SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS

I. Project Information

A. Project name: Joshua Tree Recreational Campground, CA Campground

B. Affected species: Desert tortoise (*Gopherus agassizii*)

C. Project size (in acres): 13.83 acres

D. Brief project description including minimization and mitigation plans:
The applicant proposes to construct a luxury campground and spa, in two phases, on his 314.6 acre parcel northeast of Joshua Tree, California. The project will involve the disturbance of 13.83 acres of desert tortoise habitat. Approximately 62% of this disturbance will occur during Phase I of the project. The remainder will occur in Phase II. Of the total project acreage, 3.27 acres of the disturbance will be due to the construction of 19 administrative and guest services buildings (including a horse stable), 19 permanent teepee-like structures for guests to stay in, 13 small huts for massage-therapy, and 1 hot pool for guests. The remaining 10.56 acres of habitat disturbance will be due to the construction of roads, trails, and parking areas. The parking facility and the majority of the buildings that are proposed are within an area of the project site that has been heavily impacted by illegal dumping, shooting, and OHV use. Desert tortoise habitat at this location is of low quality and few if any desert tortoises are likely to inhabit his area. The applicant is also proposing to construct a fence around the perimeter of the 314.6 acre parcel in order to prevent future illegal impacts to desert tortoise habitat on his property.

During project design, the applicant asked for technical assistance from the Service, so that he could minimize impacts to desert tortoises and their habitat to the greatest extent possible. Based on biological inventories of the site that identified areas where desert tortoise sign was found, the applicant significantly redesigned and scaled back his project to avoid areas where desert tortoises seemed to occur in higher densities. Most areas of high desert tortoise density on the site are now avoided. The applicant is also proposing to fence the main access road and parking area with desert tortoise fencing to prevent injury or mortality due to road-kills, and is also proposing to install two culverts along the road to prevent fragmentation effects and promote movement of desert tortoises safely from one side of the road to the other. The applicant will conserve 13.8 acres as mitigation for possible take of desert tortoises estimated for this project.

***Please see Section 3.0 of the HCP for more details on the proposed project and for a list of proposed minimization measures that are proposed for project construction and operation.**

II. Does the HCP fit the low-effect criteria in the HCP Handbook? *The answer must be "yes" to all three questions below for a positive determination. Each response should include an explanation.*

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the mitigation plan?

The construction and operation activities associated with the Joshua Tree Campground may affect the desert tortoise on and in the vicinity of the applicants 314.6 acre parcel. However, these impacts are considered to be negligible to the species as a whole because: 1) The amount of habitat being disturbed is small relative to the amount of habitat available within the Joshua Tree area, the West Mojave Recovery Unit, and within the wide range of the species as a whole; 2) most of the areas that will be disturbed during construction and operation of buildings on the site is of poor quality and probably supports few if any desert tortoises due to ongoing, illegal shooting, dumping, and OHV use; 3) disturbance associated with construction of roads on the site is associated with habitat that has also been impacted, to a lesser extent by illegal dumping, shooting, and OHV use; 4) the construction of this park will not serve to fragment desert tortoise populations in the Joshua Tree, California area; and 5) one of the most likely forms of take is capture to move desert tortoises out of harm's way, resulting in temporary, low impacts.

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the mitigation plan?

Cultural Resources: Pre-field research and archaeological survey for the Joshua Tree Recreational Campground project was conducted by Archaeological Associates in January, 2005. As a result of the pre-field research and field survey, no cultural resources were identified. Given that the project area was surveyed and that no cultural resources have been identified, this project will have no effect on important cultural resources. If new or additional management activities under this HCP permit are proposed, however, an assessment will need to be made on those activities to determine whether they will have the potential to impact cultural resources.

Geology and Soils: There are no unique geologic features that would be impacted by this project. Soils found on the site will be impacted due to construction activities. These soils are not unique to this location and are already heavily impacted at this location due to illegal OHV activities and dumping.

Air Quality: The proposed project will not conflict with or obstruct implementation of any air quality plan and will not result in a cumulative or considerable net increase

of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. The project will not expose any sensitive receptors to substantial pollutant concentrations. Most fugitive dust from the project site will come from initial construction of the campground site. Based on other construction activities in the Mojave Desert and the small size of the disturbed area, construction and operation of this campground is not likely to result in substantial amounts of fugitive dust.

Water Quality and Quantity: The proposed project will not impact water quality of the area and will not substantially alter the existing drainage or place structures within a 100 year flood hazard area. The site is not within a 100 year flood plain. There are no surface bodies of water in the area that could be impacted by any activities on the project site. The project proponent is not proposing to house or use any hazardous chemicals or other potential pollutants on the project site during construction or operation of the campground that could pollute groundwater resources. All structures on the site will be built using "green" technologies. The project will not use a substantial quantity of water. Water to the site will be supplied by an onsite groundwater well. Water supplied to the site will be used for typical uses found at any campground or small motel facility.

Socio-economic: There is currently little development in the vicinity of the proposed project site (2-3 houses on approximately 5 acre parcels), and the activities occurring on the site are not likely to result in any offsite effects that would impact these neighboring residents.

Noise: The proposed project will not expose the participating and surrounding public to noise levels in excess of any state, county, or local noise regulations. Activities at the site are not likely to result in much noise. The proposed campground will be managed as a retreat, in which visitors are seeking to escape noise and people. It is not likely that this atmosphere will result in unacceptable noise levels. Noise associated with construction will not significantly impact neighboring houses due to the fact that most of the construction will be on approximately 13.8 acres of land in the interior of a 314.6 acre parcel. This will provide a substantial buffer for noise to dissipate before it reaches surrounding houses.

Recreation: Currently the site and other private lands in the immediate vicinity are being illegally used for OHV recreation and shooting. The site is known in the surrounding community as the "shooting area". The applicant has placed no trespassing signs around the property and has approached local law enforcement to ticket people who are found trespassing. This recreation, done in trespass, would be displaced to BLM land and other areas of the surrounding desert. No other form of legal recreation will be significantly impacted by this project. The implementation of this project will likely change the form of recreation that is currently occurring on the 314.6 acre parcel from illegal shooting to hiking, horseback riding, and camping. This is not likely to have a significant impact on the ability for people in the

surrounding community to recreate in the desert areas adjacent to the 314.6 acre parcel.

Traffic: This project is expected to create a less than significant increase in traffic in the area. The area already experiences traffic in the form of unauthorized trespass.

C. **Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant?** No significant cumulative effects are expected to occur during implementation of this project. The towns of Yucca Valley, 29 Palms, and Joshua Tree, California are beginning to grow in size. The USFWS is currently aware of approximately 24 proposed developments that are in various stages of planning in the vicinity of these towns. These projects are "reasonably foreseeable". We are unaware of any additional projects within the Morongo Basin, where these cities are located. Of these developments, the nearest one is a proposal for an expansion of Copper Mountain College, for which we have recently received a draft HCP. This nearest site is more than 5 miles away from the proposed campground location. The next nearest foreseeable developments are between 7 and 10 miles away. The direct and indirect effects to on and offsite areas associated with these projects are not likely to overlap with direct and indirect effects to on and offsite areas associated with the proposed campground for any of the factors analyzed under NEPA. The effects of the proposed project would not therefore, add to the effects of these reasonably foreseeable projects. The direct or indirect effects, to on or offsite areas, associated with ongoing operation of the campground are unlikely to be cumulative over time. We are unaware of any federally funded or permitted projects proposed on public land in the vicinity of the proposed project.

III. Do any of the exceptions to categorical exclusions apply to this HCP? (from 516 DM 2.3, Appendix 2)

Would implementation of the HCP:

A. **Have significant adverse effects on public health or safety?**
No. The location of the campground is isolated from most residents of the surrounding area. Activities carried out during construction and ongoing operation of the campground are not of the nature that would result in any adverse impacts to residents in the sparsely inhabited surrounding area.

B. **Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?**

No. Cultural resource surveys have indicated that no such resources exist on the site. There are no park, recreation, refuge, wilderness, wild and scenic areas, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas in the vicinity of the proposed project.

C. Have highly controversial environmental effects?
No. The project applicants have done public outreach for the project and have received support from private citizens and city government. Opponents to the project implementation are likely to be few if any.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?
No. The project activities would have negligible impacts, therefore issuance of the permit would not involve significant environmental effects or involve unique or unknown environmental risks.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?
No. Future actions would be reviewed on their own merits. In this case the project activities are not out of the ordinary and will have negligible impacts; therefore issuance of the permit would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?
No. This project is not related to any other project.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?
No. There are no sites on or adjacent to the project site that have been listed or are eligible for the National Register of Historic Places, which would be impacted by project implementation.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?
No critical habitat will be impacted by this project. Although it is likely that some small amount of take will occur for the desert tortoise, these impacts are considered to be negligible to the species as a whole because: 1) The amount of habitat being disturbed is small relative to the amount of habitat available within the Joshua Tree area and within the wide range of the species as a whole; 2) most of the areas that will be disturbed during construction of buildings on the site is of poor quality and probably supports few if any desert tortoises due to ongoing, illegal shooting, dumping, and OHV use; 3) disturbance associated with construction of roads on the site is associated with habitat that has also been impacted, to a lesser extent by illegal

dumping, shooting, and OHV use; 4) the construction of this park will not serve to fragment desert tortoise populations in the Joshua Tree, California area; and 5) one of the most likely forms of take is capture to move desert tortoises out of harm's way, resulting in temporary, low impacts.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. The project will not impacts wetlands or floodplains and thus not require compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. All other Federal and State regulations shall be adhered to. California Environmental Quality Act compliance has already been initiated, and the applicant anticipates that a "mitigated negative declaration" will be issued for the project. Through discussions with the California Department of Fish and Game (CDFG), we have determined that CDFG will most likely adopt the final HCP for this project as a 2080.1 permit for the purposes of California Endangered Species Act compliance.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Joshua Tree Recreational Campground HCP qualifies as a "Low Effect" HCP as defined in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook.* Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents: Habitat Conservation Plan and NHPA Section 106 Compliance memo from the U.S. Fish and Wildlife Service Region 1 archaeologist.

Concurrence:

AFS for the Mojaveland Great Basin Deserts — Date: 11-8-06

Field Supervisor — Date: 11/8/06