

## SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS

### I. Project Information

- A. Project name:** Spring Mountain Raceway Expansion Project  
Pahrump, Nye County, Nevada
- B. Affected species:** Desert tortoise (*Gopherus agassizii*)  
Listed as Threatened under the Endangered Species Act  
Classified as Protected, Threatened by the State of Nevada
- C. Project size (in stream miles and acres):** 120 acres
- D. Brief project description including minimization and mitigation plans:**

#### The purpose

The purpose of the project is to expand an existing raceway to include an additional 1.9 miles of racetrack, resulting in a total of 6 miles of racetrack, which would make the facility the second largest private track in the world.

The purpose of developing the habitat conservation plan is to document actions that will be taken by the project proponent to minimize and mitigate the effects of the raceway expansion within 120 acres of desert tortoise habitat. The habitat conservation plan will be submitted by the project proponent to support an application for a section 10(a)(1)(B) incidental take permit for the desert tortoise.

#### The need

The project would increase racetrack safety, meet the growing need and demand for racetrack rentals and schools offered by manufacturers, and create additional job opportunities in the community.

The project proponent is applying for an incidental take permit because the project is located within desert tortoise habitat and take would be unavoidable as a result of construction activities on the project site.

#### The proposed project

The proposed project would expand the existing racetrack by 1.9 miles within the 120-acre project area, increasing the total length of track to 6 miles. The raceway would provide for three different tracks to be able to run simultaneously. Additional facilities to be constructed within the project area include:

- 1.9 miles of A/C pavement added;
- 250-by-450-foot A/C paddock area for exercise purposes in the driving schools;
- drainage holding pond consistent with Nye County flood control plans;
- water holding area to be used by U.S. Forest Service and the local community for firefighting and recreational purposes;
- four building pads that will house a small driving school, mechanics shop, restroom buildings, and retail sales and offices;
- sewer treatment facilities for the new buildings;
- power utilities for new buildings;
- phone and internet service utilities; and
- infrastructure to deliver water from the existing well to the expansion area.

Construction activities would include installation of tortoise-proof fencing and gate; grading and leveling of soil and other earth-moving activities; removal of vegetation; construction of new racetrack; construction of buildings and parking lots; construction of flood control facilities; power, phone and internet lines, sewer lines, water pipelines; and improvement and/or widening of adjacent roadways. Covered activities also include vehicle and construction equipment travel on access roads to the construction site. Construction activities could occur at all times of the year until the project is completed.

The duration of the Permit: 4 years

The lands covered under the HCP

The project area is 120 acres in size, located on the northeast side of State Route 160 in the southern part of the community of Pahrump, Nevada. The project proponent acquired the land from the Bureau of Land Management (BLM) by modified competitive sealed-bid sale on May 7, 2012. The public sale of the parcel was in conformance with the BLM's Las Vegas Resource Management Plan (RMP), approved by record of decision on October 5, 1998. The sale met the BLM's criteria for modified-competitive sales as defined in their regulations at 43 CFR 2710.0-6(c)(3)(ii) and 43 CFR 2711.3-2. The U.S. Fish and Wildlife Service (Service) issued a programmatic biological opinion for the RMP on June 18, 1998, with a conclusion of "no jeopardy" for BLM's management actions that are in conformance with the RMP, including the disposal of the 120-acre parcel. The parcel is adjacent to the east boundary of the existing raceway, and is bounded on the north and east sides by vacant land administered by the BLM. The legal location of the parcel is Township 20 South, Range 54 East, Section 34, W1/2NW1/4, NW1/4SW1/4, Mount Diablo Meridian.

### Species occupation and baseline

Vegetation in the project area consists of plants typical to the Mojave Desert scrub association. Dominant species include creosote bush and white bursage. The project area receives some off road vehicle use but is otherwise in a fairly natural state with little to no trash or other human induced impacts. Vegetation is relatively undisturbed, except for some use by wild burros.

The project area occurs within the range of the desert tortoise. Surveys for tortoise were conducted in May 2012. No live desert tortoises were observed, but several tortoise burrows were found. The number of tortoises inhabiting the project site is unknown, but based on the results of the surveys, it is estimated that at least one tortoise may occupy the site at various times of the year.

### Goals and objectives for covered species

The goals of the habitat conservation plan are:

1. Avoid take of the desert tortoise in the form of mortality resulting from the development of 120 acres of tortoise habitat for the raceway project expansion, and
2. assist in the implementation of conservation and recovery actions for the desert tortoise.

The objectives of the habitat conservation plan are:

1. Move all tortoises out of harm's way prior to commencement of construction activities and ensure that tortoises do not wander in to the project site during or after construction activities, and
2. provide funding to the Zoological Society of San Diego to support range-wide recovery efforts for the desert tortoise at the Desert Tortoise Conservation Center (DTCC), including conservation research, on-the-ground recovery actions, training of biologists, and public education.

### Land and benefiting management activities (including avoidance, minimization and mitigation measures)

#### *Avoidance and minimization measures*

The perimeter of the project site will be fenced with desert tortoise-proof fencing and a tortoise friendly grate will be added to the existing site entrance to prevent tortoises that may occupy adjacent habitat from wandering in to the project site. Fencing and grate specifications are included as appendices in the HCP.

The project proponent will ensure that the project site is surveyed for desert tortoises and all tortoises detected are moved out of harm's way prior to commencement of surface-disturbing activities. Surveys will be conducted by qualified desert tortoise biologists authorized by the Service. The project proponent will coordinate with the Service to ensure tortoises detected during surveys are moved out of harm's way according to appropriate protocols.

Trash and food items will be disposed of properly in predator-proof containers with resealing lids. During construction activities, trash containers will be emptied and waste will be removed frequently from the project area.

#### *Mitigation measures*

The project proponent will pay a \$550 per acre habitat disturbance fee, totaling \$66,000. This funding will be used to support desert tortoise conservation, management, and recovery activities based at the DTCC, as recommended by the Service's Desert Tortoise Recovery Office (DTRO).

The DTCC is a facility located in Clark County south of Las Vegas, Nevada, that receives desert tortoises displaced from urban development and other construction activities in southern Nevada that are authorized or permitted under section 7 or section 10 of the Endangered Species Act.

As well as providing professional care for displaced tortoises, the DTCC provides facilities for desert tortoise research and development of translocation and head starting programs, which are important for promoting the conservation and recovery of the tortoise. Additional management benefits provided by the DTCC include genetic analysis to maintain variability while ensuring that genetically distinct populations are not hybridized or diluted prior to repatriation back in to wild populations.

Desert tortoise conservation, management, and recovery programs are being developed at the DTCC in conjunction with specific population augmentation efforts to mitigate for loss of desert tortoise habitat associated with approved habitat conservation plans in Nevada. It is the intent of this habitat conservation plan to contribute funding to support these programs at the DTCC.

#### Monitoring

To monitor effects resulting from the covered activities and compliance with the requirements specified in the habitat conservation plan and permit, the permittee will submit an annual report to the Service office in Las Vegas, Nevada, for the duration of the permit term, or until construction of the entire project has been completed in the event construction is completed prior to the permit expiration date. The report

will include all the information described under section 5.6 (Reporting) of the habitat conservation plan. Monitoring of desert tortoise conservation and recovery activities funded by the habitat conservation plan will be conducted by the DTRO, Reno, Nevada.

**II. Does the HCP fit the following low-effect criteria?** *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 minimization and mitigation measures?**

Yes, the effects are negligible. The range of the Mojave desert tortoise extends throughout the Mojave Desert in the southwestern United States. In 1994, approximately 6.45 million acres was designated as critical habitat for the tortoise, of which 1.22 million acres occurs within Nevada. No critical habitat was designated in Nye County. The disturbance of 120 acres of desert tortoise habitat that occurs next to an existing highway and racetrack may result in minor effects to individual desert tortoises in the immediate area, but overall would have negligible effects to the tortoise population in Pahrump Valley or range-wide. The nearest designated critical habitat is located more than 50 miles from the project site (Mormon Mesa Critical Habitat Unit). No federally-proposed or candidate species occur within the proposed project area.

**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 minimization and mitigation measures?**

Yes. Air quality will suffer only minor impacts during the construction phase because the Nye County Planning Department has implemented a dust control permit program, whereby all construction projects within the town of Pahrump are subject to the permit process and associated terms and conditions. A dust control plan must be implemented prior to initiating activities that disturb an aggregate area of one-half acre or more. In addition, the Public Works Department is in the process of chip-sealing and/or paving Pahrump's unpaved roads. A zoning ordinance was passed prohibiting any new unpaved roads, which will improve ambient air quality.

Impacts to the geology and soil of the area are anticipated to be minor because no predominant geologic features are present in the project area.

No water quality effects are expected because no surface water is present in the project area. Water needed to service the raceway expansion area will be provided by

an existing water well; therefore, no additional impacts to water quantity are expected from the proposed project.

Private land is very limited in the area – only 2 percent of the land base is owned by non-Federal entities. Therefore, development on 120 acres of private land in the town of Pahrump will benefit the socio-economic state of southern Nye County due to the shortage of available land for development and the need for housing and commercial spaces in the growing Pahrump area.

Prior to purchasing the project site from the BLM, a cultural resource survey was conducted as part of BLM's compliance with the National Environmental Policy Act. No cultural resources were detected; therefore, impacts to cultural resources resulting from construction of the expansion area are not anticipated.

Effects to the recreational value of the area are anticipated to be minor because the proposed project site is private vacant land that is zoned for commercial development. The site has been used only for casual, non-permitted recreational activities associated with off road vehicles.

Effects on the visual resources of the project site will be negligible given the past and concurrent development in the vicinity of the project site and the location of the site within a commercial development zone.

**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?**

Yes. The range of the Mojave desert tortoise extends over tens of millions of acres throughout the southwestern United States, of which 6.45 million is designated critical habitat. The loss of 120 acres of desert tortoise habitat that is located adjacent to an existing raceway and a highway will not significantly affect the overall quality or quantity of desert tortoise habitat throughout its range. Existing urban development within the town of Pahrump will likely continue to negatively affect desert tortoises in the project area, whether or not the project area is developed; therefore, a continued decrease in the value of tortoise habitat within the town limits is likely to occur. The proposed project is planned within an existing commercial zoning district within the Pahrump town boundaries, which is consistent with the type of development occurring in surrounding properties and would not result in significant environmental effects beyond that which has already occurred.

**III. Do any of the exceptions to categorical exclusions apply to this HCP? (form 516 DM 2, Appendix 2) *If the answer is "yes" to any of the questions below, the project cannot be categorically excluded from NEPA. Each "no" response should include an explanation.***

**Would implementation of the HCP:**

**A. Have significant adverse effects on public health or safety?**

No. The habitat conservation plan will have no adverse effects on public health and safety. During construction of the raceway expansion area the general contractor will follow all county and state codes related to public health and safety. The proposed project will improve the socio-economic state of the region by meeting the growing need and demand for racetrack rentals and schools offered by manufacturers, and creating additional job opportunities in an area where non-Federal land is in short supply.

**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; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas?**

No. No park, recreation, or refuge lands wilderness areas, wild or scenic rivers, national natural landmarks, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, national monuments, and other ecologically significant or critical areas occur in the project site; therefore, none will be affected. As described in section II B above, no cultural resources were found on the project site. Migratory birds may occur on the project site; however, the project proponent is not permitted to take migratory birds; therefore, if migratory birds are found nesting on the project site, the project proponent will avoid activities in the nesting area until the birds disperse from the site.

**C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?**

No. No controversial environmental effects would occur, as the construction of the expansion area would be implemented consistent with existing Federal, state, and local laws and ordinances. The project site is located next to an existing raceway and highway, and the project conforms to the type of development zoned for that area. No significant habitat or other rare or federally listed species occur within or in the vicinity of the project site.

**D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?**

No. The project does not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks because the

proposed construction activities are generally routine, are not unusual to activities related to typical commercial development, and effects are predictable and negligible.

**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. No significant environmental effects are anticipated from this project; therefore, the issuance of the permit would not establish a precedent for future actions.

**F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?**

No. Implementation of the proposed project is not directly related to other actions with cumulatively significant environmental effects. Covered activities related to construction of the raceway expansion area are typical of general construction activities associated with ongoing urban development within the town boundaries of Pahrump. Local, state, and federal permits that avoid or minimize environmental effects are required before construction can commence.

**G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?**

No. The habitat conservation plan will have no adverse effects on properties listed or eligible for listing on the National Register of Historic Places (NRHP) because surveys conducted for cultural resources by the BLM prior to the sale of the land did not detect properties listed or eligible for listing on the NRHP.

**H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on Designated Critical Habitat for these species?**

No. Since the project site occurs adjacent to an existing raceway and highway, the site is affected by indirect effects from human use and the dangers of vehicle traffic. Lethal take resulting from construction of the project is not expected to occur because the site will be fenced and surveyed prior to commencement of construction, and any tortoises found within the project area will be moved out of harm's way. Take resulting from moving tortoises out of harm's way is expected to be minimal, since surveys did not detect live tortoises within the project site. While take in the form of harassment to individual tortoises may occur, effects to the persistence of the species in the Pahrump Valley will be minor or negligible. No critical habitat is designated within the project site; therefore, none will be adversely affected. No other listed species or species proposed for listing occur on or near the project site.

**I. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.**

No. There are no known Federal, State, local, or tribal laws imposed for the protection of the environment that would be violated from implementation of the habitat conservation plan.

**J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).**

No. The project site is currently unoccupied, occurs adjacent to the existing raceway, and is bounded by a highway and vacant Federal land administered by the BLM. Therefore, the proposed project will not have an effect on low income or minority populations.

**K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO13007).**

No. Expansion of the raceway would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners. No Indian sacred sites are known to occur in the vicinity of the expansion area.

**L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).**

No. Construction of the raceway expansion will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species because the following measures will be taken to avoid introduction or spread of weeds:

- All construction equipment and project vehicles will arrive at the work site clean and weed free.
- Compressed air will be used to remove seeds, roots, and rhizomes from the equipment in known infestation areas prior to transport from the site. Alternately, truck wash stations may be used for this purpose.
- Reclamation of disturbed areas will be implemented immediately following construction.

- Fertilizer will not be applied to reclaimed areas with known weed infestations, since nutrients can enhance the growth of weeds.
- Straw bales used for sediment barriers or mulch will be certified weed-free.
- Post-construction monitoring and treatment of weed infestation on the ROW will be implemented as needed.

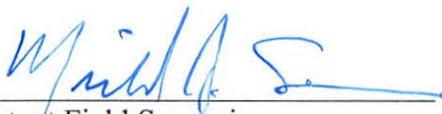
**IV. ENVIRONMENTAL ACTION STATEMENT**

Based on the analysis above, the Habitat Conservation Plan for the Spring Mountain Raceway Expansion Project qualifies for a categorical exclusion 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; 516 DM 6, Appendix 1; and 516 DM 8.5(C)(2).

Other supporting documents:

Habitat Conservation Plan for the Spring Mountain Raceway Expansion Project  
Spring Mountain Motor Resort & Country Club Expansion Project Biological Assessment  
Pahrump Land Sale Environmental Assessment  
Las Vegas Resource Management Plan, Bureau of Land Management Las Vegas Field Office

Concurrence:

  
Assistant Field Supervisor

11/20/12  
Date

  
State Supervisor

11/20/12  
Date

