) the yearly emissions associated with the proposed event to ensure the emissions remain below <i>de minimis</i> thresholds. If the proposed event grows substantially and the total of direct and indirect emissions is projected to exceed <i>de minimis</i> thresholds, the organizer must plan <u>and</u> implement sufficient actions to maintain the overall emissions below <i>de minimis</i> thresholds. Potential air quality control measures available to the event organizer include, but are not limited to, annual limits on the number of competition vehicles, application of water to race routes for dust suppression, and other similar techniques.</p> <p>Based on the foregoing, the proposed project would not result in an</p>

Environmental Element:	Rationale for not Retaining Resource or Issue for Detailed Analysis:
	<p>appreciable increase in air emissions, although localized and minor to air quality impacts would occur. Therefore, the proposed project as described in Section 2.1 complies with MDAQMD Rule 2002. The compliance of any future events would need to be confirmed prior to holding the event.</p>
<p><i>Greenhouse Gasses</i></p>	<p>Greenhouse gas (GHG) emissions for OHV use were previously described in the 29 Palms Land FEIS. These past estimates are relevant to ongoing OHV use in the project area as this use has continued despite the fact that MAGTFTC now manages some of the area what was formerly part of the Johnson Valley OHV Area (DON 2012, pp. 3.8-8 - 3.8-10; 4.8-1; 5-33; 6-23). This prior analysis demonstrates that OHV use in the project area is not a new use.</p> <p>Based on BLM estimates (BLM 2022a) with a projected annual growth rate of 4.16%, the proposed project would generate up to 58.6 metric tons of CO₂ equivalent (CO₂e) or 0.000059 MMT (million metric tons) by 2027. For comparison, the proposed project would contribute up to an additional approximately 0.000001% of all California CO₂e emissions and 0.00001% of all U.S. CO₂e emissions (see Appendix E).</p> <p>GHG emissions from the proposed project would thus contribute incrementally to documented ongoing and reasonably foreseeable climate-related effects. However, the potential effects of GHG emissions are inherently global and cumulative in nature, as individual sources of GHG emissions are not large enough to have an appreciable effect on climate change. Thus, measures to reduce the adverse effects of climate change from the use of mobile sources are best addressed at the state or national level, as recently articulated in Executive Order 14008, <i>Tackling the Climate Crisis at Home and Abroad</i>.</p> <p>Based on the foregoing, the proposed project would not result in an appreciable increase in global GHG emissions; therefore, no further analysis is warranted for GHG emissions under NEPA.</p>
<p><i>Areas of Critical Environmental Concern (ACEC)</i></p>	<p>Soggy Dry Lake Creosote Ring ACEC is fenced and located adjacent to and outside of the Johnson Valley OHV Recreation Area. The proposed race event would not affect the relevant and important values of this ACEC. The racecourse will be adjacent to the Upper Johnson Valley Yucca Rings ACEC but will not cross it; therefore, the event would not impact these unique vegetation assemblages (BLM 1980). ACECs are a BLM designation that does not correspond to any designation within the Combat Center or its EMUA (MAGTFTC 2019). Therefore, the alternatives would comply with the CDCA Plan (BLM 1980).</p>

Environmental Element:	Rationale for not Retaining Resource or Issue for Detailed Analysis:
<i>Environmental Justice</i>	<p>The project area does not have a notable presence of minority or low-income populations warranting a detailed analysis under NEPA or Executive Order 12898, as explained below.</p> <p>Although populations exist near the project area, the potential effects from the alternatives would not disproportionately affect minority or low-income populations. Within the project area and vicinity (1 mile buffer), based on 2010 Census data, approximately 70% of the population is classified as “white alone,” approximately 30% of the population are classified as “people of color,” and 22% are classified as Hispanic. Of the people of color, only 7% are clearly identified as a minority population, as defined by CEQ (American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic) (CEQ 1997) (USEPA 2022a). Based on 2015-2019 American Community Survey Data, approximately 88% of the population are classified as “white” and approximately 22% are classified as Hispanic. Only 6% of the population are clearly identified as a minority population (USEPA 2022b).</p> <p>The USEPA indicates that the project area and vicinity (1 mile buffer) has a low income population of 74% (USEPA 2022c). Because the area reviewed was overestimated in size and contains undeveloped public lands, with the Combat Center to the east and wilderness to the north, further review of actual Census data was conducted for the closest affected areas. Census data indicates that the percent of the population living in poverty in Yucca Valley and Lucerne Valley are 22% and 34%, respectively (U.S. Census Bureau 2016-2020).</p> <p>Therefore, the alternatives would comply with EO 12898, <i>Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</i> and no further analysis is required under NEPA.</p>
<i>Essential Fish Habitat</i>	<p>There is no essential fish habitat in the project area on BLM lands or the Shared Use Area (BLM 2006). There are no active perennial springs located within the Combat Center. No documentation exists of native fish species occurring at any location. The introduced mosquitofish (<i>Gambusia affinis</i>) occurs in some of the manmade treatment ponds; however, no other native, introduced, or non-native fish species occur on the installation (MAGTFTC 2019). Therefore, the alternatives would not require analysis or consultation under the Magnuson–Stevens Fishery Conservation and Management Act.</p>
<i>Farmlands, Prime or Unique</i>	<p>There are no prime or unique farmlands in the project area on BLM lands, the Shared Use Area, or the Combat Center (USDA NRCS 2022).</p>
<i>Floodplains</i>	<p>There are no floodplains in the project area on BLM lands or the Shared Use Area (NOAA 2022). A 100-year floodplain report was completed for Deadman and Mesquite playa lakes in 1997 (Combat Center INRMP), but these areas would not be affected by the alternatives. No floodplains have been formally documented in the Combat Center’s EMUA, but floodwater is typically transported via desert washes. As discussed in Sections 1.5 and 3.5</p>

Environmental Element:	Rationale for not Retaining Resource or Issue for Detailed Analysis:
	(Water Quality), desert washes that seasonally support plant and animal species have been removed from consideration under Alternatives 1 and 3. Therefore, the alternatives would comply with EO 13690, Floodplain Management.
<i>Invasive, Non-native Species</i>	<p>Although invasive, non-native species may occur within the proposed project area on BLM lands or the Shared Use Area, the proposed project would operate within already-disturbed areas within the Open Use Area which have experienced high levels of OHV usage for decades. Given this context, continued use of this area would not be likely to cause or promote the introduction, establishment, or spread of invasive species.</p> <p>Invasive plant species exist within the Combat Center, but only a small infestation of Russian thistle is currently documented in the EMUA. Species with potential to occur include Sahara mustard, cheatgrass, tumble mustard, London rocket, puncturevine, Russian thistle, salt cedar, and smallflower tamarisk. MAGTFTC is currently preparing a NEPA document to analyze treatment of known and future invasive plant species infestations within the Combat Center (see Section 3.7). This would include any infestations cause or spread by OHV use in the EMUA and, if the area is under MAGTFTC management when treatment is planned, the Shared Use Area.</p> <p>Therefore, the alternatives would comply with EO 13112, Invasive Species, EO 13751, Safeguarding the Nation from the Impacts of Invasive Species.</p>
<i>Land Use Authorizations</i>	Electric transmission lines traverse the northern portion of Johnson Valley OHV Recreation Area. While the proposed racecourse crosses beneath these lines, the event would have no impacts to their operations. Therefore, the alternatives would not interfere with pre-existing rights and authorizations.
<i>Lands With Wilderness Characteristics</i>	There are no lands with Wilderness Characteristics located in the project area. This land classification does not exist within the Combat Center (MAGTFTC 2019).
<i>Livestock Grazing</i>	The proposed racecourse would cross the active Ord Mountain Allotment; however, due to low stocking levels and a lack of livestock water in the vicinity of the overlap, few or no interactions between livestock and participants or spectators in the KOH event are anticipated. The BLM is not aware of any livestock conflicts which have been attributed to previous KOH events. Therefore, the alternatives would not be expected to interfere with pre-existing rights and authorizations.
<i>Minerals</i>	There are no active mine claims in the Johnson Valley OHV Recreation Area. Therefore, the alternatives would not interfere with pre-existing rights and authorizations and requirements.
<i>National Landscape Conservation</i>	The project vicinity does not contain NLCS lands. No impacts to wilderness would occur from the use of EMUA routes, as they would not direct OHV traffic into any NLCS lands, including adjacent wilderness (see Figure 5).

Environmental Element:	Rationale for not Retaining Resource or Issue for Detailed Analysis:
<i>System (NLCS) Units</i>	Therefore, the alternatives would comply with the federal statutes and proclamations applicable to NLCS lands.
<i>Paleontological Resources</i>	The alluvial sediments in the OHV area have the potential to contain significant fossil remains, but it is difficult to predict whether fossils would be found at any particular location based on the results of a paleontological survey that included Galway Lake TA and portions of Bessemer Mine TA (Wagner 2004; DON 2012, p. 4.12-8). No known fossil remains would be impacted by the proposed project. All alternatives propose vehicle use on previously disturbed areas and routes and therefore would not be expected to affect unknown fossils remains.
<i>Socioeconomics</i>	Recreation users of the Johnson Valley area contribute to the economic spending in the local area and broader economic region (Apple Valley, Barstow, Lucerne Valley, Landers / Johnson Valley, Twentynine Palms, Victorville, and Yucca Valley (DON 2012, pp. 3.3-11 - 3.3-16). The proposed event would bring an influx of up to 50,000 people to the area over the duration of the event. While this would bring a short-term increase in spending to the local area, it would not change the overall trends in population demographics, business activity, employment and income for the communities in the broader economic region.
<i>Travel Management</i>	Johnson Valley OHV Recreation Area has been designated as an OHV open area (BLM 1980). The proposed race event is in conformance with this designation. Therefore, the alternatives would comply with the CDCA Plan (BLM 1980).
<i>Visual Resources</i>	Overall scenic quality was determined to be medium to low in the 1992 Johnson Valley OHV Area Management Plan because of the man-made intrusions including OHV trails and heavily used staging areas (BLM 1992 p. 122). The plan designated the OHV area as VRM class II, III, and IV. Human activities and signs of land usage and disturbance (e.g., vehicles, dust clouds, etc.) are a common occurrence in the OHV area. The proposed race event would create short-term dust clouds during race times and night-time lighting of specific portions of the racecourse, but these impacts would not visually contrast or dominate the existing visual condition. Combat Center does not manage for visual resources like the BLM, however, there would not be any new visual impact within the EMUA that would require detailed NEPA analysis; the alternatives anticipate OHV vehicle use of the same routes used for military vehicles. Fugitive dust would be managed as discussed under Air and Atmospheric Values. Therefore, the alternatives would comply with the CDCA Plan (BLM 1980).
<i>Wetlands / Riparian Zones</i>	There are no wetlands or riparian zones in the project area on BLM lands or the Shared Use Area. Riparian systems exist within the Combat Center to include desert riparian, desert wash with ephemeral flows, springs and seeps, dry lake beds (playas), perennial wet areas, ponds and riparian areas (MAGTFTC 2019). Prevalence of these systems is low (0.5% to 4% of land)

Environmental Element:	Rationale for not Retaining Resource or Issue for Detailed Analysis:
	but these systems support many species. MAGTFTC modified the proposed routes to avoid impacts to wash habitats in the EMUA. There are no jurisdictional wetlands located in the Combat Center and regulated under the Clean Water Act (CWA) per a recent U.S. Army Corps of Engineers jurisdictional determination (USACE 2018). Therefore, the alternatives would comply with the CWA and EO 11990 Protection of Wetlands.
<i>Wild Horses and Burros</i>	No wild horse and burro management units occur in the project area on BLM lands or the Shared Use Area. This management designation is not applicable to the Combat Center EMUA. Therefore, the alternatives would comply with the Wild Free-Roaming Horses and Burros Act.

1.6 Public Participation

This EA was posted on the BLM National NEPA Register at <http://eplanning.blm.gov> on October 11, 2022, initiating a 30-day public comment period running through November 11, 2022. To supplement BLM's efforts, MAGTFTC provided an electronic public notice to its stakeholder list, including: regulatory agencies, interested public, Native American tribes and government.

Several public comments were received on the EA and unsigned FONSI. The BLM and MAGTFTC have reviewed and considered all substantive comments. Where appropriate, the agencies have revised these documents in response to public comment. A summary of substantive public comments and of the changes made to the EA is presented in Appendix F.

2 Proposed Action and Alternatives

2.1 Alternative 1: Proposed Action

Under the Proposed Action, BLM would issue a five-year SRP and a Land Use Permit to Hammerking to conduct the King of the Hammers Race Event on public lands and Department of Defense land near Barstow, CA. The event would generally begin in late January and run approximately two weeks into early February but could occur anytime in January and February. The Land Use Permit would include authorization for commercial filming activities associated with the race event; and the construction, operation, and removal of the short course (start/finish) area. In support of the BLM permits, the Department of the Navy would issue a five-year license that would allow for limited entry and use of existing routes in the Combat Center's EMUA. Subject to future military needs, and changes in legal requirements, Hammerking could potentially use any of the routes within the EMUA over the next five years. Hammerking would submit advance requests to MAGTFTC at least 90 days in advance of each annual event. Current Combat Center limitations and requirements are discussed below and summarized in Appendix D.

The event would include up to approximately 500-600 competitors, 100-150 vendors, 50-80 non-vending sponsors, and 200-500 event staff who would generally camp on site in recreational vehicles for the duration of the event. Spectators could number up to 50,000 and would not generally camp at the event but would attend specific races during the day. Some small groups of spectators may camp near Hammertown. The majority, if not all, participants and spectators camp in recreational vehicles (motorhomes and trailers). The event would be conducted according to the stipulations identified in Appendix B and include the California Desert District Standard Special Recreation Permit (CDDSSRP) Stipulations. The short course and commercial filming activities will be conducted

according to the stipulations identified in Appendix C. There is no general public access, no spectator access, and no camping allowed in the Combat Center's EMUA (see Appendix D).

The short course area, vendor area, main pit area, and camping area would be located on approximately 1,300 acres on the north side of Means Dry Lake (referred to as Hammertown) (Figure 4). Temporary structures (tents, stages, video display unit, fencing, etc.) would be erected and participants assigned a camping/garage area within the Hammertown complex. Sanitation would be provided by 50 portable restrooms with adjacent hand wash stations to be serviced twice daily and six roll-off dumpsters and trash can service. There would be no commercial fueling facilities onsite; fueling would be for the race vehicles only and be done by the individual race teams. Such facilities and/or activities would not be permitted in the Combat Center's EMUA.

The short course area would include a 50-foot wide by 1200-foot-long dirt course on the edge of Hammertown that extends for 600 feet on either side of the start/finish line (Figure 4). This course directs the racers through the Hammertown area and slows their speeds near spectators through the use of earthen bumps. It would be fenced off from spectator areas with bicycle fence, lined with sponsor flags, and have the start/finish scaffolding in place; the area would be accessible to event staff, competitors, and media personnel. The short course would be graded by a bulldozer to smooth the track and utilize existing soil to bank the corner approaching the start/finish line and construct one or two bumps on approximately two acres. The dozer would be stored in this area to maintain the track daily during the race event. The short course would be smoothed to match the surrounding terrain at the end of the event. BLM would issue a Land Use Permit for this ground disturbance. Any fueling, lubing, or maintenance of the dozer would be conducted following the CDDSSRP Stipulations for Fuel and Fluid Management.

Hammertown would include a vendor area where vendors would be assigned specific locations through Hammerking. These vendors would be selling products (e.g., hats, t-shirts, food, etc.) and services (e.g., welding, wifi access, recreation vehicle pump-out services, etc.) to competitors, spectators, and other event participants.

Races would be held throughout the week for the different types of OHVs. The races would occur during daylight hours with the exception of the King of the Hammers event that runs as late as 10:00pm. Light towers would be used in the stop check areas, including the start/finish line, and road crossings after dark. The majority of the physical racecourse (first lap) would be closed at 6:00pm (dusk). Qualifying, technical checks, pre-running on the course, and mandatory driver's meetings would occur the day before each race. Within the Combat Center's EMUA, all drivers (including competitors and event staff) must remain within the boundaries of the marked routes, generally 16-foot wide (DON 2012); off-route use is not allowed (see Appendix D).

Event staff would be stationed along the racecourse, at check points, and in the pit areas to monitor the participants' progress, confirm course readiness before a race can begin, and provide for safety at road crossings. Event staff would also be stationed at the designated spectator areas as well as areas known to be frequented to ensure compliance with spectator safety measures. Within the Combat Center's EMUA, event staff would be required to stay within the boundaries of the marked routes.

For each annual event, Hammerking would be able to use any of the existing routes within the Shared Use Area and BLM-managed public lands within the closure area (Figure 2). A small portion of the event (OHV rock crawling) would occur outside existing routes, but within areas of existing OHV use. Approximately 39 miles of the race route would occur within the Combat Center's EMUA (Figure 5). During final route planning each year, Hammerking would be required to request specific route access from MAGTFTC as explained in Appendix D. All other facilities and activities associated with the race events would be located on BLM public lands or the Shared Use Area when BLM has

management control.

Spectators would be allowed to view the race from three to five spectator areas, the primary areas being, Backdoor, Chocolate Thunder, and Jack Hammer in addition to the main camp (Hammertown). Spectators, including the media, would be issued a wristband at the Welcome Gate and Main Camp Information Booth after signing a waiver sheet and receiving safety and spectator management information. Only individuals with wristbands would be permitted into the Backdoor canyon spectator area to ensure they have received the safety materials. Setbacks from the racecourse – delineated by bicycle fence or flagging, would be 150 feet in high-speed areas and less where natural topography and speed of cars mitigate risk. Spectators are not authorized to enter the Combat Center's EMUA for any portion of the event, including non-race days (see Appendix D).

Emergency operations would be a coordinated effort between the event Medical Director, rescue and ambulance services, San Bernardino County Search and Rescue, San Bernardino Fire, and MAGTFTC (if emergency is within the Combat Center), during competition hours. Only helicopter use for emergency services (medical/law enforcement) would be permitted under the SRP. Two local hospitals (Yucca Valley and Apple Valley) would be notified of the race event and possible need for assistance. An ALS paramedic would be on-site 24/7 for the duration of the event to manage spectator emergencies. Speedway Fire and Rescue would manage fire staffing and provide a cut truck and fire suppression for the garage area, vendor area, and main pits in Hammertown.

Commercial filming of the races would be conducted by both ground-based and aerial cameras mounted on no more than two helicopters, and the use of no more than two unmanned drones. The BLM would issue a Commercial Filming Permit to Hammerking for this activity for airspace above BLM-managed lands. Aerial footage would be filmed in such a way that the helicopter would not fly over areas open to spectators. The landing zone(s) and refueling of the helicopter would take place on privately owned property. An additional Landing Zone on BLM has been identified for short term use for administration of the race events. Aerial operations including use of Landing Zone on BLM and any flight operations will be consistent with Federal Aviation Administration (FAA) regulations. Use of drones in the airspace above the Combat Center is limited as explained in Appendix D.

Ground-based filming would use shoulder-held cameras, as well as tripods and vehicles such as OHVs and 4-wheel drives. The filming crew also utilizes a production trailer in the race area with a view of the short course. All commercial filming activities are staged from the production trailer. Only race car drivers are allowed in the EMUA for specific races; no media is allowed to enter the EMUA (see Appendix D).

Based on future confirmation analyses to be conducted by BLM and MAGTFTC, the event organizer (Hammerking) would be required to take sufficient action necessary to ensure the event continues to meet local, state, and federal Clean Air Act requirements. Potential air quality control measures available to the event organizer include, but are not limited to, annual limits on the number of competition vehicles, application of water to race routes for dust suppression, and other similar techniques.

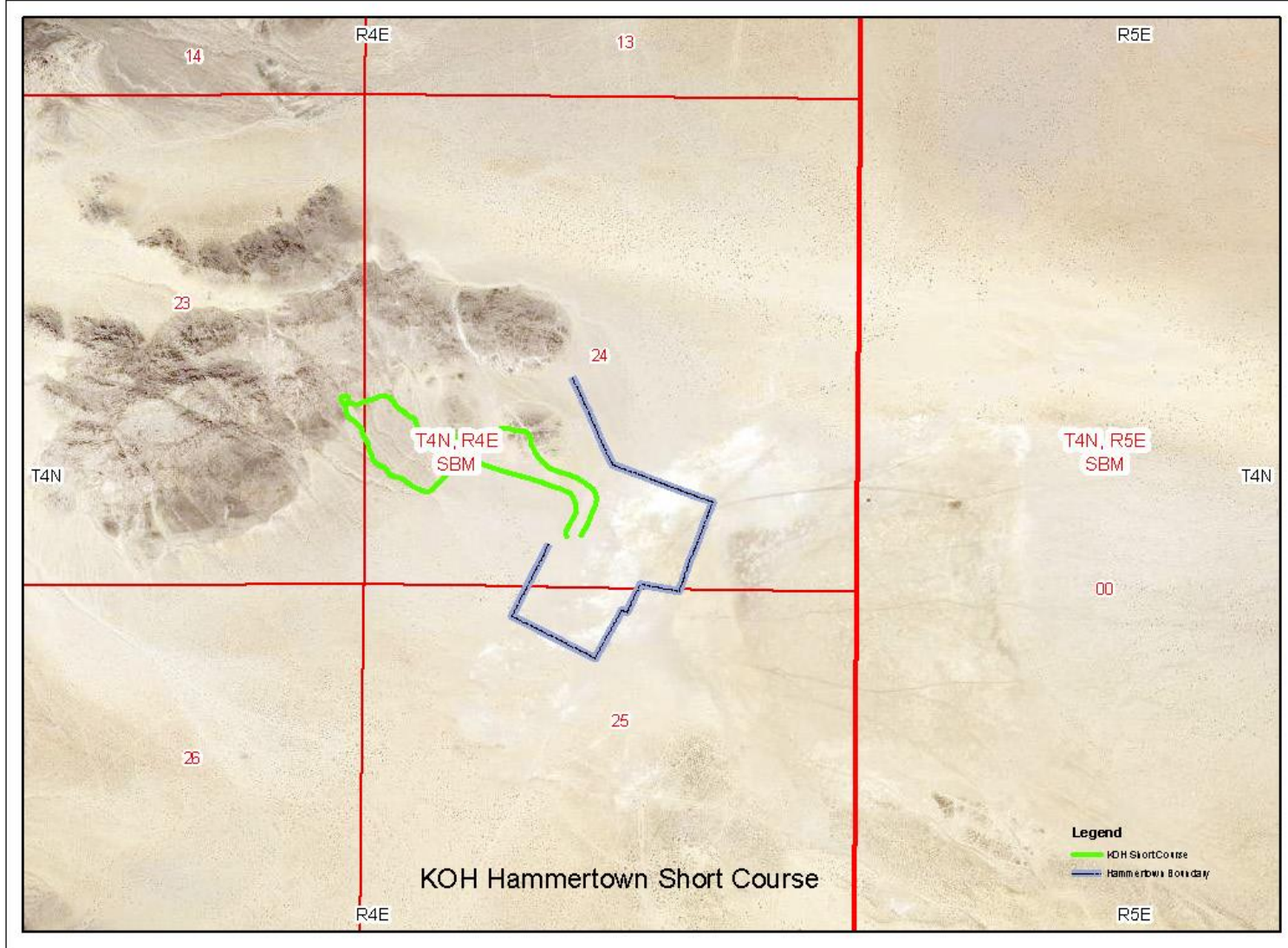


Figure 4. Short Course and Hammertown Layout within the Closure Area.

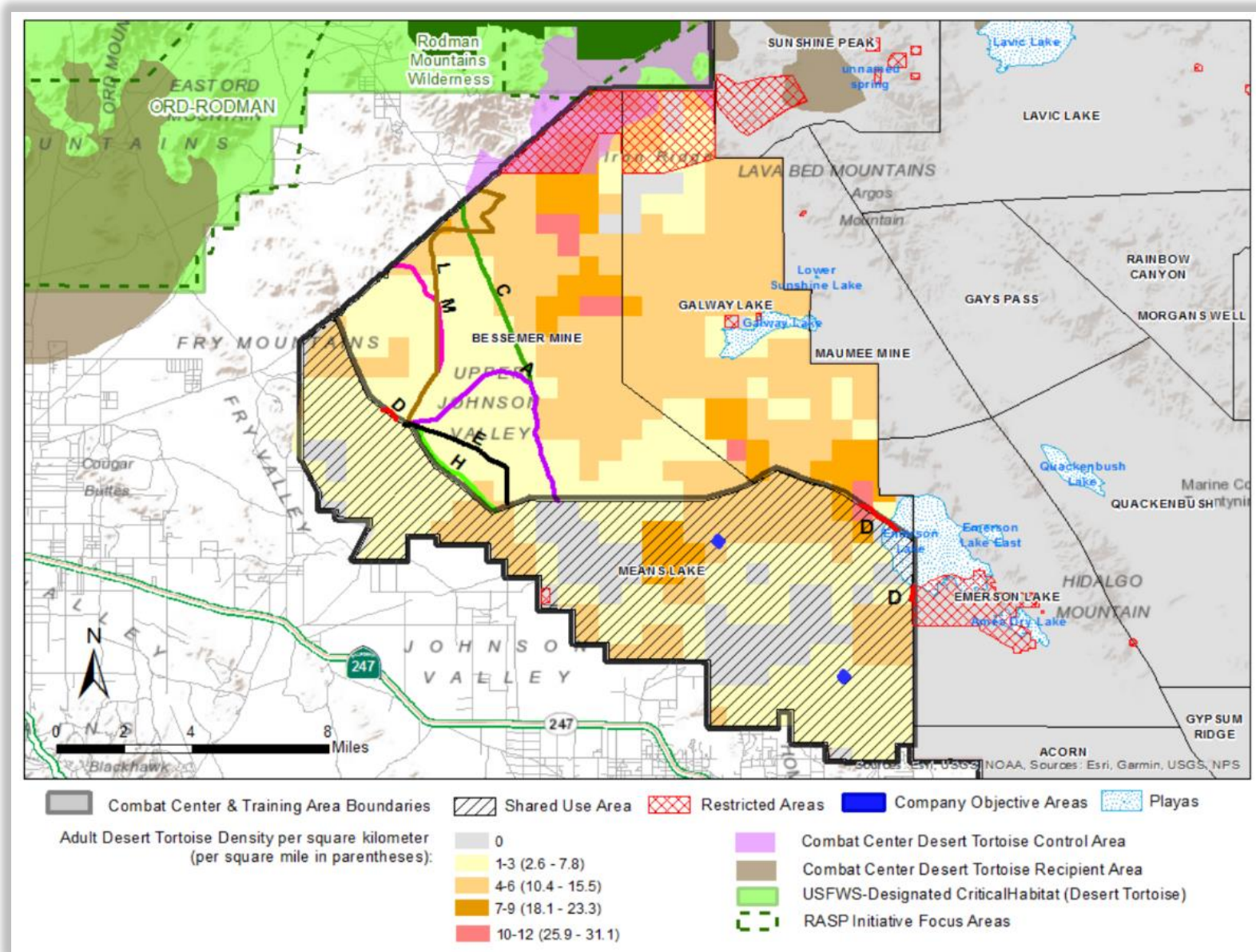


Figure 5. King of the Hammers Proposed Routes in the EMUA with Additional Information regarding Desert Tortoise Density.

2.2 Alternative 2: No Action

Under this alternative the SRP and Land Use Permit would not be issued. Hammerking would not be authorized to hold the King of the Hammers race event on BLM lands identified in the Proposed Action description.

The Combat Center's EMUA would not be used, a Department of Navy license would not be granted to Hammerking and the Combat Center INRMP would not be amended to allow for limited OHV use of existing EMUA routes.

2.3 Alternative 3: Closed Course

In this alternative, the BLM would issue the permits and the event would be conducted as described in the Proposed Action; additionally, to further address public safety as one of the factors required under 43 CFR 2932.26 in evaluating SRP applications, the BLM would issue a Temporary Land Closure which would close approximately 71,065 acres of the Johnson Valley OHV Recreation Area where the King of the Hammers event would take place. This closure would restrict all public use for the duration of the event. The BLM would post the dates for King of the Hammers, the dates of the temporary closures, and a map of the closure area at the main entry points into the Johnson Valley Off-Highway Vehicle Recreation Area; at the California Desert District Office; at the Barstow Field Office; and on the BLM website at least 30 days prior to each annual closure order.

This closure would increase public safety by reducing the possibility of interactions between racing competitors and casual recreationists. Signs would be posted on roads that access the closed area to notify the public of the closure. The temporary closure area is anticipated to change annually to accommodate the annual changes of the designated racecourses and spectator areas. At least three of the staging areas within the Johnson Valley OHV Recreation Area will remain open to the public every weekend throughout the temporary closure period.

Closure restrictions would not apply to medical and rescue personnel in the performance of their official duties; official United States military and federal, state, and local law enforcement; Federal, state and local officers and employees in the performance of their official duties; King of the Hammers event officials, race participants and registered spectators; and vendors with a valid BLM SRP.

2.4 Alternative 4: Avoid Combat Center EMUA

This alternative is the same as Alternative 1 except that the Combat Center's EMUA would not be used, a Department of Navy license would not be granted to Hammerking and the Combat Center INRMP would not be amended to allow for limited OHV use of existing EMUA routes.

This alternative would allow the BLM to continue analyzing the proposed project in the event that MAGTFTC cannot authorize use of the EMUA in time for the 2023 event. MAGTFTC could still adopt this EA at a future time. Additionally, this alternative recognizes the general availability of BLM-managed public lands surrounding the Combat Center, that the main function of the EMUA is to be used for military training, and changes in circumstance since the 2012 FEIS. The Department of the Navy adopted mitigation measure REC-2 in 2013 when the Johnson Valley OHV Area was smaller. The Johnson Valley OHV areas was recently expanded in 2019 (see Section 1.1).

2.5 Alternatives Considered but Eliminated from Detailed Analysis

An alternative to limit the number of event spectators was also considered. This alternative was developed to respond to the issues of environmental and health-related impacts from concentrating individuals, vehicles, and equipment in Hammertown and the spectator areas. This alternative was not analyzed in detail because a carrying-capacity for the Johnson Valley OHV Recreation Area, in general, and the King of the Hammers racecourse and Hammertown area, specifically, has not been allocated in any BLM land use plan. The information contained in this EA indicates that there is no immediate need to limit the capacity of the proposed King of the Hammers race events over the next five years.

Another alternative considered was to temporarily close the event area only during the actual times the races were being conducted. The area, including Hammertown, would be open to the general public throughout the remaining King of the Hammers event week. This alternative was not analyzed in detail because closure of the racecourse and spectator areas, including Hammertown, during the actual race times would be infeasible due to the complexity in coordinating and implementing numerous closures and re-openings each day for the duration of the event; this alternative would also be expected to achieve in similar effects as described in Alternative 3.

3 Affected Environment and Environmental Effects

Potential effects of the Alternatives are discussed in detail in Sections 3.1 to 3.7. To the extent potential indirect effects were identified, they would be expressly discussed, otherwise, all effects are considered direct effects. Although NEPA analyses aim to distinguish between direct and indirect effects, most effects are direct. Indirect effects are those further removed but foreseeable and likely to occur, with a common example being growth inducing effects (40 CFR 1508.8(b)). For this EA, the effects of past actions are considered part of the affected environment (CEQ 2005). A summary of potential effects is provided in Table 1. Cumulative Impacts are evaluated in Section 3.7. Other resources considered but not carried forward for detailed analysis were discussed in Section 1.5.1.

Table 1 – Summary of Environmental Effects

Resources	BLM Land / Shared Use Area	Combat Center EMUA
Biological Resources	<p>Potential impacts to biological resources would be avoided and/or minimized under all Action Alts. because the event would operate on pre-existing routes, trails, and disturbed areas that have been used for previous events. Before construction of temporary earthworks, a USFWS Authorized Biologist must inspect those areas for tortoise and tortoise burrows; burrows will be flagged and avoided and BLM or race officials would halt earthwork and consult USFWS for guidance.</p> <p>No impacts: Alt. 2.</p>	<p>Potential impacts to biological resources would be minimized due to a) racecourses positioned in areas of low tortoise density, b) racers and event staff limited to using courses that are existing military main and secondary supply routes that have also been used in previous events and, c) USMC implementing proposed conservation measures (Appendix D: pre- and post-race surveys, and daily, on-site presence of USMC staff [Conservation Law Enforcement Officer or USFWS Authorized Biologist] to respond to any observed tortoise).</p> <p>No Impacts: Alts. 2 & 4.</p>

Resources	BLM Land / Shared Use Area	Combat Center EMUA
Cultural Resources	Under all Alternatives, no anticipated impacts to known Eligible or Potentially Eligible cultural resources. The event would operate on pre-existing routes, trails, and disturbed areas that have been used for previous events.	Use of existing routes would not result in new or increased adverse effects to cultural resources. New effects to the historic site along the portion of Route D within the EMUA would be avoided by the proposed site protection measures in Appendix D. No Impacts: Alts. 2 & 4.
Recreation and Safety	Potential impacts to recreation would be avoided and/or minimized under all Action Alts. Temporary impacts to non-event-related recreation opportunities would increase under Alt. 3 for the duration of the event, but the closure order may increase overall safety. Under Alt. 2, recreation opportunities unrelated to the proposed KOH event would remain at background levels, but recreationists would forego recreation opportunities within the KOH event.	MAGFTC would allow limited public use in the EMUA, temporarily increasing public recreation in the Combat Center for the duration of the event. While MAGFTC would make efforts to ensure the race routes in the EMUA authorized each year are safe for use (e.g. unexploded ordnance clearance survey), the public assumes the risk of injury from entering the EMUA (active live fire training area). No Impacts: Alts. 2 & 4.
Soil Resources	Potential impacts to soil resources would be avoided and/or minimized under all Action Alts. because the event utilizes areas that have already been disturbed by decades of OHV activity, including both casual recreational OHV uses and previous organized events. Events such as this have not created any discernible lasting effects to soil resources beyond those sustained by casual recreational use. No impacts: Alt. 2.	Proposed routes modified, as discussed in Section 1.5, to allow use of only existing routes, avoiding new soil disturbance. No Impacts: Alts. 2 & 4.
Water Quality	Potential impacts to water quality would be avoided and/or minimized under all Action Alts. by standard SRP stipulations. No impacts: Alt. 2.	Proposed routes modified, as discussed in Section 1.5, to allow use of only existing routes; avoiding desert washes that support wildlife and vegetation communities. No Impacts: Alts. 2 & 4.
Wastes, Hazardous or Solid	Potential impacts from hazardous or solid wastes would be avoided and/or minimized under all Action Alts. by standard SRP stipulations. No impacts: Alt. 2.	MAGFTC requires the Proposed Action to incorporate prevention and response requirements for accidental spills within the EMUA per Appendix D. No solid waste would be generated or deposited within the EMUA as the majority of the event activities would occur on BLM-managed land. No Impacts: Alts. 2 & 4.

3.1 Biological Resources

3.1.1 Affected Environment

BLM Lands and Shared Use Area

Biological resources in the south-central Mojave region as well as in the Johnson Valley OHV Recreation Area were described in detail the 29 Palms FEIS (DON 2012). The information on the biological resources presented in the FEIS provides an accurate accounting of the plant communities, ecosystems, and wildlife, including special status species that are or may be present in Johnson Valley OHV Recreation Area (West Study Area in the FEIS). The Johnson Valley OHV Recreation Area is located in a Mojave Desert region; it transitions from the Great Basin Desert to the north and the Colorado Desert to the south and east. Regional wildlife habitats are defined by distinct landscape features such as alluvial fans and basins, braided washes, rock outcrops, cliffs, caves and mineshafts, sand dunes and fields, springs, and seeps; all contribute to the diversity and abundance of wildlife. The vast majority of the ecosystems in the area include creosote bush and bursage scrub as the dominant vegetation; however, this area is known to contain yucca woodlands, saltbush scrub, and black bush scrub. Several of the playas in the area have been degraded due to OHV activity and/or their use as filming locations.

Three federal special status species are known or have the potential to occur in the Johnson Valley OHV Recreation Area: desert tortoise, Mojave fringe-toed lizard, burrowing owl. Consistent with the BLM's multiple-use mandate from FLPMA, the BLM manages federal lands to conserve and/or recover special status species and the ecosystems upon which they depend so that ESA protections are no longer needed for the species (BLM 2008b). The desert tortoise has seen an overall population decline across its range which may be a result of climate change, large-scale natural events (e.g., drought, wildfire), stochastic variability in wildlife and plant populations, and other external factors beyond the realm of local land management agencies (Allison and McLuckie 2018), despite active management efforts.

Additional detail on the desert tortoise, Mojave fringe-toed lizard, and burrowing owl is provided in the Combat Center EMUA discussion below. The portions of the 29 Palms FEIS that describe the current condition of biological resources in Johnson Valley OHV Recreation Area are incorporated here by reference (DON 2012, pp. 3.10-4 - 3.10-45).

Combat Center EMUA

The majority of the Combat Center is comprised of creosote vegetation (88 percent) with Creosote bush and white bursage the dominant species. A total of 142 vertebrate wildlife species (54 birds, 38 reptiles, and 50 mammals) are possible for this ecosystem type. A small portion of the Combat Center supports riparian ecosystems (e.g., playas, desert washes, etc.), approximately 6.4 percent, but this ecosystem type is critical to many plant and animal species and processes sustaining ecosystem diversity, integrity and resilience (MAGTFTC 2019).

Despite the variety of biological resources that occur in the Combat Center, as discussed in the INRMP (MAGTFTC 2019), plant and animal species do not normally occur in the middle of existing routes, although some could traverse routes within the project area (Figure 5). Within Restricted Areas designated for desert tortoise protection (e.g., Bessemer Mine, Galway Lake and Sunshine Peak) (Figure 5), ground disturbance is generally not allowed. Thus, the focus of this section is on the relevant special status species that could occur in the EMUA, project area, or affected by the proposed action (e.g., OHV use), namely: desert tortoise, golden eagles, burrowing owl, Mojave fringe-toed lizard (see DON 2012 and DON-USMC 2018b). Of these, the desert tortoise and the

golden eagle have federal protection under the ESA and Bald and Golden Eagle Protection Act (BGEPA), respectively. No federally or state-listed plant species occur on the Combat Center.

Relevant species are based on federally-protected status and BLM's scope of relevant species listed in the prior section. There is no need to discuss any and all potential species that may occur in the EMUA, as listed in the INRMP cited above, including state protected species. This is because the majority of potential impacts from the Proposed Action would occur outside of the Combat Center and the potential within the EMUA would be limited to the prisms of existing routes, with the same findings for any species that traverses the routes. Thus, focusing on the species with the highest amount of protection (e.g., ESA) suffices for the limited scope of the Proposed Action that could occur within the Combat Center. With regard to the desert tortoise, MAGTFTC complies with the federal ESA and not the California Endangered Species Act (CESA).

- Desert Tortoise. The desert tortoise was listed as threatened by the State of California in 1989, and the Mojave Desert population (all tortoises north and west of the Colorado River in Arizona, Utah, Nevada, and California), now known as Agassiz's desert tortoise, was federally listed as threatened by the USFWS in 1990. The decline in desert tortoise numbers is thought to be due to a number of causes, including loss of habitat, upper respiratory tract disease, predation by common ravens on young tortoises, off-highway vehicle use, livestock grazing, the spread of invasive plant species, and direct disturbance and collection by humans. Desert tortoises on the Combat Center occur predominantly in creosote scrub habitat at elevations below 4,300 feet above mean sea level (MAGTFTC 2019). The desert tortoise spends much of the year underground to avoid extreme temperatures during summer and winter. It constructs and maintains burrows, of which there may be several within an individual's home range. The desert tortoise is active above ground during the spring, summer, and autumn when daytime temperatures are below 90 degrees Fahrenheit. Most activity occurs during spring and early summer. The Combat Center is within the southern Mojave subdivision of the Western Recovery Unit for the desert tortoise. The Combat Center contains no designated critical habitat. However, it shares a 6-mile boundary with the Ord-Rodman Critical Habitat Unit to the northwest. On the Combat Center, the highest desert tortoise densities (ca. 50 per square mile) are found at elevations between 2,300 and 2,950 feet above mean sea level. The second highest densities (21-50 per square mile) occur at elevations between 1,970 and 3,610 feet above mean sea level. Areas containing bedrock outcrop, lava flow, and dry lake are not preferred habitat, so the biological resources sensitivity (including the desert tortoise density) should be low (DON-USMC 2018b).
- Golden Eagle. The golden eagle is protected under the Bald and Golden Eagle Protection Act, is a USFWS Bird of Conservation Concern, and a California fully protected species. Golden eagles require relatively inaccessible cliff dwellings in steep, rugged terrain (e.g., Lava Bed Mountains to the northwest, Bullion Mountains through the center and to the southeast, and Hidalgo Mountain). In 2013, 11 golden eagles were observed between 15 March and 28 June 2011, including three in Quackenbush, two in Noble Pass, and one each in Sunshine Peak, Maumee Mine, Gypsum Ridge, Blacktop, West, and Bullion training areas. Golden eagle surveys conducted in 2012 and 2013 found that golden eagle nesting activity was concentrated in the west-northwest area of the Combat Center; no nesting was documented in the eastern portions (DON-USMC 2018b).
- Burrowing Owl. The burrowing owl is a California species of special concern and lives in dry, open areas with short grass and no trees. Found on golf courses, cemeteries, airports, vacant lots, university campuses, pastures, and prairie dog towns, burrowing owl populations are declining in many areas. Collisions with cars are a major source of mortality, but human activities have increased the species' range in some areas (DON-USMC 2018b).

- Mojave Fringe-Toed Lizard. The Mojave fringe-toed lizard, a California species of concern, is restricted to areas containing fine wind-blown sand, including dunes, the margins of dry lakebeds, flats with sandy hummocks formed around the bases of vegetation, desert washes, and hillsides. Their habitat ranges from 300 to 3,000 feet in elevation. The largest areas on the Combat Center occupied by Mojave fringe-toed lizards are in the Emerson Lake and Acorn Training Areas; smaller occupied areas occur in the central Lavic Lake, southeastern Quackenbush, northeastern Gypsum Ridge, eastern West, southeastern Delta, northern Lead Mountain, and central East Training Areas. This species is vulnerable to off-road vehicle activity and the establishment of windbreaks that affect how windblown sand is deposited (DON-USMC 2018b).

Based on a review of available data and a field survey of some of the proposed routes conducted in spring 2022, it was determined: golden eagle nests are located in the vicinity of the proposed routes; desert tortoises and lizards may transit across the proposed routes; and burrowing owls are not located within or near the proposed routes. Further review of available data confirms that Route D would not enter a high-density desert tortoise area. A portion of Route L bisects the Combat Center's desert tortoise control site (see Figure 5).

3.1.2 Environmental Consequences

Alternative 1: Proposed Action

BLM Lands and Shared Use Area

The Johnson Valley OHV Area has been open to extensive OHV use since its designation in 1980. The open nature of the area has resulted in the loss of forage and fragmentation of habitat for desert tortoise, as well as impacts to Mojave fringe-toed lizard and burrowing owl habitat. In addition to the open use of the area during the event, the proposed action has the potential to further degrade habitat for these species by concentrating the use of the event area with an additional 500-600 competitors, vendors, event staff and up to 50,000 spectators. Potential impacts to habitat will be minimized because the event would operate on pre-existing routes, trails, and disturbed areas that have been used for previous events.

The proposed event may have the potential to result in mortality or disturbance to desert tortoise, Mojave fringe-toed lizard, and burrowing owl caused by conflicts with motor vehicles (e.g., collision/crushing) noise, lighting, handling by event participants, and other human caused disturbance. These impacts would be minimized through the timing of the event being during a period in which desert tortoise and Mojave fringe-toed lizard are inactive and likely to be below ground, and outside of the breeding season for burrowing owl. However, there is a risk that vehicles may collapse tortoise and lizard burrows, which could entrap and kill tortoises and Mojave fringe-toed lizards. In addition, there are stipulations requiring event participants and spectators to receive educational materials regarding the protection of desert tortoise and penalties for non-compliance.

Regarding ESA compliance, the potential effects to the desert tortoise from use of the JV OHV area would be within the scope of the 1991 biological opinion (BO) (USFWS 1991) which covered the JV OHV area. The estimated annual take rate in the JV OHV area due to OHV use (including competitive use, which has long been authorized in the area) is less than 1%, based on 5 desert tortoise carcasses found with evidence of OHV-related mortality within a trend plot in JV (USFWS 1991). When considering all sources of mortality, including those that could not be determined, the minimum annual take rate is approximately 4% from all sources (USFWS 1991). While visitor usage within the JV OHV area has increased since 1989, mortality from OHV use would be expected to scale at a lower rate (relative to visitor expansion) due to the nature of OHV recreation (i.e., visitors preferentially travel within existing, worn-in trails and routes) which tends to focus visitor usage in

already-degraded areas, from a desert tortoise habitat perspective.

Additional relevant Biological Opinions include the 2012 and 2017 BO for Land Acquisition and Airspace Establishment, Twentynine Palms, CA (USFWS 2012 and 2017a) and the 2017 BO for Activities in the California Desert Conservation Area (USFWS 2017b). MAGTFTC's 2012 and 2017 BO (for Land Acquisition and Tortoise Translocation, respectively) analyzed the impacts from the shared use area of the Johnson Valley (where the majority of the King of Hammers event would occur, including the rock crawling areas), the translocation of desert tortoises from the moderate- and high-intensity disturbance areas of the Johnson Valley, and the increased management measures to address displacement of off-highway vehicles into critical habitat. The 2017 BO for Activities in the California Desert Conservation Area also updated baseline population data for the desert tortoise in the CDCA; at that point in time, the annual KOH event had been ongoing for approximately 10 years.

During the construction of the short course on the north side of Means Dry Lake, desert tortoise may be crushed or buried if burrows exist in this location. To reduce this potential a USFWS-authorized Desert Tortoise Biologist will be required to inspect the short course location, as well as any spectator locations staging areas, or concentrated use areas within the Hammertown Complex for active desert tortoise burrows. If any are found the areas will be flagged and avoided. There is no Mojave fringe-toed lizard habitat within the areas being bulldozed.

A small portion of the event (OHV rock crawling) would occur outside existing routes, but within areas of existing OHV use. Most of the rock crawling areas are near the mountains east-northeast of Means Dry Lake. This area has experienced high levels of OHV disturbance for decades, which would be expected to reduce desert tortoise density in the immediate vicinity, thereby lowering the potential for interactions between spectators, competitors, and tortoise.

The applicant would be expected to comply with all applicable state environmental protection laws. For example, if the proposed project may result in the take of any species designated under the California Endangered Species Act (CESA), the applicant would be responsible for obtaining an incidental take permit from the California Department of Fish and Wildlife (CDFW). No impacts to BLM Special Status Species (as designated by the BLM California State Director) are anticipated to result from the proposed project.

The concentrated use of the area by such a large number of participants, spectators and associated staff has the potential to generate a large amount of trash and waste food items which will attract Common Ravens to the site. Ravens in the desert have been demonstrated to impact desert tortoise populations, as they are known to predate upon juvenile desert tortoise, thus attracting ravens to this area may result in additional impacts to desert tortoise locally and regionally. The stipulation requiring raven proof containers and the removal of trash and food items from the areas within 24 hours of event completion reduces this impact.

Combat Center EMUA

The portion of the proposed action occurring in the Combat Center's EMUA, race routes shown on Figure 5, would not result in significant adverse impacts to biological resources as discussed below.

In spring of 2022, a MAGTFTC ecologist conducted a review of available natural resource data and conducted a field survey of portions of the proposed race routes that would traverse the Combat Center's EMUA to confirm the presence or absence of plant and animal species. As a result, MAGTFTC narrowed the initial proposal from Hammerking (Figure 3).

Initial Routes B, K, J, I and N (Figure 3) were removed from consideration under the proposed action to – avoid new route creation and to avoid impacts to important habitat, such as desert washes that are seasonally important to desert plant and animal species; avoid impacts to golden eagles; and

avoid use of routes in areas with mid to high densities of desert tortoises to minimize potential effects. To protect eagles, locations of nests are not disclosed in this EA but nests are known to occur in the vicinity of initial Route B. No burrowing owls or Mojave fringe-toed lizards were observed during the field survey.

MAGTFTC modified the initial proposed routes to avoid impacts to 2 golden eagle nests located in the EMUA, by ensuring the routes are more than 660 feet from nests (larger buffer in open areas) in accordance with the USFWS's National Bald Eagle Management Guidelines (USFWS 2007). Per USFWS, this buffer is sufficient to avoid impacts to eagles due to visual or noise impacts from the proposed action, which involves use of race cars along routes in an open desert environment (USFWS 2007). Therefore, use of the routes in the EMUA would comply with the BGEPA.

Although there is a potential for the race drivers to inadvertently crush or injure desert tortoise and lizards, this potential would be reduced by limiting vehicles to existing routes (same routes used by military vehicles) and having race routes surveyed by tortoise Authorized Biologists up to 48 hours in advance of race use of the EMUA. This reduction would be enhanced by ensuring the routes are marked for the race car drivers to avoid new impacts (Appendix D) and ensuring requirements for ESA compliance are integrated into the proposed action. While impacts to lizards have not been documented as a concern within the Combat Center, the avoidance and minimization measures that would apply for the benefit of the tortoise should also afford protection to the lizards and other species that could cross any of the race routes.

As to ESA compliance, the potential effects to the desert tortoise from use of the Combat Center's EMUA would be within the scope of effects evaluated in its 2012 and 2017 biological opinions for ongoing Combat Center operations and military training (USFWS 2012, USFWS 2017a, USFWS 2022b), which covered the EMUA. Before, when BLM managed the area, OHV use was previously authorized under ESA (USFWS 1991). MAGTFTC has a low rate of desert tortoise mortality; 48 training-related mortalities since 2002. This includes the effects of ongoing actions including use of existing routes for military training in the EMUA.

The EMUA routes used during the 2014 to 2022 (see Routes A, E & H in Figure 5) have low tortoise densities, and MAGTFTC found no tortoises and no tortoise burrows in pre-race surveys, except for 3 empty, old, decayed burrows on Route A in 2015. These results, and the low EMUA densities of the proposed routes, suggest no tortoises and no tortoise burrows will likely be found in pre-race surveys (Appendix D) for the proposed action. Because the proposed action would occur during a time of the year when desert tortoises are dormant underground in burrows, the risk of mortality is low. However, racers driving at high speeds may not detect and avoid aboveground tortoises, or tortoises in burrows, with tires potentially entrapping tortoises in burrows. Consequently, it is prudent for a USFWS-Authorized Biologist to survey the routes for tortoises and burrows prior to the race each year (Appendix D), and a requirement that the proposed routes used are main or secondary supply routes consistent with MAGTFTC incidental take coverage (USFWS 2022b), as discussed in Section 4.1. Having EMUA routes surveyed by Authorized Biologists up to 48 hours in advance of their use would identify whether burrowed tortoises would be at risk in that year's race. In all pre-race surveys from 2015 to 2022, no tortoises or sign were found, except in 2015, when three old, empty and decayed burrows were detected on the route (see Route A in Figure 5). Consequently, MAGTFTC has confirmed ESA Section 7 coverage for the Proposed Action as discussed in Section 4.1. There would be no new impacts from allowing continued use of Routes D and L. These routes are well established from prior use. Further review of available data confirms that Route D would not enter a high-density area for tortoises. MAGTFTC studied and evaluated densities at the Combat Center since the 1990s (MAGTFTC 1999, USFWS 2002, USFWS 2012). A portion of Route D would cross a small area that may contain 10 to 12 large tortoises per square kilometer. Based on available data in the current biological opinion, areas with desert tortoise densities of less than 20 large

tortoises per square kilometer are not viewed as high density areas (USFWS 2017).

Route L exits the EMUA at a narrow section of the southeast corner of a translocation control site (Figure 5), which provides reference data to evaluate the success of tortoises at the translocation recipient sites having similar conditions (Figure 5, MAGTFTC 2016, USFWS 2017), and may affect OHV impacts to tortoises in the control site. However, this control site was selected (MAGTFTC 2016 and USFWS 2017) due to moderately good habitat conditions despite the fact that portions overlapped with long-standing areas of the Johnson Valley OHV Recreation Area (JVOHVRA; Figures 1-3, 5), where OHV use and potential impacts continue. The Proposed Action, including MAGTFTC authorizing the use of route L, should not change existing conditions or result in increased impact to the control site. Also, the racers would be required to remain on the designated course (BLM 2022), and similarly, they would be required to remain on existing training routes within the EMUA (Appendix D). To minimize potential impacts from the Proposed Action, and as part of ESA Section 7 compliance with its Biological Opinion (USFWS 2017), MAGTFTC has proposed conservation measures in the EMUA (Appendix D) to minimize impacts to the desert tortoise. These measures plus ongoing monitoring reports for the translocation sites would inform USFWS, BLM, and MAGTFTC if future corrections become necessary.

MAGTFTC's approval of EMUA routes C, L and/or M would result in race car drivers being directed into BLM-managed land where additional resources and protected areas, such as designated critical habitat for the desert tortoise, are present. This is based on proximity (Figure 5), past routes used (Figure 2), and description of the proposed action statement that similar routes would be used in the future. To ensure that effects remain within the scope of this EA and existing authorizations, Hammerking would be required to obtain MAGTFTC approval each year for the specific routes to be used in the EMUA, as explained in Appendix D.

Alternative 2: No Action

BLM Lands and Shared Use Area

Under the no action alternative, the concentrated use would not occur. The Johnson Valley open OHV Area will continue to receive casual occasional use which may result in further habitat degradation, and direct injury/mortality of desert tortoise, Mojave fringe-toed lizard, and burrowing owl. There would not be the construction of the short course or the Hammertown Complex, so it would be unlikely that the few desert tortoise burrows that may occur on the north side of Means Dry Lake, would be impacted. Additionally, there would not be a large volume of trash and waste food items generated to attract Ravens to the site

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not apply.

Alternative 3: Closed Course

BLM Lands and Shared Use Area

The closure of the event area to casual use would have similar impacts than those analyzed under the Proposed Action. The impacts would remain the same with the exception that there may be fewer people using the area as a result of the temporary closure, and those that remained would have all received the information regarding protection of desert tortoise and penalties for non-compliance.

Combat Center EMUA

Same as Alternative 1.

Alternative 4: Avoid Combat Center EMUA

BLM Lands and Shared Use Area

Same as Alternative 1.

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not apply.

3.2 Cultural Resources

3.2.1 Affected Environment

BLM Lands and Shared Use Area

The event proposed would take place in an OHV Open Use Area that has seen decades of heavy use by off-road enthusiasts. Visitors are permitted to drive off-road anywhere within the Open Use Area, as such areas have no designated route network and within the Open Use Area there is no requirement that drivers remain on designated roads. As a result, surface disturbance from vehicles currently extends throughout the Johnson Valley OHV area.

Pursuant to the *State Protocol Agreement Between the California State Director of The Bureau Of Land Management and The California State Historic Preservation Officer* (2019) (hereinafter referred to as the Protocol), and consistent with 36 CFR Part 800, the Bureau of Land Management has reviewed this undertaking and determined that the proposed action and alternatives would be exempt from further analysis or study under Exemption B16 of the Protocol, which concerns issuance of special recreation permits where permitted use is consistent with planning decisions or OHV designations for which previous Section 106 consultation has been completed, and where there will be no new surface disturbance. The proposed project would utilize pre-existing routes within the Open Use Area and there would be no new surface disturbance, although prior disturbances affecting cultural resources may continue to persist.

An NRHP-eligible historic property is located along initial Route D. This and other routes depicted in Appendix D, Figure 1 have been retained for analysis because these routes have historically been authorized by BLM and there may be limited options to enter the EMUA. If this route is utilized, the historic property would be flagged and avoided prior to entry by race participants, resulting in no anticipated further impacts to the historic property.

Pursuant to the *State Protocol Agreement Between the California State Director of The Bureau Of Land Management and The California State Historic Preservation Officer* (2019) (hereinafter referred to as the Protocol), and consistent with 36 CFR Part 800, the Bureau of Land Management has reviewed this undertaking and has determined that there would be no new adverse effects to historic properties (within BLM-managed lands) as a result of the proposed action or alternatives.

Combat Center EMUA

Cultural resources, including historic properties, exist throughout the Combat Center (see e.g., DON 2012 and DON-USMC 2018b). Currently, the Combat Center's cultural resources database contains one historic property listed on the National Register of Historic Places (NRHP, known as the Foxtrot petroglyph site), and 2,832 recorded archaeological sites (MAGTFTC 2022a). One hundred and sixty-one archaeological sites or historic linear resources, and 2,138 isolated finds exist within the EMUA (DON 2012).

MAGTFTC has protected some important sites within Restricted Areas that have been designated for cultural resource protection (e.g., Means Lake and Emerson Lake) (Figure 5). No ground disturbance or training operations are allowed. The Emerson Lake Restricted Area that borders the Shared Use

Area is protected by a berm along its western boundary that has been in place for decades. The Means Lake Restricted Area is enforced when MAGTFTC has management control of the Shared Use Area. Outside of Restricted Areas, MAGTFTC consults on potential impacts to cultural resources with the California State Historic Preservation Officer (CASHPO) and Native American tribal governments. MAGTFTC typically aims to avoid adverse effects for new non-training proposed actions.

The area of potential effects (APE) evaluated includes the seven proposed routes (Figure 5) and a 30-meter (98 feet) buffer on either side of the routes. The total APE is 919.5 acres. MAGTFTC has inventoried most of the routes in previous studies (DON 2012). There are six previously recorded resources within the APE. MAGTFTC has determined eligibility for three of these resources. Two of these resources are Not Eligible and one resource is Eligible for listing in the NRHP. The CASHPO has concurred on these determinations in 2014 and 2021. MAGTFTC has determined the three unevaluated resources are Not Eligible for the NRHP and seeks CASHPO concurrence on these determinations as part of the consultation effort discussed in Section 4.3. MAGTFTC completed additional field surveys and cultural resource inventory for Routes D and E shown on Figure 5. The Combat Center has completed a total of 53 acres of new surveys as part of the development of this EA. No new resources were found during the survey.

To protect the location and integrity of cultural resources sites, site locations are not disclosed in this EA. However, relevant information would be disclosed to CASHPO and Native American tribal governments, to inform the Section 106 consultation process.

3.2.2 Environmental Consequences

Alternative 1: Proposed Action

BLM Lands and Shared Use Area

There would be no new impacts to known Eligible or Potentially Eligible cultural resources. The event would operate on pre-existing routes, trails, and disturbed areas that have been used for previous events implementing the CDDSSRP Stipulations (19-22). In the unlikely event that cultural resources are encountered during the SRP event, the promoter would be responsible for ensuring that cultural resources are not excavated, removed, damaged, or otherwise altered or defaced as required by CDDSSRP Stipulation 18. Implementation of these stipulations would ensure Eligible or Potentially Eligible cultural resources are not affected by the current proposed project nor further affected by ongoing use within previously-affected areas that may include cultural resources.

Combat Center EMUA

The portion of the proposed action occurring in the Combat Center's EMUA, race routes shown on Figure 5, would not result in significant adverse impacts to cultural resources as discussed below.

In spring of 2022, a MAGTFTC archeologist conducted a review of available cultural resource data and conducted a field survey of portions of the proposed race routes that would traverse the Combat Center's EMUA. As a result, MAGTFTC narrowed the initial proposal from Hammerking (Figure 3) to avoid impacts to the cultural resources located within the EMUA.

Initial Route B was removed from consideration under the proposed action to avoid potential effects to known cultural resources, including historic properties. Route B has the potential to adversely affect a historic property that MAGTFTC is recommending as eligible for listing in the National Register of Historic Places, pending CASHPO concurrence. This site is entirely within the EMUA.

A historic property eligible for listing in the National Register of Historic Places (CASHPO has concurred) is located along Route D. There would be no new impacts from allowing continued use of

Route D. The portion of the site within the EMUA is protected by a berm that runs along the proposed race route. The berm runs along the boundary of the Emerson Lake Restricted Area and the Shared Use Area. In this area, the race route would run outside the EMUA. Considering the site avoidance and protection measures in Appendix D, MAGTFTC has made a conditional no adverse effect determination to historic properties as explained in Section 4.3.

Use of the other routes would not impact other known cultural resources, including abandoned mines that may occur in the EMUA. This is because OHV traffic would be limited to existing routes, OHV traffic would not enter any Restricted Area within the EMUA, and spectators would not be allowed in the EMUA. This avoids a scenario where people are exploring sites that contain cultural resources.

Alternative 2: No Action

BLM Lands and Shared Use Area

Although the Special Recreation Permit and other associated permits would not be issued and the King of the Hammers Race Event would not occur on public land, the OHV area would remain open to public use.

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not apply.

Alternative 3: Closed Course

BLM Lands and Shared Use Area

The effects of Alternative 3 would be the same as the Proposed Action.

Combat Center EMUA

Same as Alternative 1.

Alternative 4: Avoid Combat Center EMUA

BLM Lands and Shared Use Area

Same as Alternative 1.

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not apply.

3.3 Recreation & Safety

3.3.1 Affected Environment

BLM Lands and Shared Use Area

The combination of vast open space, a large variety of desert views and scenic vistas, and unique geologic formations in Johnson Valley is not found within any other OHV area in the country. Dispersed, casual recreational use of the area includes OHV driving and camping, and to a lesser degree hiking, mountain bike riding, rock climbing and scrambling, geo-caching, hunting and wildlife viewing, equestrian riding, photography, and auto touring. The majority of visitors, however, are here because this area offers a full range of terrain for different types of OHVs.

Commercial recreation activities include both competitive (races) and non-competitive events (fun runs) both small and large in scale. These events and activities occur under BLM permit.

This area is well situated for providing recreation and large events with good access and open terrain. Key roads through this area providing access into the area and for longer distance scenic touring include Camp Rock, Bessermine, and Boone.

Combat Center EMUA

Public recreation and OHV use in the Combat Center's EMUA is not an authorized use per the INRMP (MAGTFTC 2019) despite the fact that this area was used for OHV activity when it was part of the Johnson Valley OHV Area. The public was informed during a 2012 NEPA process for Alternative 6 (selected alternative) that "[in] order for the King of the Hammers race to continue under this alternative, portions of the race route would need to be relocated." However, MAGTFTC is considering case-by-case use of the EMUA per the 2013 ROD because military requirements can still be balanced along with limited public access and use. This scenario may change once airspace is designated over the EMUA and increased ordnance use occurs, as anticipated in the EIS and ROD (DON 2012 and DON 2013).

Public safety is a consideration for use of the Shared Use Area and the EMUA. The proposed race routes in the Shared Use Area would occur in an area used for military training, up to two months per year. The firing of dud-producing ordnance is not allowed in the Shared Use Area for public safety. However, the public should not enter the two Company Objective Areas within the Shared Use Area because small, static and short-range explosives can be used (Figure 5) (NDAA Sections 2942(d)(2)(B) and (b)(2)(C)). The proposed routes in the Combat Center's EMUA are in an active military training area with the potential to encounter unexploded ordnance due to historic (e.g., World War II-era) and recent training activities.

3.3.2 Environmental Consequences

Alternative 1: Proposed Action

BLM Lands and Shared Use Area

During the race event, there could be temporary displacement of recreation users in the Johnson Valley OHV area especially in the vicinity of Hammertown. Non-event recreationists could access Johnson Valley OHV area from various access points including Hammertown and potentially enter onto the racecourse during race events. Non-event recreationists would not be subject to the required safety briefings that individuals entering through the primary event entrance would. Given the limited to moderate amount of dispersed recreation in the area, the implementation of this alternative would have little overall effect on recreation opportunities or experience.

Combat Center EMUA

The portion of the proposed action occurring in the Combat Center's EMUA, race routes shown on Figure 5, would not result in significant beneficial or adverse impacts to recreation as discussed.

The proposed action would result in increased although limited public access and use of the EMUA during the annual King of the Hammers OHV race events. Only approximately 500-600 race drivers would be allowed to enter the EMUA. Spectators would not be allowed to enter the EMUA. This limited use is an appropriate balance between ensuring military readiness is maintained, adhering to past NEPA commitments made to the public as discussed in Section 1.2, and providing some public use under Sikes Act. Limited OHV use of existing routes in the Combat Center's EMUA would become an authorized use in the Combat Center INRMP, however, it may be subject to change depending on future military needs of the EMUA (e.g., increased live-fire in the EMUA). To this end, the Department of Navy license that would be issued is revocable and confers no property interest to Hammerking. Finally, Hammerking and/or the persons participating in the King of the Hammers race events assume the risk of harm or loss that could occur to their persons or property from recreating

in the Combat Center's EMUA (NDAA, Subtitle A, Section 2923).

The proposed race routes in the Shared Use Area would occur in an area used for military training, approximately two months per year. The potential for encountering unexploded ordnance (UXO) is low because MAGTFTC dud-producing ordinance is not used in the Shared Use Area for live-fire, BLM would ensure race routes do not traverse the Company Objective Areas (dud-producing ordinance may be used in those areas), and prior to turning over the area back to BLM, the MAGTF Training Directorate ensures the area is safe to resume public use per the inter-agency agreement with BLM (DON-BLM 2016).

The proposed routes in the Combat Center's EMUA are in an active military training area, including the presence of formerly-used defense sites, with the potential to encounter unexploded ordnance due to historic and recent training activities. The risk is minimized by the following measures: MAGTF Training Directorate providing input on the routes that could be considered, as discussed in Section 1.5; limiting public access to race drivers and requiring the drivers to stay on existing routes; and conducting a pre-event unexploded ordnance (UXO) survey and removal of any UXO located during the survey, prior to route approval. The Department of the Navy would ensure appropriate insurance is obtained by Hammerking for the portion of the proposed action occurring within the Combat Center's EMUA.

Alternative 2: No Action

BLM Lands and Shared Use Area

Although the Special Recreation Permit and other associated permits would not be issued and the King of the Hammers Race Event would not occur on public land, the OHV area would remain open to recreational OHV use and other recreation activities.

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not be apply.

Alternative 3: Closed Course

BLM Lands and Shared Use Area

Same as Proposed Action except a Temporary Land Closure would be issued through a Federal Register Notice. This full land closure (71,065 acres) would restrict casual recreation from accessing the racecourse during the race event, thus providing a greater level of visitor safety. All visitors would receive the mandatory safety briefing.

Combat Center EMUA

Same as Alternative 1.

Alternative 4: Avoid Combat Center EMUA

BLM Lands and Shared Use Area

Same as Alternative 1.

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not apply.

3.4 Soil Resources

3.4.1 Affected Environment

BLM Lands and Shared Use Area

The existing condition of the soils in the Johnson Valley OHV Recreation Area including the areas proposed to be used for the event have been described in the 29 Palms FEIS. Impacts to soils from OHVs include soil compaction, water erosion, changes to soil chemistry, and increases in water and wind erosion. The FEIS notes that many areas in Johnson Valley OHV Recreation Area are heavily disturbed by decades of OHV activity including the racecourse, Hammertown, and the spectator areas. Those portions of the 29 Palms FEIS that provide the description of the impacts to and current condition of the soil resources in Johnson Valley OHV Recreation Area are incorporated here by reference (DON 2012, pp. 3.12-22 - 23).

Combat Center EMUA

A variety of soil types occur within the Combat Center and EMUA. Overall, desert soils have special characteristics as a result of the limited moisture, vegetation, and extreme temperature conditions where they form. Desert soils form very slowly from the parent rock material, potentially taking centuries for disturbed desert soils to return to their original state. Such soils are very fragile and highly susceptible to wind erosion, water erosion, and compaction. Two unique types of soil surfaces that may occur in the EMUA are cryptogamic soil crusts and desert pavement (MAGTFTC 2019).

Cryptobiotic or cryptogamic crusts are formed by living organisms (e.g., bacteria, fungi, and lichens) and their by-products, which create a surface covering of soil particles (sand and silt) bound together by organic materials. Cryptobiotic soil crusts form a protective barrier against wind and water erosion and hold soils in place on level surfaces and slopes. Cryptobiotic soil crusts also contribute nitrogen to the soil, which helps support the growth of higher plants (MAGTFTC 2019). These soil crusts are disturbed by vehicle tires or tracks, and even human foot traffic.

Desert pavement consists of an un-vegetated surface gravel layer of tightly packed pebbles, often just one pebble deep. The top rocky coating protects underlying layers of finer textured material, such as a layer of wind-blown sand above a layer of soil formed from alluvial deposits. Desert pavement is easily disturbed by vehicle passage, leaving the underlying soil subject to erosion (MAGTFTC 2019).

3.4.2 Environmental Consequences

Alternative 1: Proposed Action

BLM Lands and Shared Use Area

The soils in the area that would be used by the event have already been disturbed by vehicle activity, including both casual recreational OHV uses and previous organized events. If temporary earthwork features are constructed (e.g. the short course), KOH would be responsible for removing the features and recontouring the area to approximate the original landform within 15 days following the event (Appendix B).

The racecourse would use well-established routes, washes and old courses or trails that are already compacted. The racers and support teams would be required to remain on the designated course or access routes thus reducing the magnitude compaction from this event. This event would concentrate a large number of people and vehicles in the Means Dry Lake area; soil disturbance and compaction from this use would be intense for the duration of the event, but the KOH event and similar events held in this area have not created any discernible lasting effects to soil conditions in the JV OHV Open Area beyond those already sustained from decades of past and ongoing casual recreational uses.

Combat Center EMUA

The portion of the proposed action occurring in the Combat Center's EMUA, race routes shown on Figure 5, would not result in significant adverse impacts to soil resources as discussed below.

The proposed routes in the EMUA that could be used are already in existence and there would be no new soil disturbance outside of the existing routes and no impacts to any unique soils. However, because there are many existing routes in the EMUA that are not being authorized for use under the Proposed Action, flagging routes would be necessary to ensure race drivers do not traverse off-route. This requirement is incorporated into the Proposed Action under Appendix D.

Alternative 2: No Action

BLM Lands and Shared Use Area

The soils in the area would continue to be disturbed by vehicle activity including casual OHV recreation consisting of cross-country riding, trail use, and free-play, as well as dispersed camping consisting of clusters of recreational vehicles on Means and Melville Dry Lakes.

Organized OHV events would occur that would concentrate participants at various staging areas throughout Johnson Valley OHV Recreation Area such as The Rock Pile, Anderson and Soggy Dry Lakes. These activities would continue to contribute to soil compaction and increase susceptibility to wind and water erosion.

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not apply.

Alternative 3: Closed Course

BLM Lands and Shared Use Area

The effects of Alternative 3 would be the same as the Proposed Action.

Combat Center EMUA

Same as Alternative 1.

Alternative 4: Avoid Combat Center EMUA

BLM Lands and Shared Use Area

Same as Alternative 1.

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not apply.

3.5 Water Quality

3.5.1 Affected Environment

BLM Lands and Shared Use Area

Several documents have analyzed the affected environment of the Johnson Valley OHV Recreation Area. The Johnson Valley OHV Area Management Plan described the scarcity and ephemeral nature of surface water resources in the area (BLM August 1992); this description in Appendix 10 of the Johnson Valley OHV Area Management Plan area incorporated here by reference (BLM 1992).

The 29 Palms FEIS also characterized the water resources for the portion of the Johnson Valley

OHV Recreation Area where the event is proposed (DON 2012, pp. 3.13-2 to 3.13-21). There are no perennial or live surface streams, springs, or seeps in the project area. The intermittent streams flow from mountainous areas directly into playas and either evaporate or sink into the underground water supply. These streams are dry washes except during infrequent heavy winter storms or local summer thundershowers. Surface water gathers in various dry lakes or playas; although these waters are ephemeral, they represent important biological habitat. There are two groundwater basins in the project area: Means Valley and Johnson Valley, both of which have poor water quality due to high levels of total dissolved solids, fluoride, and nitrates. The portions of Chapter 3 of the 29 Palms Land Acquisition and Airspace Establishment FEIS that describe the affected environment are incorporated here by reference (DON 2012).

Combat Center EMUA

The Combat Center overlies portions of 16 internally draining watersheds (closed basins) that are characterized by ephemeral stream channels that terminate at playa lakes. The larger watersheds are Lake, Bristol Lake, Deadman Lake, Lavic Lake, and Dale Lake. There are 11 playa lakes that are entirely or partially within the Combat Center, with relevant playas shown on Figure 5.

With the modifications discussed under Section 1.5, the location of routes in the EMUA would avoid recurring and new incursions with regard to desert washes and riparian areas within the EMUA. Initial Routes K, J, and I were removed, in part, due to the presence of desert washes that support species and provide habitat. Initial Route N was removed because it was not an existing route and has a desert wash which supports species and provides habitat. Route D would direct OHVs over the Emerson Lake playa along the boundary of the Shared Use Area and Combat Center (Figure 5). Route D also runs along the Combat Center's Emerson Lake Restricted Area.

USFWS's National Wetland Inventory shows wetlands occurring throughout the EMUA (USFWS 2022a), however, no Waters of the United States occur within the Combat Center. In August 2012, MAGTFTC filed a request (Corps File No. SPL-2012-00589-CLH) for an approved jurisdictional determination with U.S. Army Corps of Engineers (USACE). The USACE evaluated whether or not the Combat Center includes waters within the USACE jurisdiction. Based on available information and information provided by MAGTFTC, the USACE determined there are no Waters of the United States within the Combat Center. In August 2017, MAGTFTC submitted a request with the USACE for revalidation of the jurisdictional determination (File No. SPL-2012-00589-SLP). In July 2018, the USACE approved the jurisdictional determination and confirmed that the Combat Center does not contain Waters of the United States pursuant to 33 CFR Part 325.9 (USACE 2018). The Shared Use Area and EMUA were included in the most recent jurisdictional determination and the proposed action is within the scope of published uses considered, which for the dry lake is limited to a few non-surface water uses, including recreational OHV use and hiking (USACE 2018).

3.5.2 Environmental Consequences

Alternative 1: Proposed Action

BLM Lands and Shared Use Area

Waste discharges and/or accidental spills of petroleum products during the event have a potential to affect water quality. The proposed race event would bring numerous people and vehicles into the area and concentrate them in the vicinity of Means Dry Lake. Individuals camping at Hammertown would generate "grey water" and "black water" wastes. The event proponent would provide portable toilets at Hammertown and near spectator areas, and RV pump-out services would also be available. Fueling and repair of the race vehicles involve the use of petroleum products. SRP stipulations require race participants and their support staff to provide a method to capture and control any fuel spilled during refueling. In addition, these stipulations require any pit areas or areas where fuel is

stored to have a containment feature.

Implementation of these stipulations for storage and disposal of waste waters, storage and use of petroleum products during the event would result in negligible impacts to surface waters.

Also, given the low frequency of rain events in the area, the potential for dispersion and transport of spilled materials or wastes is relatively low. Therefore, the potential for leaching for surface-released contaminants to the groundwater would also be minimized.

Combat Center EMUA

The portion of the proposed action occurring in the Combat Center's EMUA, race routes shown on Figure 5, would not result in significant adverse impacts to water resources as discussed below.

The proposed action would not adversely affect water resources in the Combat Center's EMUA even if there were a spill during implementation of the proposed action. This is because impacts to ground water quality would be minimal due to the prevention and response measures included in Appendix D (e.g., immediate spill responses); low potential quantities of fuel that could be spilled (e.g., OHV gas tank); no waters of the United States within the EMUA and Shared Use Area (USACE 2018); and limited precipitation, and low potential to impacts groundwater based on depth to groundwater that occurs in the Combat Center, generally 125 to over 400 feet below ground surface. Lower depth to water occurs at Bristol Dry Lake and Dry Lake, but these areas are not located in the EMUA (DON-USMC 2018b and MAGTFTC 2022a). Overall, these natural and physical characteristics minimize potential for lateral and vertical transport of any petroleum or oils that could be spilled during the proposed action.

The routes that would be used in the EMUA would be limited to existing routes, not causing new effects or ongoing impacts to desert washes and vegetation and species that may be seasonally supported at those sites. Routes that held this potential were removed from consideration as discussed above and in Section 1.5. The impacts of Route D over Emerson Lake (a playa) would be limited to use of the existing route along the boundary of the Shared Use Area. No new impacts would result and there are no data indicating the ongoing use of routes would affect water resources.

Because there are many existing routes in the EMUA that are not being authorized for use under the Proposed Action, flagging routes would be necessary to ensure race car drivers do not traverse off-route and affect important water resources (e.g., riparian areas, playas, desert washes, etc.). This requirement is incorporated in the Proposed Action under Appendix D.

Alternative 2: No Action

BLM Lands and Shared Use Area

Although the race event would not occur as proposed, the area would continue to be used as a popular OHV riding and staging area. There would be the potential for discharge of wastes or spills of petroleum products from vehicles or during fueling or repair to affect water quality.

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not apply.

Alternative 3: Closed Course

BLM Lands and Shared Use Area

The effects of Alternative 3 would be the same as the Proposed Action.

Combat Center EMUA

Same as Alternative 1.

Alternative 4: Avoid Combat Center EMUA

BLM Lands and Shared Use Area

Same as Alternative 1.

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not apply.

3.6 Wastes, Hazardous or Solid

3.6.1 Affected Environment

BLM Lands and Shared Use Area

There are no known hazardous material sites along the racecourse route. Petroleum products such as gas and diesel fuels and lubricants such as oil and grease would be used by race vehicles the duration of the event. Race vehicle fueling, lubrication and repairs would occur at the pit locations within Hammertown. Any fueling, lubrication and repairs for helicopter used for filming purposes would occur on private lands.

Solid waste generated during race would be removed from the event and deposited in an approved treatment facility or landfill.

Combat Center EMUA

There are no Installation Restoration Sites within the Combat Center's EMUA; these sites are located to the east, in Camp Wilson and Mainside (DON-USMC 2018b).

Abandoned mines are known to be present in and around the Emerson Lake, Bullion, Delta, Prospect, Maumee Mine, Sunshine Peak, Lavic Lake, and Lead Mountain training areas (DON-USMC 2018b). It is possible that additional abandoned mines exist with the Combat Center's EMUA.

Abandoned mines may present hazardous material or waste concerns and some mines may be protected as cultural resources, with some designated as Restricted Areas (see Section 3.2). No mines are known to occur along or near the proposed routes in the EMUA.

Species that could be affected by improper waste management are discussed in Section 3.1 (Biological Resources).

3.6.2 Environmental Consequences

Alternative 1: Proposed Action

BLM Lands and Shared Use Area

Race vehicle fueling, lubrication and repairs will occur within the designated pit locations. These activities are strictly managed through race and BLM permitted activities in accordance with the CDDSSRP Stipulations. Fueling and lubrication would not be conducted at a commercial and would involve primarily small tanks, which would limit the size of potential spills. The stipulations require that a spill containment kit be on site, and any spills must be cleaned up and disposed of in an approved facility. Failure to adhere to SRP stipulations will result in suspension or cancellation of the

permit.

However, there is still the potential for waste discharges and/or accidental spills of petroleum products and other hazardous wastes. It is the responsibility of the permittee to clean up any spill or solid hazardous waste. This is subject to inspection and monitoring by BLM.

Combat Center EMUA

The portion of the proposed action occurring in the Combat Center's EMUA, race routes shown on Figure 5, would not result in significant adverse impacts from waste as discussed below.

The proposed action would not affect any Installation Restoration Sites within the Combat Center as none are located in the EMUA. Abandoned mines exist in the EMUA and some may have hazardous material or waste concerns. Because race car drivers and event personnel would remain on existing routes, these potential hazards would not present a risk personnel entering the EMUA. Spectators would not be allowed in the EMUA, avoiding a scenario where people are exploring sites that may be unsafe or containing protected cultural resources (see Section 3.2).

The proposed action is not anticipated to result in adverse effects to the environment from waste, so long as all appropriate prevention and response measures are implemented. Vehicles entering the EMUA should be in good working order. BLM SRP requirements would ensure race drivers implement, or have on hand, appropriate spill prevention measures before entering the EMUA. Any spill that occurs in the EMUA would comply with MAGTFTC's requirements for reporting (Appendix D).

Waste management requirements for the event (e.g., food waste) would be determined and addressed by BLM as these activities would not occur within the EMUA. Appropriate waste management during the event would avoid and minimize impacts from predation by coyotes and ravens, for example, to the species discussed in Section 3.1 (Biological Resources).

Alternative 2: No Action

BLM Lands and Shared Use Area

Although the race event would not occur as proposed, the area would continue to be used as a popular OHV riding and staging area. There would be the potential for discharge of wastes or spills of petroleum products from vehicles or during fueling or repair.

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not apply.

Alternative 3: Closed Course

BLM Lands and Shared Use Area

The effects of Alternative 3 would be the same as the proposed action.

Combat Center EMUA

Same as Alternative 1.

Alternative 4: Avoid Combat Center EMUA

BLM Lands and Shared Use Area

Same as Alternative 1.

Combat Center EMUA

No impacts would occur within the Combat Center as use of existing EMUA routes would not be authorized and Appendix D requirements would not apply.

3.7 Cumulative Impacts

The CEQ regulations define cumulative effects 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 what agency (Federal or non-Federal) or person undertakes such actions.” (40 CFR 1508.7). CEQ also provides guidance on cumulative impacts analysis in *Considering Cumulative Effects Under the National Environmental Policy Act* (CEQ 1997).

3.7.1 Cumulative Impact Scenario

As explained in Section 1.5, the scope of the EA analysis focused on the resources/issues holding the most potential for significant effects. This cumulative impact analysis is similarly focused on relevant past, present, and/or reasonably foreseeable future actions (RFFAs) that in combination with the Proposed Action and Alternatives could result in a potential for significant effects. Based on available information, the relevant federal and non-federal projects are listed Table 2.

3.7.1.1 BLM Lands, Shared Use Area, and Combat Center EMUA

Some past NEPA documents cover ongoing actions. For these, the status is “Past/Present/RFFA.” Alternatives 1 and 3 would have potential effects on the environment within the EMUA on a recurring basis for the next five years. Alternatives 2 and 4 would have no effects within the EMUA. All alternatives have potential effects to BLM lands and the Shared Use Area.

Table 2. Relevant Past, Present, and/or Reasonably Foreseeable Future Actions

Project	Relevant Details	Status
King of the Hammers 2016 – 2022 (BLM 2016a)	<p><u>Proposed Action.</u> Conduct a competitive, commercial, high speed, off-highway vehicle race on public lands in the Johnson Valley OHV Recreation Area south of Barstow, CA</p> <p><u>Relevancy.</u> The current EA analyzes impacts from renewing the permit for this annual race.</p>	Past
Other Special Recreation Permits 2016-2022	<p><u>Proposed Action.</u> Conduct other competitive and non-competitive races, touring events, and similar organized OHV activities on public lands in the Johnson Valley OHV Recreation Area south of Barstow, CA</p> <p><u>Relevancy.</u> Approximately 130 events (not including King of the Hammers) of various sizes have been permitted over the past 5 years at a rate of approximately 26 permits per year. Impacts of those events were analyzed through Environmental Assessment CA-068-9-2.</p>	Past/Present/RFFA
Environmental Assessment, Desert Tortoise Captive Rearing Facility (“Head Start”)(USMC)	<p><u>Proposed Action.</u> Construction and operation of the Tortoise Research and Captive Rearing Site (TRACRS)</p> <p><u>Relevancy.</u> Ongoing efforts to protect desert tortoise within the Combat Center and the facility is also used in support of ongoing translocation monitoring that occurred pursuant to the</p>	Past/Present/RFFA

Project	Relevant Details	Status
2005)	2012 EIS and 2017 SEIS RODs. This facility would also be used to support the future RASP Initiative.	
Final EIS for Combat Center's Land Expansion and Airspace Establishment (DON 2012)	<p><u>Proposed Action (Alternative 6 Selected)</u>: Land expansion, airspace modifications, and increased training.</p> <p><u>Relevancy</u>. This FEIS supported the designation of the Shared Use Area and the EMUA. Analysis supported use of the Shared Use Area for public recreation and military training. Explains effects of prior OHV use when the EMUA was part of the Johnson Valley OHV area.</p>	Past/Present/RFFA
Supplemental EIS Combat Center's Land Expansion and Airspace Establishment (DON 2017)	<p><u>Proposed Action (Alternative 2 Selected)</u>. Implementation of desert tortoise mitigation from the 2012 EIS and 2013 ROD.</p> <p><u>Relevancy</u>. MAGTFTC has an ongoing monitoring commitment with regard to recipient sites. King of the Hammers race routes would enter at least one recipient site (see Figure 5).</p>	Past/Present/RFFA
EA and Supplemental EA for a New Drinking Water Treatment Plant (DON-USMC 2018c and 2019)	<p><u>Proposed Action</u>. Construction and operation of a new drinking water treatment plant for the Combat Center.</p> <p><u>Relevancy</u>. To support cumulative impacts analysis regarding no issues to water quality.</p>	Past/Present/RFFA
Recovery and Sustainment Partnership (RASP) (see MAGTFTC 2022a) ¹	<p><u>Proposed Action</u>. The Combat Center, Fort Irwin NTC, BLM, and USFWS are working together to develop partnerships to advance desert tortoise recovery pursuant to the USFWS's 2011 Revised Recovery Plan for the Mojave Population of the Desert Tortoise and the 2018 Memorandum of Understanding Between the Departments of Defense and Interior. RASP is currently focused on the western Mojave Desert in California and would include implementation of desert tortoise recovery actions in RASP focus areas, primarily within desert tortoise designated Critical Habitat Units.</p> <p><u>Relevancy</u>. Implementation of RASP projects is initially focused on BLM-managed lands and designated critical habitat outside of the Combat Center. King of the Hammers race routes could enter RASP focus areas and designated critical habitat for the desert tortoise (see Figure 5).</p>	Present/RFFA
Supplemental Environmental Assessment for Ongoing and Future Actions at	<p><u>Proposed Action</u>. MAGTFTC is preparing a NEPA document to evaluate changes to ongoing and future actions with regard to military training, support operations, and resource management.</p> <p><u>Relevancy</u>. Proposes increased routes in the Shared Use Area,</p>	RFFA

¹ Discussed in the Programmatic EA for Common Raven Management.

Project	Relevant Details	Status
the Combat Center (in progress)	on BLM lands (existing access routes), and EMUA. Proposes treatment of invasive species along existing routes.	
Permanent Special Use Airspace Environmental Assessment (in progress)	<p><u>Proposed Action</u>. The Combat Center is working with the Federal Aviation Administration to modify and expand Combat Center airspace.</p> <p><u>Relevancy</u>. Subsequent analysis to the 2012 EIS. Future use of the EMUA for King of the Hammers OHV races may be curtailed as increased military training occurs in the EMUA once airspace is designated. These impacts were previously disclosed in the 2012 EIS.</p>	RFFA

3.7.2 Cumulative Impact Analysis

3.7.2.1 Biological Resources

Projects listed in Table 2 in combination with the alternatives would not result in significant cumulative impacts as explained below.

BLM Lands and Shared Use Area

Under the alternatives, adverse effects to biological resources have been avoided and minimized as discussed in Section 3.1. The overall effects on the environment from use of pre-existing disturbance on BLM Lands and the Shared Use Area are within the scope of the past and ongoing actions listed above in Table 2.

Impacts from visitor use within the Johnson Valley Open Use Area during the KOH event would be comparable to other high-volume periods of the year (e.g., during holiday weekends) where the OHV area receives similar visitor counts as the KOH event or higher based on RMIS data (BLM 2022b).

The BLM is not aware of any prior take (i.e., injury or mortality) of desert tortoise on BLM-managed lands which is directly attributable to previous KOH events despite the presence of BLM observers during the events as well as the efforts of event staff and BLM staff to perform pre- and post-race sweeps of the project area. Additionally, the mitigation requirements of the SRP would be expected to avoid and minimize potential impacts to this species. While the desert tortoise has shown declines throughout much of its distribution (Allison and McLuckie 2018), the proposed project is not expected to cumulatively contribute toward the decline of this species or impair the recovery of this species.

Combat Center EMUA

Under the alternatives, adverse effects to biological resources have been avoided and minimized as discussed in Section 3.1. The overall effects on the environment from use of existing routes in the EMUA, are within the scope of the past and ongoing actions listed above in Table 2.

In specific, use of existing routes in the EMUA for military training began after the land transfer was completed and after desert tortoises were translocated out of the EMUA. MAGTFTC agreed to relocate some tortoises out of the EMUA; those that occurred along routes that were anticipated for heavy and moderate use for military training (DON 2012 and DON 2017).

The potential impacts to desert tortoise under the 2012 EIS Alternative 6 (selected) across the entire project area was calculated between 645 to 3,769 adult desert tortoises. The MAGTFTC's pre- and post-translocation monitoring from 2014 to 2021 involved more than 1500 translocated tortoises,

with monitoring including measures of survival and causes of death (Henen 2022). During these efforts:

- From 2014 to 2021 pre- and post-translocation observations of translocated and non-translocated tortoises in the wild, there were 271 tortoise mortalities. Of these mortalities, 5 (1.8%) were attributed to vehicle strikes, 197 (72.7%) were due to depredation (canid, badger, eagle and others), 50 (18.45%) were of unknown causes, 16 (5.9%) died upside down (likely hyperthermia), and 3 (1.1%) died of either a large bladder stone, egg impaction of an oviduct, or a possible case of respiratory disease (Mycoplasmosis).
- From 2017 to 2021, 1,537 tortoises were translocated, with 1,099 (676 with carapaces \geq 160 millimeters, 423 with carapaces $<$ 160 millimeters) placed at recipient sites on BLM-managed land;
- As of December 2021, approximately 573 control, resident and translocated tortoises were tracked via radiotelemetry.

(MAGTFTC 2022b, as supplemented by Henen 2022). Additional tortoises have been protected through past and ongoing efforts at the Combat Center's headstart facility, *Tortoise Research and Captive Rearing Site* (TRACRS) (MAGTFTC 2005). TRACRS protects nests, hatchlings, and juvenile tortoises from predation until reared tortoises are durable enough to survive at substantially improved rates (MAGTFTC 2005; Nagy et al. 2020), and then they are released to the wild. Impacts to tortoises within the Combat Center are covered by the existing biological opinion (USFWS 2017), which supplements aspects of prior biological opinions (USFWS 2002 and USFWS 2012). Based on a review of USFWS annual reports, there have been only 48 documented mortalities of desert tortoise within the Combat Center in the 20 years since the first biological opinion was issued in 2002. Because Alternatives 1 and 3 would use existing EMUA routes that are currently used for military training; the race events would occur when tortoises are underground; and MAGTFTC proposes measures to facilitate compliance with its Biological Opinion (Appendix D), the race events are not expected to result in take or an increase in effects compared to existing conditions.

The EMUA is located within the Western Mojave Recovery Unit for the desert tortoise. In 2014, estimated adult desert tortoise density in the Western Mojave Recovery Unit ranged from 6.5 to 12.2 individuals per square mile (2.5 to 4.7 individuals per square kilometers), with an overall average density of 7.3 tortoises per square mile (2.8 tortoises per square kilometers), the result of an overall downward trend in the population of adult tortoises. In the recent past, from 2004 to 2014, adult desert tortoise populations in the Western Mojave Recovery Unit decreased by 51% between 2004 and 2014, with steep decline of over 75% from 1996 to 2012 in the adult desert tortoise population at a 1 square mile (2.59 square kilometers) study site, known as the Barrow Plot, located at the nearby Joshua Tree National Park. The USFWS has determined that the minimum adult tortoise density necessary to sustain a viable population is 10 individuals per square mile (3.85 individuals per square kilometers) (DON-USMC 2018b).

MAGTFTC has conducted ESA Section 7 consultation for ongoing actions at the Combat Center starting in 2002. Three biological opinions have been issued. In the most recent biological opinion, the USFWS has determined that although Combat Center operations would continue to affect the desert tortoise into the future, the habitat and populations within the Combat Center are not critical to the long-term survival and recovery of the species (USFWS 2017a). Despite this determination, MAGTFTC seeks to aid with the survival and recovery of the species outside of the Combat Center under the RASP Initiative. The RASP Initiative is implementing USFWS recovery actions in the Western Mojave Recovery Unit (see MAGTFTC 2022a).

Therefore, impacts from Combat Center actions to the desert tortoise have been mitigated by past project commitments (e.g., translocation), ongoing efforts (e.g., TRACRS), and future actions (e.g., RASP). MAGTFTC's participation in the RASP Initiative is intended to advance recovery of the species in the Western Mojave Recovery Unit and mostly would be focused on adjacent BLM lands. The RASP Initiative may mitigate some of the effects from BLM authorized actions within the project area affected by the Proposed Action. Moving forward, MAGTFTC would determine what projects would be most beneficial and effective given ongoing uses on BLM lands.

3.7.2.2 Cultural Resources

Projects listed in Table 2 would not result in significant cumulative impacts as explained below.

BLM Lands and Shared Use Area

Under the Action Alternatives, adverse effects to cultural resources have been avoided and minimized as discussed in Section 3.1. The cumulative impacts are expected to be within the scope of the past and ongoing actions listed above in Table 2. Overall, the impacts from ongoing public use of the area in addition to any of the Action Alternatives would not result in increased impacts to this resource.

Combat Center EMUA

Impacts to cultural resources (e.g., historic properties) cannot typically be gauged from a cumulative impact perspective due to this resource being a generalized category and some resources or properties being unique, such as historic properties that are eligible for listing in the National Register of Historic Places (NRHP). Also, adverse impacts under NHPA (36 CFR §800.5) are not equivalent to significant impacts under NEPA (see 36 CFR §800.8(a)(1)), but the NHPA process for resolving adverse effects helps avoid significant impacts under NEPA.

Under Alternative 1 (Proposed Action) and Alternative 3 (Closed Course), adverse effects to cultural resources within the EMUA have been avoided and minimized as discussed in Section 3.2. The existing site protection (berm preventing OHVs from entering the site in the EMUA) and additional site protection proposed as part of NHPA Section 106 consultation would ensure that no new or increased impacts would occur to the NRHP-eligible site located along Route D.

The overall effects on the environment from use of existing routes in the EMUA under Alternatives 1 and 3 are within the scope of the past and ongoing actions listed above in Table 2, specifically the 2012 EIS, and would not result in any new impacts to cultural resources. The EMUA routes were previously used for OHV under prior BLM management (No Action Alternative) and continue to be used for military training since the land transfer was completed (Alternative 6 selected). The impact analysis and mitigation in the 2012 EIS and 2013 ROD was focused on the impacts from training and operations within the Combat Center. While the 2012 EIS did not determine significant impacts to cultural resources from Alternative 6, MAGTFTC acknowledged that adverse impacts to cultural resources occurs and would continue to occur from Combat Center operations, primarily military training (DON 2012). As part of past commitments in the 2013 ROD, MAGTFTC is consulting with the CASHPO and Native American tribes and governments to determine how to resolve adverse impacts from military training. While impacts to the NRHP-eligible site along Route D would be resolved within this consultation, there is no set timeline for completion and the consultation is focused on the effects from military training, not proposed undertakings such as Alternative 1 or 3. Therefore, MAGTFTC consulted on the Proposed Action as explained in Section 4.3.

Overall, the impacts from Combat Center ongoing actions in addition to Alternative 1 or 3 would not result in increased impacts under NEPA regardless of whether Route D is authorized. Effects to the

site in the EMUA have been mitigated by the berm and effects to the site overall is within the scope of past NEPA analysis, which determined less than significant impacts across the alternatives.

3.7.2.3 Recreation

Projects listed in Table 2 would not result in significant cumulative impacts as explained below.

BLM Lands and Shared Use Area

The direct and indirect impacts on recreation are limited access by non-event recreationists and public safety. The impacts to public safety would be limited to the event and would not have a cumulative effect when combined with other past, present, and reasonably foreseeable actions. Under Alternative 1, non-event recreationists could still access the racecourse, however, this may create a public safety risk. Under the No Action Alternative, there would be no additional impact to the non-event recreationists. Under Alternative 3, there would be an increased restriction on non-event recreationists when combined with other King of the Hammers SRP race events in the Johnson Valley OHV Area, however, the impacted recreationists would benefit from the increased public safety.

Combat Center EMUA

The Combat Center is not generally open to public access (MAGTFTC 2019). Implementation of REC-2 is a result of past actions with significant impacts from loss of recreation (DON 2012).

Use of the EMUA concurrent with military training was not analyzed in the 2012 EIS. There would be an increased risk to public safety under Alternative 1 and 3 from conducting an OHV race within the EMUA, however, this risk would not be greater than what exists to personnel within the Combat Center. Future actions at the Combat Center are not anticipated to affect existing recreational opportunities or land uses within or adjacent to the Combat Center to a greater extent that already anticipated in the 2012 EIS and 2017 SEIS (DON 2012 and DON 2017). The SEA for ongoing actions at the Combat Center may result in increased routes within the Shared Use Area that could be used by the public when BLM has management control of the area. The RASP Initiative would focus on recovery actions in areas consistent with desert tortoise conservation.

3.7.2.4 Soil Resources

Projects listed in Table 2 would not result in significant cumulative impacts as explained below.

BLM Lands and Shared Use Area

As described above, the existing condition of the soils in the Johnson Valley OHV Recreation Area, and specifically on the racecourse, is, in part, the result of use by past and present OHV activity. It is reasonably foreseeable that this use will continue. It is not expected that Alternative 1 or 3 will create any discernible incremental impact to the soil resources in addition to past and present impacts.

Combat Center EMUA

The Combat Center manages natural resources from an ecosystem management approach (MAGTFTC 2018) rather than specific direction for specific soil types. Significant impacts to soil resources has not been found in past actions approved at the Combat Center (DON 2012 and DON 2017). However, land condition trend analyses would help assess impacts to biological and hydrological resources. MAGTFTC is in the process of requesting funding to conduct this analysis. Impacts to soil resources is more evident from the biological and water resource perspective as soil is the medium that supports habitat and protects water quality. See Sections 3.7.2.1 and 3.7.2.5.

3.7.2.5 Water Quality

Projects listed in Table 2 would not result in significant cumulative impacts as explained below.

BLM Lands and Shared Use Area

Under the Action Alternatives, adverse effects to water quality have been avoided and minimized as discussed in Section 3.1. The cumulative impacts are expected to be within the scope of the past and ongoing actions listed above in Table 2. Overall, the impacts from ongoing public use of the area in addition to any of the Action Alternatives would not result in increased impacts to this resource.

Combat Center EMUA

The Combat Center manages water quality from a human health and ecosystem management approach (MAGTFTC 2019), CWA, and SDWA. Significant impacts to water resources have not been found in past actions approved at the Combat Center (DON 2012 and DON 2017). Future actions at the Combat Center are not anticipated to affect or impact water resource or water quality. MAGTFTC has a new drinking water treatment plant (DON-USMC 2019) and is planning improvements to existing wastewater treatment plant. This will improve water quality for human consumption.

3.7.2.6 Wastes, Hazardous or Solid

Projects listed in Table 2 would not result in significant cumulative impacts as explained below.

BLM Lands and Shared Use Area

Under the Action Alternatives, adverse effects from hazardous or solid wastes have been avoided and minimized as discussed in Section 3.1. The cumulative impacts are expected to be within the scope of the past and ongoing actions listed above in Table 2. Overall, the impacts from ongoing public use of the area in addition to any of the Action Alternatives would not result in increased impacts.

Combat Center EMUA

The Combat Center manages waste from generation to disposal and/or treatment. A landfill operates on base for solid waste. Significant impacts from waste have not occurred as a result of past actions approved at the Combat Center (DON 2012 and DON 2017). The alternatives in this EA would not affect or contribute to waste management at the Combat Center as the main event would occur on BLM managed lands. Only the race routes would traverse the EMUA. No solid waste would be generated for disposal within the EMUA. The potential for spill of hazardous materials would be low considering the requirements that apply to the race events (see Appendix B and D).

4 Consultation and Coordination

4.1 Endangered Species Act Consultation

BLM

BLM Barstow biologists have reviewed the proposed project and determined that it would comply with the threatened and endangered species management guidelines outlined in the CDCA Plan (BLM 1980), WEMO (BLM 2006), and WMRNP (BLM 2019). As no impact to listed species on BLM lands are expected beyond such impacts already authorized in the 1991 USFWS Biological Opinion for the Johnson Valley OHV Area Management Plan, no formal ESA consultation would be required of BLM. The proposed race event would be held in accordance with that Biological Opinion, including reasonable and prudent measures, and terms and conditions.

Additional relevant Biological Opinions include the 2012 and 2017 BO for Land Acquisition and Airspace Establishment, Twentynine Palms, CA (USFWS 2012, 2017a) and the 2017 BO for Activities in the California Desert Conservation Area (USFWS 2017b). The 2012 and 2017 BO (for Land Acquisition and Translocation, respectively) analyzed the impacts from the shared use area of the Johnson Valley (where the majority of the King of Hammers event would occur, including the rock crawling areas), the translocation of desert tortoises from the moderate- and high-intensity disturbance areas of the Johnson Valley, and the increased management measures to address displacement of off-highway vehicles into critical habitat. The 2017 BO for Activities in the California Desert Conservation Area also updated the baseline for the desert tortoise in the CDCA; at that point in time, the annual KOH event had been ongoing for approximately 7 years.

MAGTFTC

MAGTFTC obtained USFWS technical advice (USFWS 2022b) on the 2017 biological opinion's scope, and whether the potential effects and incidental take from the Proposed Action (Alternative 1) would be within scope of this existing biological opinion (USFWS 2017a). While the King of the Hammers event in the EMUA is not specifically covered, the use of existing routes for military training and OHV use in the Shared Use Area is covered and implementing the Proposed Action (Alternative 1) within the EMUA would be limited to existing main and secondary supply routes. To minimize impacts to the desert tortoise, MAGTFTC proposed the following additional conservation measures for the Proposed Action (Alternative 1): a pre-race survey conducted approximately 48 hours prior to the first day of use of the EMUA; an Authorized Biologist or Conservation Law Enforcement Officer would remain in the EMUA during its use to remove any observed tortoise detected in the race route; and a post-race survey, conducted by an Authorized Biologist or Conservation Law Enforcement Officer, to document any incidental take.

Requirements (Appendix D) have been updated based on the technical assistance of the USFWS (USFWS 2022b).

This consultation effort covers Alternative 3 because it involves the same use and actions as Alternative 1. MAGTFTC does not need to consult for Alternative 2 or 4 because no action would be authorized in the EMUA.

4.2 Tribal Consultation

BLM

The BLM has consulted with interested or affected Native American tribes and governments under NHPA, as discussed below.

MAGTFTC

MAGTFTC consulted with interested or affected Native American tribes and governments under NHPA, as discussed below.

4.3 State Historic Preservation Office Consultation

BLM

Section 106 of the National Historic Preservation Act and its implementing regulations require federal agencies to consider what impact their licensing, permitting, funding, or other authorization of an undertaking, such as an application for permit to drill or right-of-way, may have on properties listed in or eligible for listing in the National Register of Historic Places. Specific definitions for key cultural resources management concepts (such as undertakings, impacts, and areas of potential effects) are provided in 36 CFR Part 800.16.

Pursuant to the *State Protocol Agreement Between The California State Director of The Bureau Of Land Management And The California State Historic Preservation Officer* (2019) (hereinafter referred to as the Protocol), and consistent with 36 CFR Part 800, the Bureau of Land Management has reviewed the proposed undertaking and has determined that there would be no new adverse effect to historic properties as a result of this action requiring Section 106 consultation. The proposed project is exempt from further analysis or study under Exemption B16 of the Protocol, which concerns issuance of special recreation permits where permitted use is consistent with planning decisions or OHV designations for which previous Section 106 consultation has been completed, and where there will be no new surface disturbance. The proposed project would use areas with existing disturbance within the OHV Open Use Area; there would be no new surface disturbance. Following a review of relevant datasets, no known traditional cultural properties are within the project's area of potential effects.

MAGTFTC

MAGTFTC has completed consultation with the CASHPO and Native American tribes and governments under the standard Section 106 process (36 CFR Subpart B) for its “undertaking” – authorizing the portion of Alternative 1 (Proposed Action) occurring within the Combat Center’s EMUA (race routes) and the issuance of the Department of Navy license. Based on the information discussed in Section 3.2, MAGTFTC has made a “no adverse effects with conditions” determination for Alternative 1 (Proposed Action) based on two conditions: (1) the race will be marked along the proposed routes used in the EMUA each year; and (2) site protections would be imposed for the site along Route D to protect the NRHP-eligible property along Route D from the effects of continued use of that existing route.

Comments were received from two tribes: Augustine Band of Cahuilla Indians and the Yuhaaviatam of San Manuel Nation. The Yuhaaviatam of San Manuel Nation sought additional information regarding site protections, which MAGTFTC provided. Both agreed with recommendations of no adverse effect and no further comment.

The CASHPO concurred with the APE as explained in Section 3.2.1 and MAGTFTC’s determination that three sites within the EMUA discussed in Section 3.2.1 are not eligible for listing in the NRHP. The CASHPO requested more specific details on the proposed conditions listed above and how they would be implemented, considering that MAGTFTC intends for this Section 106 consultation to cover the duration of any future-issued license to Hammerking (OPR 2022a). Upon MAGTFTC providing the requested information, the CASHPO concurred with the MAGTFTC determination of no adverse effect to historic properties (OPR 2022b).

Requirements (Appendix D) have been updated based on CASHPO concurrence.

This consultation effort covers Alternative 3 because it involves the same use and actions as Alternative 1. MAGTFTC does not need to consult for Alternative 2 or 4 because they would authorize no action in the EMUA.

5 List of Preparers

ID Team Member	Title	Organization
Dana Stephenson	Outdoor Recreation Planner (Project Lead)	BLM California Desert District
Mark Massar	Wildlife Biologist	BLM California Desert District
Max Wiegmann	Planning & Environmental Coordinator	BLM Ridgecrest Field Office
Lorenzo Encinas	Natural Resources Specialist	BLM Barstow Field Office
Dave Kotlarski	Supervisory Outdoor Recreation Planner	BLM Barstow Field Office
Chris Otahal	Wildlife Biologist	BLM Barstow Field Office
Kelly Sandersfeld	Natural Resources Specialist	BLM Barstow Field Office
Amy Schow	Realty Specialist	BLM Barstow Field Office
Jim Shearer	Archaeologist	BLM Barstow Field Office
Environmental Staff	Various	MAGTFTC, MCAGCC

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Appendix A – Acronyms

ACEC	Area of Critical Environmental Concern
BLM	Bureau of Land Management
CDCA	California Desert Conservation Area
CDDSSRP	California Desert District Standard Special Recreation Permit
DOD	Department of Defense
DON	Department of the Navy
EA	Environmental Assessment
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
FWS	Fish and Wildlife Service
GHG	Greenhouse Gases
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OHV	Off-highway Vehicle
SIP	State Implementation Plan
SRP	Special Recreation Permit
UTV	Utility Vehicle

Appendix B – California Desert District Standard Special Recreation Permit Stipulations

CALIFORNIA DESERT DISTRICT STANDARD SPECIAL RECREATION PERMIT STIPULATIONS

These stipulations would apply to portions of the proposed project occurring on BLM-managed lands. The following is a comprehensive list of permit stipulations. Applicable stipulations for the proposed project have been selected by BLM with a checkmark.

Permit Stipulations a-m are found on the backside of Form 2930-1:

Issuance of Permit

GENERAL TERMS

Initial each

_____ a. 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). 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 under the permittee's supervision.

_____ b. 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.

_____ c. 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.

_____ d. Unless expressly stated, the SRP 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.

_____ e. 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.

_____ f. 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.

_____ g. 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.

_____ h. 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.

_____ i. 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.

_____ j. 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.

_____ k. 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.

_____ l. 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.

_____ m. The permittee shall notify the authorized officer of any incident that occurs while involved in activities authorized by this permit, 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.

Permit Fees

_____ 1. Payment due to the government shall be in conformance with existing regulations. The current minimum Special Recreation Permit fee is currently \$105.00. If Cost

Recovery is used, it shall be actual costs to the government for processing the permit and monitoring all pre, actual, and post permitted activities as reflected by charges, including salaries (direct and indirect costs), vehicle mileage, per diem, and administrative costs, made to a special account established to track event processing costs. Estimated fees or costs shall be provided to the applicant prior to permit approval and must be paid in advance.

Post Use

_____ 2. The permittee shall complete a post-event report and submit it to the Field Office issuing the permit within 15 calendar days of the completion of the event. In addition, the permittee will immediately notify the Field Manager or the Authorized Officer of any serious injuries or fatalities, which occur in connection with the event. A written incident report will be submitted with the completed post-event portion of the permit. The *Authorized Officer* will provide permittee BLM's incident report form (DI-134) which details all necessary information to be furnished for any serious injuries or accidents.

Safety and Hazard Mitigation

_____ 3. The permittee will be responsible for public safety in the event area. The permittee is required to post warning signs, at all known mine shafts and other hazardous areas which occur within 100 feet of the activity and will verbally inform participants of all hazards at the pre-event meeting.

_____ 4. The permittee shall prepare a written operations plan for BLM review and approval detailing permittees' plans for providing emergency services including aid to injured participants, evacuation of injured participants and the types and location of rescue equipment to be provided. This plan shall comply with the applicable medical stipulation (below) and shall ensure that emergency aid personnel can access the scene of any accident or injury, at any location within the approved event area or on the event route, within 30 minutes of notification of an incident to evaluate the situation and begin to render aid.

Medical Attention

_____ 5. Permittee shall insure the provision of Emergency Medical Services, capable of locating, rendering aid to, and evacuating any accident victims.

_____ 6. **For NON-MOTORIZED, NON-COMPETITIVE** events with a small use area and attendance, the permittee shall insure that first aid services provided at the event have the capability to insure that any accident victim may be located, treated, and evacuated as needed. A reliable communication system shall be provided sufficient to provide immediate contact for the first aid provider (EMT) to local emergency dispatch centers.

_____ 7. **For NON-MOTORIZED COMPETITIONS under 150 participants (entrants and spectators), and MOTORIZED NON-COMPETITIVE** events, (Dual Sport Ride & Drives, Mountain bikes, Horse events, etc.), the permittee shall insure the provision of emergency medical services (EMS) capable of locating, rendering aid to, and evacuating any accident victim. EMS shall include a person currently certified as an Emergency Medical

Technician Basic (or higher) equipped with sufficient supplies for emergencies, including locally approved equipment for the immobilization of the cervical spine. A dedicated and reliable communication system shall be provided sufficient to provide immediate contact for the first aid provider (EMT) to local emergency dispatch centers.

_____ 8. For **NON-MOTORIZED events with over 150 participants**, a minimum of one additional (EMT) per 150 participants (entrants and spectators) is required.

_____ 9. For **OPEN CANOPY COMPETITIVE MOTORIZED** events (motorcycle and ATV races), permittee shall insure the provision of emergency medical services (EMS) capable of locating, rendering aid to, and evacuating any accident victim. EMS shall include a minimum of one ambulance unit, which is dedicated to the event and has no public call response responsibility, and is permitted by the local authority having jurisdiction. Use of a public entity is permitted where no suitable private services capable of being “event dedicated” are available or located within 100 miles of the main event site. This unit shall only be acceptable if staffed and equipped to the local standards as prescribed by the authority having jurisdiction. A dedicated and reliable means for the first aid provider to immediately contact emergency dispatch centers shall be required. Dedicated 4X4 (The 4X4 units may be any 4 Wheel Drive vehicle i.e. Truck’s, and Jeep’s,) units minimum 1 for every 25 track miles (races only) equipped for rendering aid to, and evacuating any accident victim, staffed by an Emergency Medical Technician Basic (or higher) equipped with sufficient supplies for emergencies, including locally approved equipment for the immobilization of the cervical spine. (ATV’s may be used in place of the 4X4 units on Motorcycle, and ATV races provided they are staffed, by and equipped to the same standards as the 4X4 units.)

_____ 10. For **COMPETITIVE MOTORIZED** events involving enclosed canopy motor vehicles (Truck and buggy races, movie stunts), permittee shall insure the provision of EMS services capable of locating, rendering aid to, and evacuating any accident victim. First aid service shall include a minimum of one ambulance unit, which is dedicated to the event and has no public call response responsibility, and is permitted by the local authority having jurisdiction. Use of a public entity is permitted where no suitable private services capable of being “event dedicated” are available or located within 100 miles of the main event site. This unit shall only be acceptable if staffed and equipped to the local standards as prescribed by the authority having jurisdiction. Dedicated 4X4 units minimum 1 for every 25 track miles equipped for rendering aid to, and evacuating any accident victim, staffed by an Emergency Medical Technician Basic (or higher) equipped with sufficient supplies for emergencies, including locally approved equipment for the immobilization of the cervical spine. A means of suppression of a fire in the incipient stage, and for the extrication of victims from within a motor vehicle must be provided, and remain dedicated to the event. This includes the provision of a hydraulically operated gas or electric powered tool system for the cutting and spreading operations related to victim extrication from vehicles. A dedicated and reliable means for the EMS provider to immediately contact emergency dispatch centers shall be required.

_____ 11. For **LONG DISTANCE COMPETITIONS, AND EVENTS COVERING MORE THAN ONE JURISTCTION** where the provision of a single dedicated system would not be possible: (i.e. point to point or single lap races where the distance is greater

than 150 miles). Permittee shall insure the provision of EMS capable of locating, rendering aid to, and evacuating any accident victim. EMS shall include a minimum of one ambulance unit, which is dedicated to the event and has no public call response responsibility, and is permitted by the local authority having jurisdiction. Use of a public entity is permitted where no suitable private services capable of being "event dedicated" are available or located within 100 miles of the main event site. This unit shall only be acceptable if staffed and equipped to the local standards as prescribed by the authority having jurisdiction. Dedicated 4X4 units minimum 1 for every 25 track miles equipped for rendering aid to, and evacuating any accident victim, staffed by an Emergency Medical Technician Basic (or higher) equipped with sufficient supplies for emergencies, including locally approved equipment for the immobilization of the cervical spine. A means of suppression of a fire in the incipient stage, and for the extrication of victims from within a motor vehicle must be provided, and remain dedicated to the event. This includes the provision of a hydraulically operated gas or electric powered tool system for the cutting and spreading operations related to victim extrication from vehicles. A dedicated and reliable means for the EMS provider to immediately contact emergency dispatch centers shall be required.

Fuel and Fluids Management

_____ 12. The permittee is required to inform all persons associated with the SRP directly or indirectly of this stipulation requirement:

_____ 13. ALL VEHICLES - A method of controlling and capturing fuel spilled during fueling must be placed under all dump cans and under each vehicle during fueling operations. Commercially available absorbent products are available but a piece of scrap carpet is acceptable as long as the carpet absorbs the fuels and doesn't simply allow the fuels to run off or drain through.

_____ 14. ALL PITS WITH 50 OR MORE GALLONS OF FUEL - All pits that have 50 or more gallons of fuel available, whether in drums or dump cans, must provide for fuel containment. At a minimum this requires - 1) an impermeable membrane with raised edges capable of containing all fuels on-site should the containment vessel fail and 2) absorbent materials (commercially produced spill pads, diapers) available to soak up spilled fuels. This does not apply to fuels located within fuel trucks or fuel drums not in use stored in trucks or trailers.

_____ 15. FLUIDS (oil, transmission, etc.) - During vehicle maintenance and repairs all fluids must be contained in spill proof containers. Drop cloths and absorbent pads shall be used under vehicles when changing fluids or repairing engines and transmissions where fluids may be released.

_____ 16. Known product suppliers that could be contacted for information (no requirement to use these companies, information only):

Fuel containment

New Pig Corporation 1-800-468-4647

Product suppliers

Lab Safety Supply 1-800-356-0783

Environmental Stipulations

_____ 17. The permittee shall inform the participants to yield to any horses or burros on or near the racecourse. The permittee shall clear the course before each run to ensure that no

horses or burros have wondered onto the racecourse.

_____ 18. The permittee shall do everything possible to ensure that event participants and spectators do not harass or collect wildlife, plants, wild horses and burros, livestock or excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public lands. The event will avoid stock watering tanks, springs, wells, wildlife improvements, corrals, etc., by no less than one-quarter mile unless otherwise approved by the BLM Authorizing Officer. The event may not utilize, other than on designated roads passing through, for any activities, any burned area(s) which is/are recovering from the impacts of wildfire.

Racecourse Stipulations

_____ 19. Permittee shall monitor the race events to prevent damage from course cutting and participants traveling off course. The permittee shall establish racecourse checkpoints to prevent short coursing. Any participant caught short coursing or passing in no passing areas will be disqualified by race officials. The permittee will be responsible for keeping contestants on the designated route/course. Participants who violate any of the mitigation measures or stipulations shall be disqualified from the race. Additionally, any support personnel found in violation of the stipulations, associated with a participant shall result in the disqualification of that participant.

_____ 20. The event shall be confined entirely to a clearly defined and plainly marked area/route as shown on the authorized use area maps. Racecourses shall consist of existing roads, washes, old courses and trails. For lineal events, passing shall be limited to the disturbed areas of these roads, washes, old courses and trails. Passing is not permitted in vegetated areas adjacent to the course. The maximum allowable width of courses shall be no greater than the existing disturbance (road, old course or trails).

_____ 22. Permittee is responsible for stationing monitors and/or post signs at road intersections, prohibiting public access, where the general public is likely to access the racecourse.

_____ 22. No less than 15 days prior to use (or earlier if required by the Authorized Officer), the requested use area, course route and/or spectator/pit area(s) shall be marked

sufficiently to allow BLM personnel to easily determine the location, size and extent of the requested use area. The use area(s), racecourse(s) and spectator/pit area(s) shall be confined entirely to the designated areas as approved by BLM. Spectator area/pit boundaries shall be clearly marked and monitored to the extent necessary to restrict spectators, pit crews and others to the confines of the designated areas. All event staff must stay in areas assigned. The permittee will be responsible for marking the use area, racecourse and boundaries of spectator parking and pit areas to the satisfaction of the Authorized Officer. The permittee will not mark the course by painting rocks or plants or other land features.

Post Activity Stipulations

_____ 23. The permittee will be responsible for the prompt repair of any event-related damages to utility rights-of-way and related improvements within 72 hours after the event. If they are not returned to a condition that is satisfactory to the Authorizing Official and the Utility Company, the permittee will be assessed a fine to cover the cost of a contractor to get the work completed.

_____ 24. Staking, flagging materials, equipment, temporary facilities, litter and all other event related materials will be completely removed to an approved landfill by the permittee within 3 days following the event. If BLM post-race field checks reveal event related materials that have not been removed, BLM shall notify the permittee and charge for the related costs of removal.

Spectator Areas

_____ 25. The permittee shall contain and monitor the spectator areas to ensure the safety of the spectators and the race participants. The permittee shall keep spectators from leaving the boundaries of the spectator areas.

Sanitation

_____ 26. Permittee shall provide a minimum of two (2) restrooms at every start/finish (S/F) area, pit location, and/or spectator area on public lands which will be occupied for more than four (4) hours; and additional units if; 1) the S/F, pit, or spectator areas are split by the course route or a physical barrier, two restrooms shall be provided on either side; or if the S/F, pit, or spectator area is in excess of 1/4 mile (1,320 feet) in length, restrooms; (2) shall be provided at both ends. Restrooms may be provided through rental of units, use of self-contained trailers or motor homes or any other means providing access to the general public in S/F and spectator areas and all crews in pit areas. If restrooms other than rental units are used, adequate signage must be provided to make their presence known. All refuse must be removed from the event area and deposited in an approved treatment facility or landfill. Exceptions to this stipulation include; 1) check points manned by only a few personnel; 2) S/F, pit, or spectator areas adjacent to hotel or casino properties offering restroom facilities; 3) events where there are no specified S/F, pit, or spectator areas (i.e. Tour and Trail rides); and 4) pit areas for

point-to-point events where pit crews stay only long enough to service their vehicle then move on to the next point (S/F and spectator areas for these type events still require restrooms if used in excess of four (4) hours). **All restroom facilities must be removed from area within (72) hours after the event.**

_____ 27. At the discretion of the Authorized Officer, BLM Law Enforcement, or local law enforcement the event may be canceled due to improper procedures for road crossings, actions placing the public in harm's way or race related conditions (dust over the roads and highways).

Activity Site Rehabilitation

_____ 28. The Authorized Officer will complete a Post Event/Race Evaluation. Upon inspection, a determination will be made on which portions of the event area or racecourse, if any, need additional rehabilitation. The permittee may be required to grade, drag, disc or seed; soil and vegetation areas within the course and pit areas that were significantly changed or impacted as a result of the event. Main access roads used by support or rescue vehicles where significant road damage occurs must be graded to pre-event status. Site-specific stipulations requiring rehabilitation of areas must be accomplished within 15 days following the event unless a shorter time frame is required for public safety. The permittee shall be responsible for all costs associated with rehabilitation required.

Media

_____ 29. All media personnel are to strictly adhere to the applicable Special Recreation Permit Stipulations issued to the permittee for the duration of the permit.

Aircraft

_____ 30. Any rotor wing aircraft must use the designated helicopter pad for staging, refueling, and long term stationing. The designated helicopter pad must be on lands other than public unless authorized by the Special Recreation Permit.

_____ 31. Aircraft refueling operations occurring on public lands must conform to the "Fuel and Fluids Management" stipulations listed above.

Wildland Fire Precautions

_____ 32. The permittee or any participant may be held accountable for suppression of a wildland fire determined to be directly caused by those associated with the event.

California Desert-Wide Stipulations

_____ 33. Event Promoter shall make available to event participants and spectators, information regarding the Desert Tortoise, a Threatened Species protected under the Endangered Species Act. The following measures shall be complied with for the duration of the event:

- a. Organized event promoters and sponsors shall designate an individual contact representative responsible for overseeing compliance with the special desert tortoise stipulations;
- b. Prior to commencing the event, organized event promoters and sponsors shall provide event participants and spectators with the Bureau's printed materials describing: the occurrence of the desert tortoise in the area; the status of the desert tortoise; prohibitions against take and the penalties associated with take; and methods being employed as a part of the event to protect the desert tortoise and its habitat;
- c. Organized event promoters and sponsors that fail to comply with any of the special recreation permit stipulations shall be placed on a probation status;
- d. Containers used for race events shall be raven proof. Trash and food items shall be promptly contained and removed from the area within 24 hours of completion of the event;
- e. Participants that violate any special desert tortoise stipulation shall be disqualified from the event. Support team members that fail to comply with the stipulations shall result in disqualification of the associated rider(s). Anyone who accumulates three violations shall be barred from participating in any organized off-highway vehicle event for one year from the date of the third violation; and
- f. In April, May, June, September, and October for one race each month, a representative of the Bureau shall examine a given racecourse for tortoises which have been killed or injured as a result of the race. Locations of carcasses, if any, shall be recorded and the USFWS will be notified within five days. Carcasses may be marked to indicate recordation, but they will not be collected.

_____ 34. This SRP authorizes use of Public Lands only. For those portions of the racecourse that occur on lands of other ownership (e.g., private, State,), the permittee must have authorization from the respective landowner to utilize those lands.

_____ 35. This SRP incorporates the Event Promoter's Operating Plan.

Compliance and Monitoring Standards

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

Performance evaluation, violations, and penalties:

Performance will be based upon:

- Stipulation and Operating Plan Compliance;
- Protection of Resource Values; and
- Quality and Safety of Services provided to the public.

Performance levels are:

A= Acceptable: Permittee is in compliance with permit stipulations; has taken prompt steps to rectify any performance issues and complaints; does not repeatedly violate conditions, or show a

disregard for stipulations.

P= Probationary: Where the Permittee has repeated violations or disregarded permit stipulations.

U= Unacceptable: Permittee willfully and/or repeatedly violated permit conditions providing substandard service to the public. Conduct is lacking in reasonableness or responsibility to the point that it becomes reckless or negligent.

Response to Violations and Penalties:

A= Complaints/issues may be discussed over the phone or in writing. When due dates or completion dates are established, the permittee will be afforded a 15-day grace period, unless otherwise specified.

P= A Notice of Noncompliance (Notice) will be issued by the Authorized Officer specifying in what respects the permittee has failed to comply, the terms of the probationary status, and the consequences of further noncompliance.

U= Permit privileges will be revoked for one to three years. The permittee will have opportunity to appeal the decision under Title 43 CFR, Part 4.

Critical Standards - a breach of critical standards can lead directly to administrative penalties, suspension or revocation of a permit. Critical standards are stipulations and requirements necessary for the health and welfare of the public and protection of resources. The permit shall be suspended or revoked if required State or local licenses pertaining to public health and safety are revoked. Violation of mandatory Federal or State safety requirements will result in probationary status or loss of permit privileges.

The conviction of a violation of any Federal or State law or regulation pertaining to the conservation or protection of natural resources, the environment, endangered species or antiquities that is related to permit operations will result in probationary status or loss of permit privileges.

I declare I have read and understand all of the stipulations associated with this Special Recreation Permit. I acknowledge that as signee of the permit and these stipulations that I am fully responsible for all of the mitigation measures and compliance with stated permit stipulations and that non-compliance with any permit stipulations will be grounds for denial of future permits, and/or race cancellation, and/or prosecution of applicable Federal, State and/or Local laws.

Applicant's Name (Print)

Signature

Date

Appendix C – Commercial Filming Stipulations for Johnson Valley OHV Area

COMMERCIAL FILMING STIPULATIONS FOR JOHNSON VALLEY OHV AREA

1. The permittee shall designate a representative for field operations before activities may commence, who shall be the sole field representative of the permittee's employees or contractors in dealing with the authorized BLM officer. Said representative shall be employed on behalf of the permittee's employees or contractors to communicate with the authorized officer, and to receive and comply with all communications and decisions of the authorized officer.
2. A copy of the permit and the stipulations shall be kept available on location at all times, for review for BLM personnel upon request. All persons (e.g., permittees, contractors, subcontractors) working at the site will be familiar with the permit stipulations. Non-compliance with permit stipulations may result in cancellation of the permit, or other adverse actions against the permittee.
3. Availability of all authorized areas for commercial filming activities is subject to restrictions based on their compatibility with recreational and other authorized activities as well as area carrying capacity limits.
4. The permittee shall confine all activities within the Johnson Valley OHV Area specifically defined by the attached map at the specified times and dates. If the Johnson Valley OHV Area location or other limitations on this filming authorization are deemed not appropriate by the permittee, no action shall be undertaken by the permittee at other times or on other public lands suitable to him/her until said changes are approved by the Barstow Field Manager. Anytime filming activities move off BLM land, the Inland Empire film commission must be notified.
5. THIS PERMIT AUTHORIZES THE USE OF PUBLIC LANDS ONLY. PERMISSION FOR THE USE OR OCCUPANCY OF PRIVATELY OWNED LANDS OR PROPERTY MUST BE OBTAINED FROM THE OWNER(S) AND REQUIRES A COUNTY FILM PERMIT. CONTACT THE INLAND EMPIRE FILM COMMISSION FOR MORE INFORMATION.
6. Any soil disturbance such as ditching, ponding, leveling, mounding, etc. must be specifically authorized by BLM on the permit, and must be cleared by the Barstow Field Office if in desert tortoise habitat or known cultural resources area. Any authorized disturbance must be returned to original condition within 24 hours of completion of filming.
7. The permittee shall provide the filming operation employees or contractors, prior to commencing film activities, BLM printed materials describing: Occurrence of the desert tortoise in the area, Status of the desert tortoise, Prohibitions against take and the penalties associated with take, and Methods being employed as a part of the event to protect the tortoise and its habitat.
8. Desert tortoise handling is not authorized. Should a situation arise where "take" of desert tortoises becomes likely, filming operations shall cease and the Barstow Field Office and the Inland Empire Film Commission shall be notified to determine an appropriate course of action.
9. The area shall be kept clear of trash and debris. Trash containers must be raven-proof (with lids secured at all times) and all trash and debris generated by the filming operation shall be removed

immediately after completing filming operations to reduce the attractiveness of the area to ravens, coyotes and other desert tortoise predators. Waste and other discharges from camping vehicles or other equipment is prohibited.

10. The Barstow Field Office and the Inland Empire Film Commission must be notified of any commercial filming in the Yucca Rings ACEC and it must be specifically authorized by BLM on the permit. Only still photography is authorized in the Yucca Rings ACEC. All commercial filming activity is prohibited within the fenced area within the Yucca Rings ACEC.

11. The Barstow Field Office and the Inland Empire Film Commission must be notified of any commercial filming involving exotic (i.e., non-desert and desert plants and animals not native to the West Mojave, such as camels) or domestic species. The permitted filers are responsible for controlling and cleaning up after these species, including feces, to avoid the dissemination of seeds or diseases in the desert.

12. Filming operations shall be conducted in such a manner as to avoid creating safety hazards to other public land visitors and users and to the filming crews. The Permittee shall use whatever signs, flagging, help of individuals, or other authorized safety devices for the safe conduct of the filming operation and the protection of other users and visitors before, during, and after filming activities. Props, equipment and vehicles that are left at ongoing filming sites overnight must be clear of existing roadways and accompanied by a guard and warning lights and no structures or equipment are to be left over the weekend.

13. The Barstow Field Office and the Inland Empire Film Commission must be notified of any commercial filming involving aircraft or pyrotechnic or explosive devices and it must be specifically authorized by BLM in advance. The Permittee must obtain additional appropriate permits from other agencies as necessary, such as for special effects, pyrotechnics, and aircraft.

14. Application and rental fees will not be refunded once a filming permit has been processed. Please contact the Inland Empire Film Commission at (909) 300-5648 to reschedule.

15. For movie projects, acknowledgement through the film credits shall be given to: U.S. Department of the Interior, Bureau of Land Management, Barstow Field Office and Inland Empire Film Commission for the portions of the movie filmed on lands administered by BLM. Permittee acknowledges, by signing below, that he/she knows, understands and accepts the terms and conditions under which this permit is issued

Appendix D – Combat Center Requirements for Incorporation into Alternatives 1 and 3

Hammerking Productions will coordinate with MAGTFTC's Office of Government and External Affairs (GEA) to ensure compliance with the requirements below. Additional requirements (e.g., insurance) may be imposed during the Department of Navy's licensing process, which would occur after the NEPA process is completed. MAGTFTC GEA contact information is available at: <https://www.29palms.marines.mil/Staff-Offices/Government-and-External-Affairs/>

EMUA Route Limitations

1. Each year, at least 90 days prior to the event, Hammerking Productions must submit a request to MAGTFTC showing the proposed EMUA routes to be used and how the EMUA routes tie into the larger route network on BLM-managed lands. In coordination with BLM, MAGTFTC would evaluate the request for feasibility (e.g., military training) and to ensure potential effects remain within the scope of this EA (e.g., Clean Air Act) and associated authorizations (e.g., Endangered Species Act and National Historic Preservation Act).
2. EMUA routes must be flagged in advance to ensure that impacts remain within the footprint of existing routes, generally 16 feet wide, and for compliance with ESA and NHPA.
3. Within the EMUA, all persons that are allowed entry (as discussed below) must remain within the boundaries of the flagged routes. In addition, the following stipulations apply:
 - a. No general public access is allowed in the EMUA. Entry into the EMUA for specific event personnel and Hammerking Productions staff is limited to marking and establishing the race route prior to the event, in advance of the race, and to remove race markers from the EMUA, after the race is over.
 - b. Hammerking staff and event personnel must contact MAGTFTC GEA to pre-coordinate access. During event, access is coordinated directly with MCAGCC's onsite race liaison. Entry may only occur with MAGTFTC staff approval.
 - c. Only authorized event participants and media will be allowed in the EMUA during event to include pre-run days.
 - d. Racers will be allowed specific dates and times to enter the EMUA during the formal event, which include pre-running days. These dates and time limits will be clearly noted and exceptions may be made only to recover disabled race vehicles and racers. In case of a disabled race vehicle or emergency, a recovery race pit crew vehicle and emergency assistance vehicles will be allowed in the EMUA after given approval from MAGTFTC staff (BEARMAT, Conservation Law Enforcement and MAGTFTC GEA). All vehicles will depart immediately upon completion of recovery.

Environmental Prohibition and Requirements

1. Desert Tortoise. (1) a pre-race survey, by a USFWS Authorized Biologist, conducted approximately 48 hours prior to the first day use of the EMUA; (2) an Authorized Biologist or Conservation Law Enforcement Officer would remain in the EMUA during its use to remove any observed tortoise occurring in the race route; and (3) a post-race survey would be conducted by the Authorized Biologist or Conservation Law Enforcement Officer to document any incidental take.
2. Clean Air Act. Hammerking Productions shall assist BLM and MAGTFTC with determining and ensuring compliance with the Clean Air Act. If emissions from future race events exceed de minimis levels, further NEPA and Clean Air Act analysis would be required.

3. Cultural Resources. (1) The racecourse routes would be marked in the EMUA to ensure racers stay within the alignment. The temporary signage will state "Warning/ Sensitive Resources/ Stay on Route" or simply "Stay on Route". Provost Marshal's officers and Conservation Law Enforcement Officers will patrol along this boundary and at the routes to ensure no one deviates from this instruction. (2) Site protection would be placed along Route D in the EMUA (existing earthen berm). (3) A post-race inspection would be conducted to determine if any site damage has occurred and whether the site protections are effective. Results of the inspection would be delivered to the California SHPO.
4. Restricted Areas. No personnel or race drivers shall enter Combat Center Restricted Areas within the EMUA (see Figure 5).
5. Environmental Awareness. Before entering the EMUA, race car drivers and event personnel must receive an environmental awareness briefing (digital or hard copy) with an acknowledgment form signed by Hammerking Productions. Briefing materials are available from MAGTFTC GEA.
6. Spills. Hammerking Productions and race car drivers must ensure that all spills or releases of oils, petroleum and/or lubricants are reported to MAGTFTC Environmental Affairs immediately. Point of contact = MCAGCC Abatement Chief: (760) 401-9841 (available 24 hours a day). All documentation and notification to external agencies would be made by MAGTFTC.

MAGTF Training Directorate Prohibition and Requirements

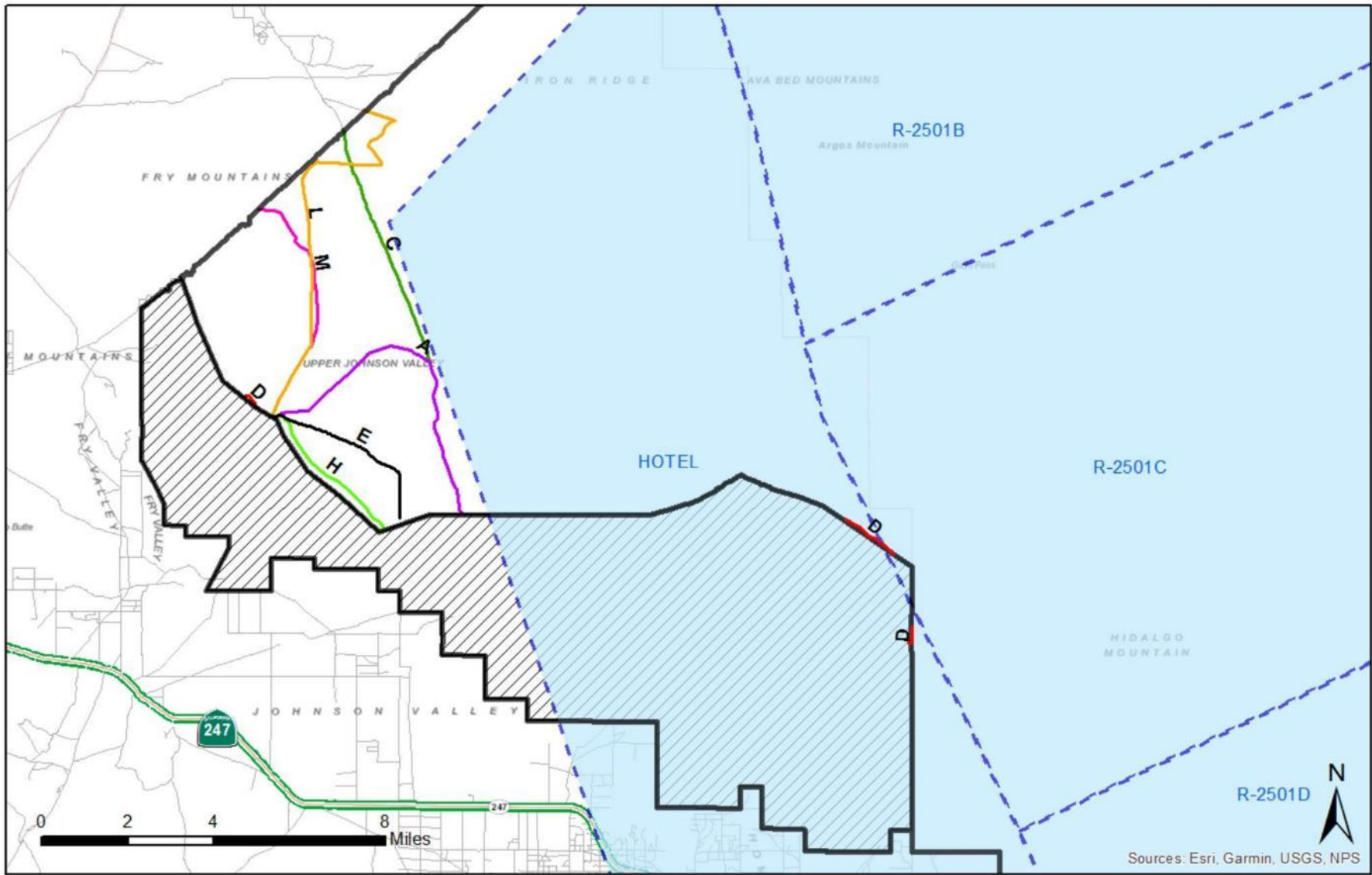
1. Scheduling: Hammerking Productions must submit a request for 2 main routes and 5 alternatives 90 days from their event start date. Notification of approval will be within 30 days from the event.
 - Range Scheduling OIC (760) 830-6454
 - Range Scheduling Office (760) 830-6313
 - Operations Officer (760) 830-1725
2. Safety: If there is an emergent event that requires access past the MCAGCC base boundary, Hammerking Productions personnel must coordinate with the MCAGCC Range Safety LNO.
 - Range Safety Office: (760) 830-7112
 - Range Control Officer: (760) 830-6945
3. Airspace: Aircraft to include drones are not authorized to enter MCAGCC Restricted Airspace at any time unless coordinated with Range Control. See areas designated with "R" on image below. R-2501C overlaps a portion of the Shared Use Area and Route D as shown in the figure below.
 - Air Operations Coordinator (760) 830-8113

Commercial Filming

1. Aerial filming outside of Restricted Airspace is permitted.

MAGTFTC Monitoring and Reporting

1. A post event survey would be conducted to ensure compliance with the conditions of ESA and NHPA consultations, in addition to ensuring no unreported spills occurred in the training areas. This report would be part of the project record maintained for the duration of the license to confirm effectiveness of measures. The report would determine whether the effects, and anticipated effects, of the Proposed Action (Alternative 1) remain within the scope of the EA and any Department of Navy license issued based on the EA.



Combat Center Boundaries
 Designated Airspace
 Shared Use Area

Figure 1. Potential Routes within the Shared Use Area and Closed Airspace Adjacent to Project Area

Appendix E – Air Quality and GHG Emissions Estimates

Table 1. Air Quality: Annual Emissions Estimates

Pollutant	San Bernardino County <i>de minimis</i> Thresholds (tons per year)	2023 Project Emissions (tons per year)	2027 Project Emissions (tons per year)
<i>NOx (Ozone Precursor)</i>	25	9.5	12.4
<i>VOC (Ozone Precursor)</i>	25	9.5	12.4
<i>PM10</i>	100	58.8	69.7

Note: The functional unit for the analysis is vehicle miles travelled; therefore, this unit was used to determine the annual growth rate. A 4.16% annual growth rate, as observed from KOH 2016-2022, was used to project future emissions.

Source: BLM 2022a

Table 2. GHG: Annual Emissions Estimates

Annual GHG Emissions	Metric tons of CO ₂ e (MMT)	As a Percent of All U.S. 2020 Emissions (MMT)	As a Percent of All California 2019 Emissions (MMT)
<i>Potential 2023 GHG Emissions from KOH Event</i>	45 (0.000045)	0.0000009% (5,222)	0.00001% (418.2)
<i>Potential 2027 GHG Emissions from KOH Event</i>	59 (0.000059)	0.000001% (5,222)	0.00001% (418.2)

Note: Projected emissions utilizes a 4.16% annual growth rate as observed from KOH 2016-2022 vehicle miles travelled.

MMT = million metric tons

Sources: BLM 2022a, CARB 2022 (2019 data), USEPA 2022 (2020 data).

Appendix F – Public Comments

Summary of Public Comments and BLM Responses

The following table summarizes the substantive public comments received by BLM during the October 11, 2022 through November 11, 2022 public comment period. Comments have been edited for conciseness and clarity.

Public Comment	BLM Response
<p>The EA cites an outdated Biological Opinion from 1991 and the BLM has not adequately analyzed species-wide impacts to desert tortoise nor met Endangered Species Act consultation requirements with the U.S. Fish and Wildlife Service.</p>	<p>The 1991 Biological Opinion (BO) anticipated large organized events within the Johnson Valley Open Area and acknowledged that the open area has a long history of extensive disturbance by off-highway vehicles and by mining activities. The BO also acknowledged that there was an inability to resolve conflicts associated with intensive off-highway vehicle use and conservation of desert tortoises in this area. The allowable take over the life of the 1991 BO is 1,000 desert tortoises.</p> <p>The EA has been revised to add context, including relevant Biological Opinions such as the 2012 and 2017 BO for Land Acquisition and Airspace Establishment, Twentynine Palms, CA (USFWS 2012, 2017a) and the 2017 BO for Activities in the California Desert Conservation Area (USFWS 2017b). The 2012 and 2017 BO (for Land Acquisition and Translocation, respectively) analyzed the impacts from the shared use area of the Johnson Valley (where the majority of the King of Hammers event would occur, including the rock crawling areas), the translocation of desert tortoises from the moderate- and high-intensity disturbance areas of the Johnson Valley, and the increased management measures to address displacement of off-highway vehicles into critical habitat. The 2017 BO for Activities in the California Desert Conservation Area also updated the baseline for the desert tortoise in the CDCA; at that point in time, the annual KOH event had been ongoing for approximately 7 years.</p> <p>The EA has been revised to reflect this.</p>
<p>Twentynine Palms (MAGTFTC) has not met Endangered Species Act consultation requirements with the U.S. Fish and Wildlife Service.</p>	<p>MAGTFTC has clarified its explanation of the scope of its 2017 BO and efforts made to ensure ESA compliance for the Proposed Action analyzed in this EA (see Sections 3.1.2, 3.7.2.1, 4.1, and Appendix D).</p> <p>MAGTFTC has obtained USFWS technical advice (USFWS 2022b) on the 2017 biological opinion's scope, and whether the potential effects and incidental take from the Proposed Action (Alternative 1) would be within scope of this existing biological opinion (USFWS 2017a). The EA has been revised to reflect this advice.</p>
<p>The EA does not adequately analyze potential impacts to the desert tortoise or its critical habitat and failed to provide supporting information in the EA for public review.</p>	<p>The BLM and MAGTFTC have reviewed the additional information provided by the commenter and provided additional explanation and support throughout the relevant sections of this EA, including Sections 3.1, 3.7, and 4.1.</p> <p>Impacts to desert tortoise and critical habitat on BLM lands are covered by the following BOs: USFWS 1991, 2017a, and 2017b. Impacts to desert tortoise on the Combat Center are covered by the USFWS 2017a BO. No critical habitat exists on the Combat Center.</p>
<p>The BLM has not adequately monitored for impacts to desert tortoise.</p>	<p>The Special Recreation Permit (SRP) for KOH requires that the applicant monitor during the event for impacts to desert tortoise. Any injured or killed desert tortoise must be reported to USFWS within five days. The BLM also monitors compliance with the SRP stipulations during the race and conducts a pre- and post-race sweep.</p>

Public Comment	BLM Response
<p>The BLM must address unauthorized OHV usage outside the boundaries of the Johnson Valley Open Area.</p>	<p>The Johnson Valley Open Area shares a boundary with the Ord-Rodman ACEC/critical habitat unit. The western boundary with the ACEC has been fenced and signed to reduce OHV trespass into the ACEC. The fence was installed by the Department of the Navy in order to implement a conservation measure described in the relevant BO (USFWS 2012, 2017). As part of the agency's routine operations, the BLM addresses OHV violations by patrolling the area and issuing tickets and fines as a deterrent.</p>
<p>The BLM must comply with Executive Orders on invasive weeds, such as EO 13112 and EO 13751.</p>	<p>The EA has been revised to include additional context.</p>
<p>How can event impacts be restricted to existing or designated routes and still allow for rock-crawling?</p>	<p>The EA has been revised to acknowledge that a small portion of the event (OHV rock crawling) would occur outside existing routes, but within areas of existing OHV use. Most of the rock crawling areas are near the mountains east-northeast of Means Dry Lake. This area has experienced high levels of OHV disturbance for decades, which would be expected to reduce desert tortoise density in the immediate vicinity, thereby lowering the potential for interactions between spectators, competitors, and tortoise.</p>
<p>How would the agencies comply with environmental laws and regulations regarding state-listed or BLM-designated special status species?</p>	<p>The EA, in Sections 3.1, 4.1, and elsewhere, demonstrates how the agencies (BLM and MAGTFTC) would comply with federal environmental laws and regulations. The applicant (KOH) must additionally comply with all other applicable environmental laws including, but not limited to, the California Endangered Species Act (CESA). For example, if the proposed project may result in take of state-listed special status species, the applicant would be responsible for obtaining an incidental take permit from the California Department of Fish and Wildlife (CDFW). No impacts to BLM Special Status Species (as designated by the BLM California State Director) are anticipated to result from the proposed project.</p>
<p>The BLM must further analyze potential impacts to livestock.</p>	<p>The EA has been revised to include additional context. The BLM is not aware of any livestock conflicts which have been attributed to previous KOH events.</p>
<p>The BLM must further analyze potential impacts to soils.</p>	<p>The EA has been revised to include additional context. The operator would be required to rehabilitate areas of the event which were significantly altered or impacted as a result of the event (see SRP Stipulations in Appendix B).</p>
<p>Would spectators be restricted to existing routes and disturbed areas?</p>	<p>Designated routes do not exist within Open Areas; however, there are extensive existing routes that have been established through repeated use including much of the proposed racecourse route. Competitors are expected to remain on the course designated by KOH; spectators would receive a safety briefing from KOH which advises them to remain on existing routes.</p>
<p>The BLM must further analyze potential impacts from spectators choosing to recreate outside the proposed closure area during the KOH event.</p>	<p>Impacts from visitor use within the Johnson Valley Open Use Area during the KOH event would be comparable to other high-volume periods of the year (e.g., during holiday weekends) where the OHV area receives similar visitor counts as the KOH event or higher based on RMIS data (BLM 2022b). Impacts from such recreational use have previously been analyzed in the JV OHV management plan (BLM 1991).</p>
<p>An EA is not adequate and an EIS is required.</p>	<p>The main function of an EA is to determine if an EIS is required. An EIS is not required for the reasons listed below.</p>

Public Comment	BLM Response
	<ul style="list-style-type: none"><li data-bbox="607 170 1511 594">• The direct, indirect, and cumulative impacts of the Proposed Action and Alternatives would occur within areas previously affected by ongoing actions, including existing routes and open areas, within the scope of past BLM and MAGTFC NEPA documents. Although issuing a new permit to Hammerking Productions is a new major federal action subject to NEPA (prior permits have expired), the effects of OHV use is not a new action in the project area. In this EA, the BLM is focusing its NEPA analysis on the potential effects of the Proposed Action that would result from the applicant's proposal and not general OHV use on BLM lands as is the case for land management plan NEPA documents. For impacts such as indirect effects outside the scope of the Proposed Action (e.g., spectator recreational activities conducted after the King of Hammers events), the BLM is able to tier to past NEPA documents to show that the agency has prior NEPA coverage for such indirect effects.<li data-bbox="607 615 1484 762">• The Johnson Valley Management Plan EA, tiers to the CDCA EIS and was intended to streamline future NEPA processes for organized OHV events by requiring an EA be prepared for future permitting actions associated with organized OHV events. Mitigation for organized OHV events has been carried forward into Appendix B of this EA.<li data-bbox="607 783 1511 873">• The agencies have offered mitigation to minimized impacts to resources, including the desert tortoise, as listed in Appendix B and D of this EA. This would avoid significant impacts and the need to prepare an EIS.