Environmental Assessment

Proposed Issuance of a Mojave Desert Tortoise Incidental Take Permit for the Spring Mountain Raceway and Motor Resort 227-acre Expansion – Nye County, Nevada

Prepared For:

United States Fish and Wildlife Service
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Table of Contents

List of Figures

List of Tables

List of Appendices

ACRONYMS

ACHP	Advisory Council on Historic Preservation
AMSL	Above Mean Sea Level
BLM	U.S. Bureau of Land Management
CAAP	Clean Air Action Plan
CAT	Caterpillar®
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
dB	Decibels
EA	Environmental Assessment
EPA	Environmental Protection Agency (US)
EO	Executive Order
ESA	Endangered Species Act of 1973, as amended
FR	Federal Register
HCP	Habitat Conservation Plan
IPaC	Information for Planning and Consultation
ITP	Incidental Take Permit
LVFO	Las Vegas Field Office (BLM)
MBTA	Migratory Bird Treaty Act
MOU	Memorandum of Understanding
NAAQS	National Ambient Air Quality Standards
NDEP	Nevada Division of Environmental Protection
NDOW	Nevada Department of Wildlife
NEPA	National Environmental Policy Act of 1970
NHPA	National Historic Preservation Act of 1966
NISC	National Invasive Species Council
NRHP	National Register of Historic Places
NSA	Noise Sensitive Area(s)
OHV	Off-Highway Vehicles
PM_{10}	Ten-micron Particulate Matter
ROW	Right-of-Way
SHPO	State Historic Preservation Office
SMR	Spring Mountain Raceway, LLC
THPO	Tribal Historic Preservation Office
USC	United State Code
USFWS	United States Fish and Wildlife Service

Proposed Action:

Issuance of a Mojave desert tortoise (*Gopherus agassizii*) incidental take permit (ITP) under the Endangered Species Act of 1973 (ESA) as amended (16 United States Code [USC] §1531–1544), for take incidental to otherwise lawful activities associated with the construction of the Spring Mountain Raceway and Motor Resort 226.75-Acre Expansion Project (Project) on private land in Nye County, Nevada.

Unit of United States Fish and Wildlife Service Proposing Action:

Southern Nevada Fish and Wildlife Office, 4701 N Torrey Pines Drive, Las Vegas, NV 89130

Applicable Law for Proposed Action:

Section 10(a)(1)(B) of the Endangered Species Act as amended

Permit Applicant:

Spring Mountain Raceway and Motor Resort, LLC (Applicant)

Permit Duration:

Five years

Conservation/Funding Plan:

The US Fish and Wildlife Service (USFWS) proposes to issue a Mojave Desert Tortoise Incidental Take Permit (ITP) and accept the Habitat Conservation Plan (HCP) for take incidental to the construction of the Spring Mountain Raceway and Motor Resort 226.75-acre Expansion Project in Nye County, Nevada. The ESA defines "take" as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct” 16 USC 1542(b).

Per USFWS Guidance Memo issued April 2, 2018, “whether to apply for a section 10(a)(l)(B) permit is a decision of the applicant. The HCP process is applicant driven, and that includes the threshold determination of whether to develop an HCP and apply for a permit. That threshold determination ultimately rests with the project Applicant. Project Applicant can take USFWS input into account and proceed in several ways, based upon their own risk assessment. They may proceed (at their own risk) as planned without a permit, modify their project, and proceed without a permit. or prepare and submit a permit application. The biological, legal, and economic risk assessment regarding whether to seek a permit belongs with the private party determining how to proceed.”

The permit would authorize non-purposeful (incidental) take of Mojave desert tortoises over the five-year life of the permit. Consistent with the requirements of the ESA, the USFWS would monitor the Project’s tortoise take during construction activity, coordinate with the Applicant every year to reassess the ITP (review tortoise mortality rates, effectiveness of measures to reduce take, progress of off-setting mitigation, and overall tortoise population status, as needed), and work with the applicant to implement adaptive management measures in the HCP and the ITP as necessary to maintain compliance with the ESA. The Applicant’s HCP will be incorporated into the ITP.

1 INTRODUCTION

This Environmental Assessment (EA) was prepared by the US Fish and Wildlife Service (USFWS) in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended; the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] 1500-1508); and USFWS NEPA guidance and Departmental regulations (43 CFR 46), procedures, and memoranda. The EA documents the purpose, issues, alternatives, and analysis for the proposed action of issuing an Incidental Take Permit (ITP) for the Spring Mountain Raceway and Motor Resort 227-acre Expansion Project, Pahrump, Nye County, Nevada.

The Applicant will submit an ITP Application under the Endangered Species Act (ESA) in conjunction with a Project Specific Habitat Conservation Plan (HCP) which will describe planned actions to avoid, minimize, or mitigate adverse effects on Mojave desert tortoises.

The ESA prohibits the "take" of Mojave desert tortoises which means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct, unless permitted, and is the legal foundation of the HCP. The potential for unintentional take of tortoises during otherwise lawful activity is the principal reason for the Applicant's request for an ITP.

This EA examines the environmental effects of the proposed issuance of a Mojave desert tortoise ITP for construction activity under the ESA. The USFWS can authorize limited take of tortoises under the ESA with the stipulation take is incidental to otherwise lawful activities.

1.1 Federal Regulatory Framework

1.1.1 National Environmental Policy Act

The USFWS conducted this environmental analysis under the authority of and in compliance with NEPA.NEPA requires an evaluation of reasonable alternatives to the proposed action, meeting stated objectives, and an assessment of the possible effects on the natural and human environment of the proposed action.

The purpose of an EA is to determine if significant environmental impacts are associated with a proposed federal action, issuance of an ITP for construction, which would then require the preparation of an Environmental Impact Statement.

1.1.2 Endangered Species Act

Federally listed threatened and endangered species and designated critical habitat are protected under the ESA and implementing regulations at 50 CFR Parts 13 and 17.

Section 7 of the ESA requires federal agencies to coordinate with the USFWS to ensure federally authorized, funded, or implemented actions are not likely to jeopardize the existence of any listed species or result in the destruction or adverse modification of designated critical habitat. Section 7 can also be conducted by the USFWS internally to ensure actions authorized under other regulations – such as the proposed issuance of an ITP – do not interfere with the mandate to preserved ESA-listed species.

Section 9 of the ESA makes it unlawful for a person to "take" a listed species. Take is defined as "…to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct" (50 CFR §10.12). The Secretary of the Interior, through regulations, defined the term "harm" as "an act which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 CFR §17.3). The USFWS regulatory definition of "harass"

is, "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding feeding or sheltering" (50 CFR § 17.3). Under section 10 of the ESA, the USFWS is authorized to issue permits for "incidental take" of endangered species which would occur because of an otherwise legal activity if the potential take would not endanger the continued existence of the species. To obtain an ESA ITP, an Applicant must submit an HCP outlining what the Applicant will do to minimize and/or mitigate potential impact(s) of the permitted take on listed species.

1.1.3 National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 (Public Law 89-665; 54 USC §300101 et seq.) is intended to preserve historical and archaeological sites. The NHPA created the National Register of Historic Places (NRHP), the list of National Historic Landmarks, the Advisory Council on Historic Preservation (ACHP), and State Historic Preservation Offices (SHPO) and Tribal Historic Preservation Offices (THPO). The purpose of these acts and agencies is to minimize potential harm or damage to historic properties or loss of significant artifacts. The NHPA requires federal agencies to evaluate the potential impact of all federal undertakings on historic properties through a process known as Section 106 review.

The NHPA defines an undertaking as including a "project, activity, or program requiring a Federal permit, license, or approval" (54 USC §300320 and 36 CFR §800.16). Historic properties are defined as "any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in the National Register of Historic Places maintained by the secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register Criteria" 36 CFR §800.16 (l)(1).

1.2 Background

Founded in 2004 by partners John Morris and Brad Rambo, Spring Mountain Raceway, LLC (SMR) owns the Spring Mountain Raceway Motor Resort & Country Club (aka, Spring Mountain Raceway and Motor Resort) which currently encompasses 293 acres of state-of-the-art racing facilities and an exclusive motorsports country club (Figure 1). In 2019, SMR acquired an additional 620 acres from the Bureau of Land Management (BLM) through a modified competitive land sale for the proposed expansion of the SMR facility to the north and to the east of the existing property, for which the BLM completed an environmental review (BLM, 2018). SMR is currently proposing the development of the 227 acres to the north. There are currently no plans in place for the development of an expansion of the additional lands to the east.

The existing facility and proposed expansion are located approximately 55 miles west of downtown Las Vegas, Nevada, within the Town of Pahrump. The existing facility includes more than six miles of racetrack and an array of resort-style amenities including a club house, luxury condominiums, Spring Mountain Estates member residences, and a freshwater lake. Spring Mountain Raceway has the longest road course in North America catering to driving enthusiasts of all levels.

SMR is home to the Ron Fellows Performance Driving School, Cadillac V-Performance Academy and Spring Mountain Racing. The resort offers a variety of services, including performance driving instruction, track rentals, team building activities, performance vehicle sales and more. SMR is an independently owned and operated Nevada LLC privately funded and headquartered in Pahrump, Nevada.

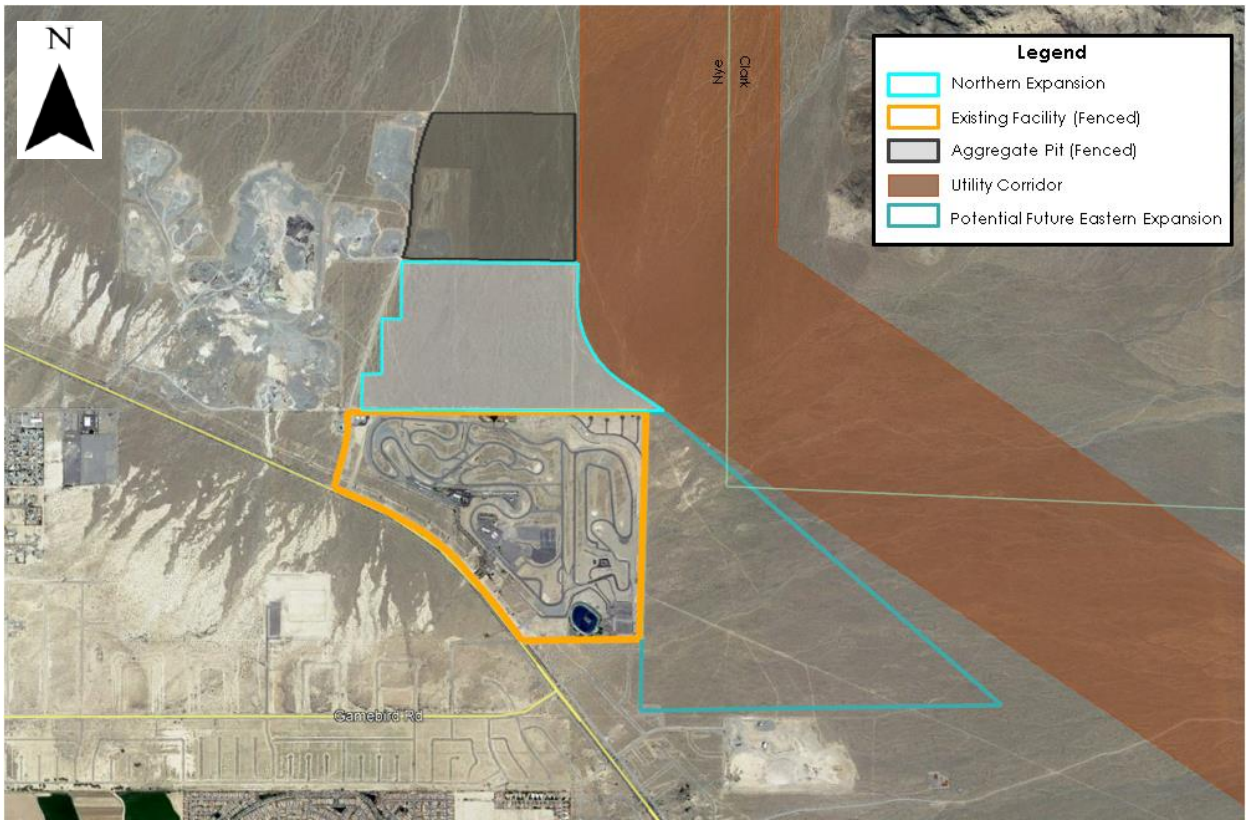

Figure 1. Existing SMR facility outlined in orange. The north expansion is outlined in cyan.

1.3 Proposed Action

The proposed Action is the issuance of an ITP by USFWS, resulting in the implementation of the proposed Project. The proposed Project is an expansion of the existing racetrack to the north, across 227-acres of undeveloped land owned by the SMR (Figure 2), which is referred to as the Project or Permit Area in this document. The expansion would add 3.6 miles of racetrack, stormwater detention basin, two 4,800 square foot classroom buildings with guest parking, and paddock, allowing for up to an additional ten vehicles to use the track daily. The track will not include the installation of lighting; night operations will not be conducted. Access to the expansion area will be through the existing SMR facility. The entire project area will be surrounded by desert tortoise exclusion fence (approximately 10,000 feet). The Project Area is within Mount Diablo Meridian, Township 20, South Range 54 East:

- Section 27
  - SW ¼, that part lying outside of the utility corridor
- Section 28
  - E ½ of NE ¼ of NE ¼ of SW ¼,
  - NE ¼ of SE ¼ of NE ¼ of SW ¼,
  - S ½ of SE ¼ of NE ¼ of SW ¼,
  - NE ¼ of SE ¼ of SW ¼,
  - E ½ of SW ¼ of SE ¼ of SW ¼,
  - SE ¼ of SE ¼ of SW ¼
  - SE ¼

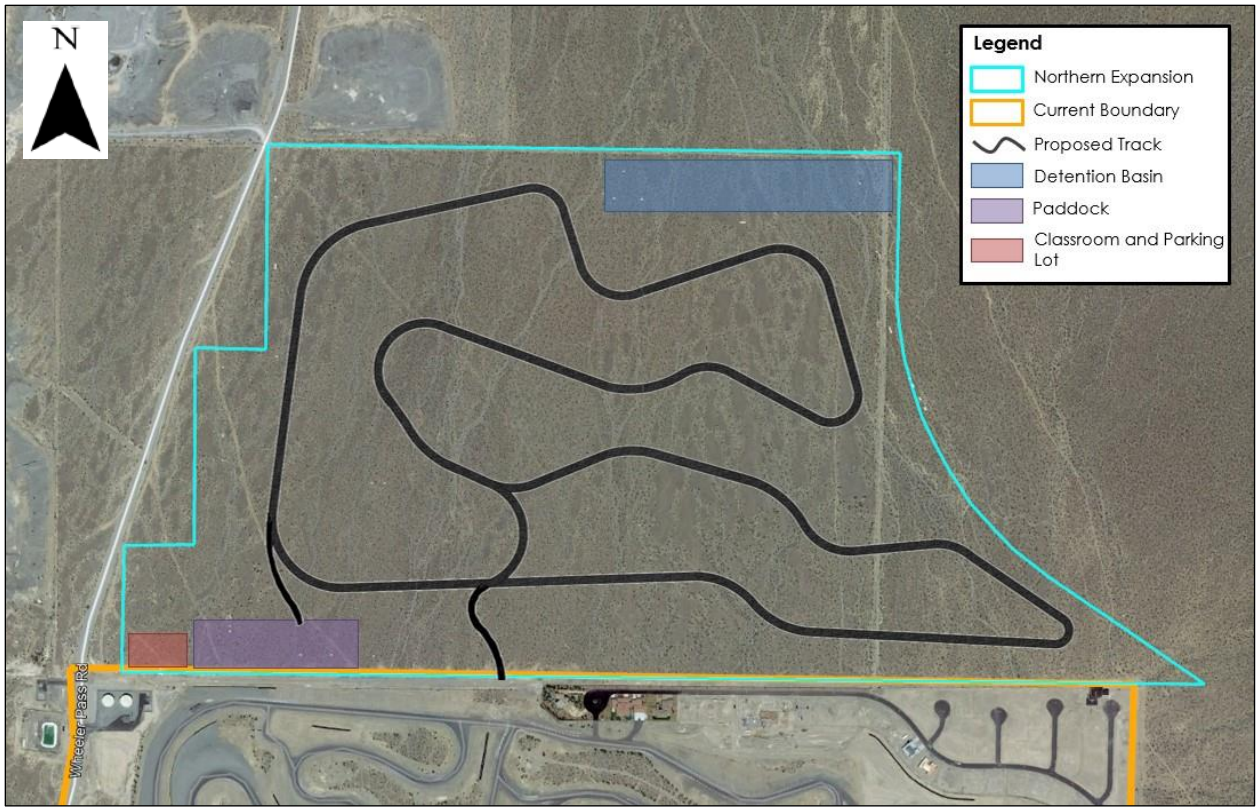

Figure 2. Proposed expansion facility layout.

1.3.1 Construction Schedules and Activities

Track and facility construction would be done in stages to reduce any potential impacts to protected species and to minimize dust and noise generation. The construction would be completed within the next five years. The actual dates for each of the steps below will be dependent on approval of the ITP and other local and state required permits. All stages and construction activities completed as part of the proposed Project will be conducted entirely within the footprint of the Project/Permit Area (227-acre northern expansion). The alignment of the track, width of the track, and track shoulder run-out areas may be modified slightly from current plans to increase driver and operations safety of the facility.

Stage 1: Finalize Design, acquire a Nevada Division of Environmental Protection (NDEP) Surface Area Disturbance permit and an NDEP Storm Water Prevention Permit, as well as completing and submitting a Nye County Dust Control Plan for Planning Department approval.

Stage 2: Clearing of the perimeter boundary line of tortoises and/or burrows in preparation of tortoise-exclusion fence installation. After clearance activities, the fence line would be bladed using a Cat 140 blade (or similar equipment) and a water truck for dust control. A minimal disturbance of the fence line area would be conducted, creating enough room to be able drive a full-sized pickup truck and a skid-steer tractor (a small, rigid-frame, engine-powered tractor with lift arms) along this area in order to install posts and tortoise fencing in accordance with current USFWS design and construction standards. The fence would include three horizontal strands of barbed wire on the top of the tortoise fence to keep other animals and people from entering the property. This activity would take approximately six weeks to complete and would begin as soon as applicable permits were in place. Once the fence has been completed, the desert tortoise clearance survey of the project area would be conducted to locate all desert tortoises in the area and translocate the tortoises in accordance with the HCP Translocation Plan and the ITP.

Stage 3: A survey team would stake the track layout for the 3.6-mile track extension, detention basin for flood control, and other project components. This would be accomplished using a full-sized utility truck to setup survey equipment, and the property would be walked by the surveyor team while setting stakes at 50-foot intervals. This activity would take five days to complete.

Stage 4: Clearing of the track alignment which would be 75 feet wide along each side of the alignment centerline (total 150-foot wide alignment), in preparation for the grading and paving of the 50-foot wide track surface. This will be accomplished by using a 15,000-gallon Caterpillar® (CAT) water pull, a CAT 140 Motor Grader and CAT 631 Motor Scraper (or similar equipment) to remove all vegetation and make a drivable surface for water trucks and equipment. The graded track alignment would be watered regularly for two weeks to prepare the ground surface for grading, compaction, and tracklaying. These activities would take approximately four weeks.

Stage 5: Grading of the 50-foot wide track alignment would include moving a minimal amount of topsoil or surface material to keep the track as close to the original surface contour as possible. The actual paved track surface would be approximately one foot above the natural grade to keep water from ponding on the track surface. This will be accomplished using two CAT 631 Motor Scraper, two CAT water pulls, two CAT 140 Motor Graders, and a CAT 966 Wheel Loader (or similar equipment). The grading would be a rough grade using the materials on site to reach a compaction of 90% minimum below the finished grade. After the rough grade is completed a locally sourced (Nevada Department of Agriculture certified weed-free) crushed aggregate material would be brought in to create a six-inch deep surface below the Asphaltic Concrete surface. The materials would be locally sourced from an existing gravel pit operation and hauled to the site using existing paved roads along Nevada State Highway 160 and into the site through the existing SMR. The gravel would be hauled in belly dump trailers which create very low impact to dust disturbance. The areas for the paddock, classrooms and guest parking would be prepared and bladed during this phase as well, using the same equipment. These activities are anticipated to take approximately eight weeks to complete.

Stage 6: Paving of the track surface would use an Asphaltic Concrete mix using AC 30 Asphalt oil for asphalt binding, and locally sourced materials mixed and shipped from less than two miles from the job site. There would be a 2.5-inch bottom binding course-laid using an asphalt paving machine and three roller machines, one rubber tire roller and two steel drum rollers, to achieve a 90% compaction of the materials. This track surface would take four days to complete, after which the wear surface would be laid using the same common oil mixture with a small amount of binding materials including fly ash and cement powder, to ensure early stability and long term wear ability of the track surface. This procedure would allow for a life span of approximately 20 years. Paving of the paddock and parking area for the classroom would be conducted during this phase as well. This full process would take two weeks to complete.

Stage 7: After the track surface has cured for one week, the edges of the track (50 feet either side of the track alignment), including vehicle runoff areas, would be cleaned and smoothed (graded) to provide a safe and clean track on and off the asphalt/concrete surface. The edges will be watered and rolled to create a solid crust which would eliminate dust from blowing and debris from being pushed onto the track surface in the event of a car running off the track surface. This activity would be accomplished using a water truck and a CAT 140 Motor Grader (or similar equipment) and a steel drum roller and take approximately three weeks.

Stage 8: Construction of the classroom buildings would begin at the end of track construction, while the track cures. The building would be constructed in accordance with the Nye County Building Permit. The building would be Slab-on-Grade, wood framed construction with a stucco and stone exterior. A paved parking lot and minimal, xeric landscaping (palm trees) around the building would be

constructed per the Nye County Development Agreement. The construction contractors would access the project using Nye County maintained roads. Building construction would require approximately 120 days.

1.4 Project Specific Habitat Conservation Plan

A Project Specific HCP has been developed to support the application for an ITP. An HCP describes the measures implemented by the proposed Project to minimize the effects on desert tortoises and/or offset the effects of disturbing 227 acres of desert tortoise habitat (the Project Area). The Applicant proposed to implement actions to avoid and minimize the potential impacts to the species, and measures to off-set the permanent loss of habitat for the species. These measures are summarized below, and more detailed description of the measures are included in Section 5 of the HCP.

1.4.1 Minimization Measures

The following measures have been proposed to minimize or avoid potential impacts to the species and would be implemented as described in further detail in Section 5 of the HCP.

- **Desert Tortoise Exclusionary Fencing.** Installation of a permanent tortoise exclusion fence around the west, north and east boundaries of the SMR Expansion Project Area (approximately 10,000 feet) prior to clearance surveys or any construction activities is proposed to ensure tortoises do not gain access to the Project Area and wander into harm's way. Fence will be installed on the north side of the property abutting the existing fence around the pit given SMR has no control over the adjacent fence around the pit. The existing raceway facilities to the south are fully enclosed by tortoise fencing, block walls, and residential and commercial development, and is devoid of tortoises. The fence will be constructed and inspected by a trained and authorized SMR employee or contractor (for the life of the project or until adjacent development precludes tortoise access from the site) in accordance with USFWS specifications current at the time of installation.
- **Desert Tortoise Clearance Surveys.** Perform a desert tortoise clearance survey in accordance with USFWS guidelines current at the time of the surveys to locate tortoises within the Project Area.
- **Desert Tortoise Translocation.** Removal or translocation of tortoises found in the Project Area to a Tortoise Release Area northeast of the Project Area and monitor of translocated tortoises for one year (See **Figure 3**). The proposed Desert Tortoise Translocation Plan provides a detailed description of the procedures for implementing the removal of tortoises from harm's way, including USFWS review of the tortoise-specific plans, health evaluations, and protocol for monitoring the released tortoises. The Translocation Plan is included as an appendix in the HCP.
- **Litter Control Program.** Implementation of a litter control program would be instituted to minimize the potential to attract predators to the area.
- **Weed Management Plan.** Implementation of a weed management plan would be instituted to minimize the introduction or spread of noxious weeds
- **Worker Environmental Awareness Program.** Implementation of a Worker Environmental Awareness Program to be presented to all workers at the site, prior to them beginning work at the site.
- **Migratory Bird Nest Surveys (Seasonal).** Conduct migratory bird nest surveys prior to and during construction activities if vegetation removal occurs during the typical bird nesting season. Occupied nests and an appropriate buffer would be flagged for avoidance until the young have fledged.

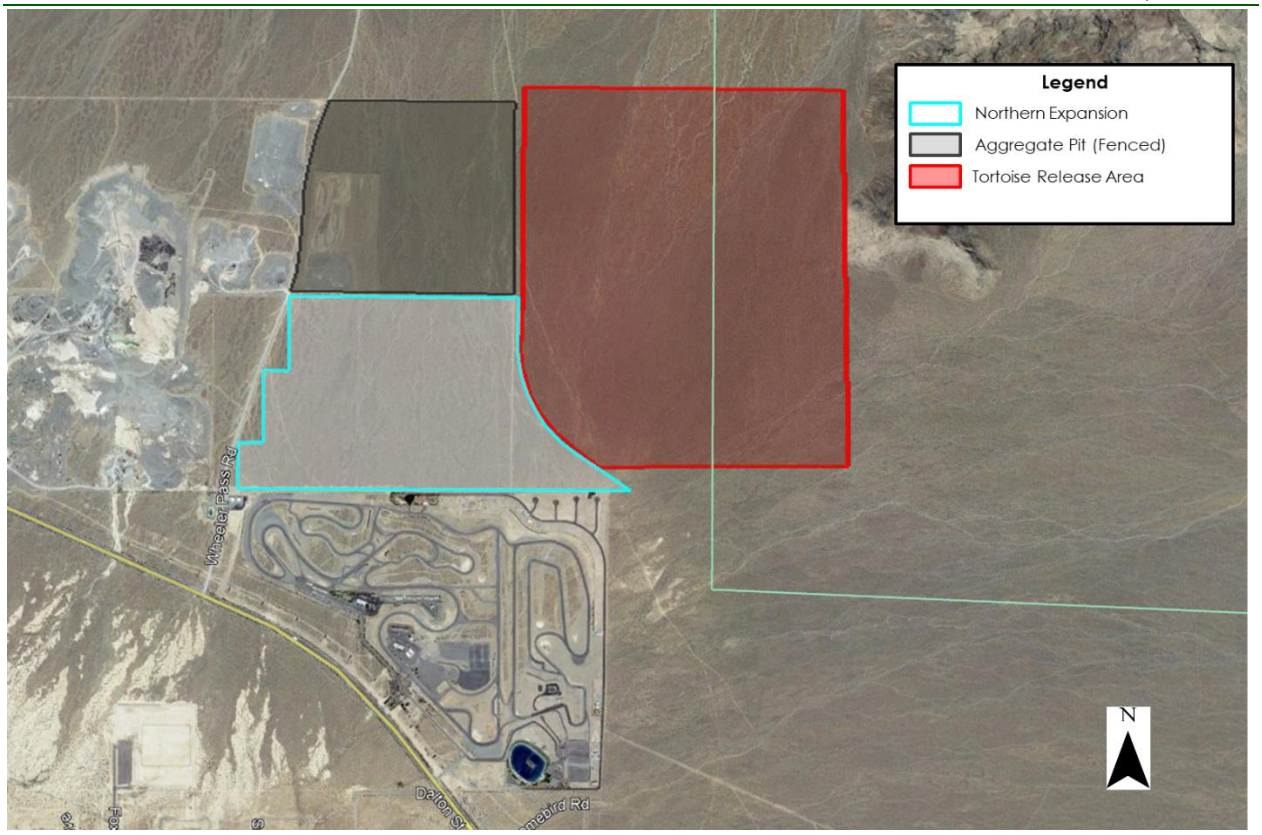

Figure 3. Expansion area map depicting the location of the proposed tortoise release area.

1.4.2 Off-setting Mitigation

In addition to the measures proposed for avoiding or minimizing impacts on the desert tortoises as listed above, the Applicant would make a remuneration payment of $209,521 to off-set the impacts to desert tortoise habitat to be permanently lost through the construction of the facility through implementation of conservation measures.

Funding for the implementation of the conservation measures through the remuneration payment provided by SMR soon after issuance of the permit and before groundbreaking activities begin. The funds will be deposited with a third-party fund manager with the appropriate documents identifying the commitment for distribution of the funds as directed by the USFWS for the project identified in the HCP and described briefly below. Implementation of the proposed conservation measure would be overseen by the USFWS and associated land management agencies. Given the small scale and discrete nature of this project, and the targeted conservation/mitigation measures being proposed, requiring the measures to be implemented prior to project implementation is not warranted.

Habitat Restoration Project for the Stump Springs and Trout Canyon Translocation Areas: The remuneration funds provided by the project will be used to fund a habitat restoration project in the nearby Stump Springs and Trout Canyon translocation areas (Figure 4). This project will serve to directly benefit the species, including tortoises directly affected by the project, and serve to fully mitigate the loss of 227 acres, of habitat in a number of ways. The USFWS will work with BLM, the US Geological Survey, and other partners to apply vegetation management to restore native vegetation and reduce or eliminate the invasive annual grass red brome (*Bromus rubens*) and other non-native plant species in the Stump Springs and Trout Canyon translocation areas. This project is expected to benefit desert tortoise recovery by both improving habitat, and specifically foraging habitat, for desert tortoise, but also by serving to refine

restoration techniques for desert tortoise habitat restoration that can be applied in the Eastern Mojave Recovery Unit and potentially range-wide for the species. Restoring habitat for desert tortoise in these translocation areas will improve habitat for desert tortoises released in these areas that are displaced by development projects throughout southern Nevada, and will thus enhance the survivorship of tortoises released in these areas, and further the USFWS goal for these focus areas of population augmentation. These translocation areas also serve to maintain connectivity through the region, which will also directly benefit tortoises in the project area that are also part of this connectivity corridor. This project is necessary for the effective establishment of these translocation areas and the successful augmentation of the populations in these areas, and will fully mitigate for the adverse affects of the project by directly furthering desert tortoise recovery.

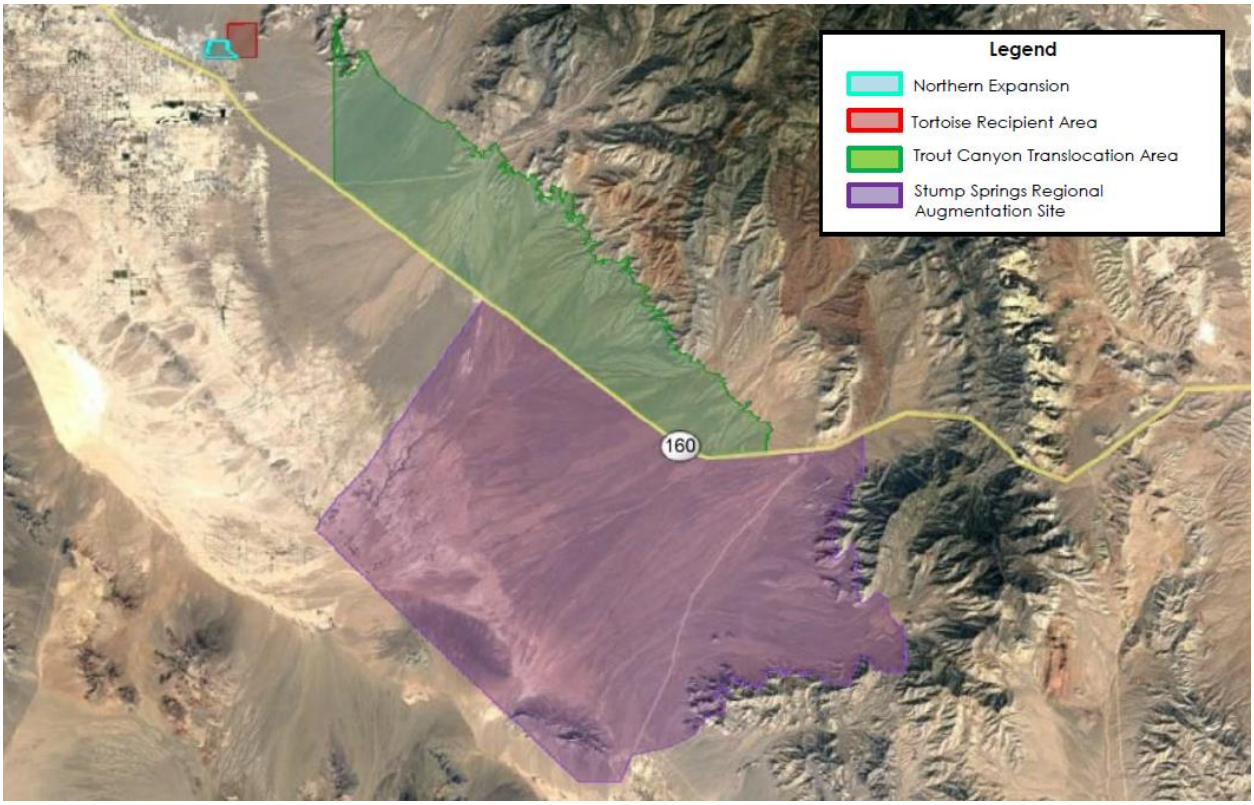

Figure 4: Project Site and Mitigation Areas.

1.5 Purpose and Need

The federal action under evaluation in this EA is the decision whether to issue an ITP for Mojave desert tortoises to the SMR for the expansion of the existing raceway facilities and construction of two classroom buildings and a paddock. The primary purpose of the federal action is to adhere to the regulations created to implement the ESA and comply with the objective to maintain stable or increasing Mojave desert tortoise populations at the regional and local level as stipulated by the revised Recovery Plan (USFWS 2011). The ITP would authorize the non-purposeful take (harm or harassment) of Mojave desert tortoises which may occur due to Project implementation over the five-year life of the permit. A permit may be issued if:

- the permit issuance is compatible with preservation of the Mojave desert tortoise;
- the permit issuance is necessary to protect an interest in a particular locality;
- the permit issuance is associated with, but not the purpose of, the activity; and
- tortoise take cannot practicably be avoided.

The purpose and need for the federal action are to establish the basis for evaluating the Applicant's request for a permit (including the Project's associated HCP) and reasonably likely alternatives to this request. The Applicant developed the HCP, which describes measures to avoid, minimize, and mitigate tortoise mortality incurred during Project operations to the extent practicable, in coordination with the USFWS. In this EA, a no-action alternative and an action alternative are considered (Section 2).

The Purpose of the proposed action is to issue an ITP to the Applicant to ensure track expansion activities on private land conform with ESA requirements. The Need for the action is USFWS responsibility to ensure compliance with the ESA.

1.6 Decision to Be Made

The federal action is driven by the need for the USFWS to make a permitting decision enabling the Applicant to continue to make economic use of private land in a manner consistent with federal regulations. The USFWS cannot authorize the Project; Authority is limited to authorizing, or not, the incidental take of tortoises due to Project activities. SMR does not require an ITP to expand onto the privately held land. However, a take during construction of the expansion would violate the ESA and thus SMR would be subject to federal penalties. Issuance of an ITP would provide take avoidance stipulations and federal oversight during construction and potentially provide benefits to the desert tortoise population and/or their habitat through conservation measures described in detail in the associated HCP. The USFWS has the authority to issue, or not, an ITP for the planned construction activity on privately held land.

2 PROPOSED ACTION AND ALTERNATIVE

2.1 Introduction

The scope of reasonable alternatives is defined by the purpose and need for the action (Section 1.5). Two Alternatives were deemed feasible and practical for evaluation in this EA, based on the current location and operational capabilities of the SMR and project site land status: a No Action Alternative, where an ITP is not issued, and the Action Alternative, where the ITP is issued.

2.2 No Action Alternative

Under the No Action Alternative, USFWS would not issue a Section 10(a)(1)(B) ITP. The proposed SMR Expansion Project would not be constructed unless the Applicant could develop an effective strategy to fully avoid direct and indirect take of desert tortoise. If the Applicant were to choose not to move forward with the Project, the private lands upon which the proposed activity would be located would remain in their current undeveloped state.

2.3 Action Alternative

Under the Action Alternative, expansion of the raceway would result in the disturbance of approximately 227 acres of desert tortoise habitat, the Project Area, within the town limits of Pahrump, in an area zoned for General Commercial Zoning District with an Industrial Special Overlay. The Action Alternative includes the drafting of an HCP as part of the application for an ITP to be submitted to the USFWS. The HCP presents a program to avoid, minimize, and mitigate incidental take of desert tortoise potentially resulting from the proposed activity, including the removal of desert tortoises found in the Project Area and release of the tortoises into an adjacent Tortoise Release Area. Measures to off-set the permanent loss of desert tortoise as summarized above and described in the HCP are included as part of the Action Alternative. The off-setting mitigation project summarized above and described in the HCP has undergone independent NEPA evaluations and is therefore not evaluated as part of this EA, though additional NEPA review may be necessary.

The Action Alternative evaluated in this EA will include the ITP Plan Area, which includes the activities to be implemented within the 227 acres referred to as the Project (or Permit) Area, and the activities to be implemented within the Tortoise Release Area, which include the release of the tortoises and regular monitoring of those tortoises using transmitters attached to the tortoises.

Under the Action Alternative, the USFWS would issue a five-year ITP allowing non-purposeful take of Mojave desert tortoises, with associated conditions, pursuant to the ESA; the ESA allows an ITP for any duration. The ITP would be eligible for renewal after five years, if necessary, to allow for completion of construction activities proposed as part of the Project, which may necessitate another NEPA review.

2.4 Alternatives Considered but Eliminated from Further Analysis

Based on land ownership and the types of activities conducted at the SMR, no other feasible alternatives were reviewed for the issuance of an ITP. The SMR owns 227 acres of land to the north of the currently developed infrastructure, this acreage has been designated for operational expansion of the existing facility.

2.5 Cumulative Effects Scenario

As defined by the CEQ regulations for implementing NEPA (40 CFR §1508.7), a cumulative impact is the impact on the environment resulting 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 other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over time. A federal agency action will have significant effects if it is reasonable to anticipate a cumulatively significant impact on the environment.

The geographic area of cumulative impacts analysis is generally based on the natural boundaries of the resource affected. To define projects included for the cumulative analysis, only those actions were considered with a reasonable expectation of occurrence and would result in an identifiable incremental impact when combined with the effects of the proposed action or alternatives.

2.5.1 Cumulative Effects of the No Action Alternative

Under the No Action Alternative, FWS would not issue an ITP and the private land would likely remain undeveloped. Vegetation and habitat would continue to exist as is currently. If the Applicant could develop an effective strategy to fully avoid direct and indirect take of desert tortoise, the land could eventually be developed, and cumulative effects from the development in conjunction with the other projects listed in Table 1, would eventually come to fruition without the issuance of an ITP.

2.5.2 Cumulative Effects of the Action Alternative

The Proposed Action would contribute marginally to the decline of native plant communities and animals in the region through the long-term removal of approximately half of the native vegetation on the 227-acre project site, and removal, through restricted access, of 227 acres of habitat along the margin of current development and bounded on three sides by current or imminent development.

Table 1. Past, Present, and Reasonably Foreseeable Future Projects/Actions

Approved	Type	Size	Status
Spring Mountain Raceway and Motor Resort	Commercial	Approximately 300 acres of developed infrastructure	Spring Mountain Raceway is a fully operational racetrack, fully enclosed by tortoise exclusion fencing, block walls, and commercial and residential development, from which tortoises were removed prior to construction. Member housing is currently under construction along the perimeter of the racetrack area within the fenced enclosure.
Spring Mountain Raceway and Motor Resort (Proposed Project)	Commercial	227 acres (not including additional 395 acres of BLM land acquired concurrently for which development plans have not established)	An additional 3.6 miles of paved racetrack expected to be constructed within the next five years
Community Gravel Pit (Aggregate Pit)	Commercial/ community	Approximately 600 acres	Active community gravel pit on BLM managed land; fenced and cleared of tortoises.
Mountain Falls	Residential/ commercial	3,200 residential lots, golf course, and mixed commercial including gaming	Golf course completed. 1,276 lots sold to developers, 670 homes completed, 1,924 lots available
Artesia at Hafen Ranch	Residential	898 lots	Sporadic activity
Nye County Fairgrounds	Recreation	427 acres, ballfields	Started – environmental review for a detention basin and parking lot in progress
Snowden Commercial Building (Phase II)	Commercial	10,000 square foot building	Under Construction
Kellogg Park	Recreation	Development of a community park	Under Construction
ARES	Industrial	100 acres power storage/regulation	Approved, construction expected to begin in late 2020
Great Basin College	Commercial	Pahrump Valley Center campus on 285 acres	Land held, campus planning in progress
BLM	Industrial	Community gravel pits	Ongoing
BLM	Industrial	Fire station PLO-7636 with helipad on 15 acres	Ongoing
NDOT	Industrial	Highway 160 – 400-foot right of way	Ongoing
Multiple federal agencies	Industrial	Section 368 multi-modal energy corridor – 3,500-foot right of way	Designated; No known planned projects

The cumulative effects of the Proposed Action on the Mojave desert tortoise from the loss of 227 acres of suitable habitat and the short-distance translocation of six adult tortoises and possibly 38 smaller tortoises are expected to be negligible. The revised Desert Tortoise Recovery Plan (USFWS, 2011) designated five

Recovery Units across the range of the species, and the Proposed Action is within the Eastern Mojave Recovery Unit. Nussear et al. (2009) modeled desert tortoise habitat within each recovery unit using multiple physiographic factors, rating habitat on a scale of 0.0 to 1.0, with areas rated >0.5 as potentially suitable habitat for the species. In 2014, USFWS calculated approximately 4,763,257 acres of suitable desert tortoise habitat as modeled by Nussear et al. (2009) was present within the Eastern Mojave, however approximately 794,546 acres had been developed or otherwise converted to lands no longer suitable for desert tortoises, leaving approximately 3,968,759 acres available as suitable for occupancy by the species (USFWS, 2014). The removal of 227 acres of habitat is approximately 0.005 percent of the available, suitable habitat in the Recovery Unit. Taking into account the additional projects reasonably foreseeable to occur (see Table 1) which would occur in suitable tortoise habitat near the project area (i.e., ARES, Great Basin College, BLM Fire Station, some portion of the dedicated utility corridor), an additional 1,000 to 2,000 acres may be lost, which is approximately 0.03 to 0.05 percent of available habitat.

Indirectly, approval of the ITP would lead to construction activity which would contribute to a slight increase in dust and noise in the area for a short duration (sporadically during the initial stages of the five-year period). The dust would be controlled with water and noise would be mitigated by operating construction equipment only during daylight hours when most people are active. The Proposed Action could temporarily increase the risk of wildfires due to the potential for construction equipment to spark a brushfire, or to introduce non-native species and invasive weeds. Fire risk during construction will be mitigated through use of Best Management Practices, and introduction of weeds will be avoided by implementing traffic controls. Once constructed, the expansion area would be managed under the existing facility's established weed control program. In the realm of climate change, it will contribute engine exhaust products during construction and operations phases; however, based on the limited number of construction equipment used and operations restrictions for that equipment, and the high efficiency at which the vehicles using the track would operate, the contribution would be minor, particularly when compared to other larger projects in the area and the number of less-efficient, non-high performance vehicles operating in the Pahrump Valley.

Approximately 5 to 15 personnel (mostly local) will be employed during construction, potentially providing a slight increase in business patronage (e.g., restaurants, gas stations, food and clothing stores, entertainment, and housing). Additionally, supplies and equipment will be sourced locally whenever possible. During the operations period, the local economy would experience negligible impacts due to the transient nature of SMR guests and members. Similar effects would be attributed to the new employees hired to assist with the expansion of operations, up to ten full-time employees.

3 AFFECTED ENVIRONMENT

The affected environment is the area and its resources potentially impacted by the Proposed Action and alternatives. The purpose of describing the affected environment is to define the context in which the impacts would occur. To make an informed decision as to which alternative to select, it is necessary to first understand which resources could be affected and to what extent. The affected environment section of this document provides the context for this understanding.

The affected environment includes those settings where activities associated with the Proposed Project would occur. This would include the Plan Area, which includes the Project (or Permit) Area, the adjacent Tortoise Release Area, and the off-setting mitigation areas. The location of the selected off-setting mitigation project is not described in this document as the effects of its implementation have been reviewed and the project is being initiated. The off-site mitigation areas were not included as part of this analysis, though additional NEPA review may be necessary.

The following affected environment discussion provides detail relative to the Plan Area and a general discussion of the potential habitat in the region.

3.1 Overview of the Project Area and Tortoise Release Area

The Pahrump Valley is in southern Nevada in the Basin and Range physiographic province, at an average elevation of about 2,800 feet above mean sea level (AMSL). The Spring Mountains, with maximum elevation of nearly 12,000 feet AMSL, lie to the north and east of the Project Area. The Pahrump Valley is an internal drainage basin, and runoff flows from the surrounding mountains to the west and east of Pahrump down to the valley floor, where dry lake beds have formed, and salt desert scrub is the dominant plant community. No rivers or streams occur within the Plan Area. No perennial surface water is present - only ephemeral washes which flow following rain events and occasionally due to snowmelt. The Plan Area is located mid-valley on the distal portion of an alluvial fan where drainage transitions from distributary to tributary. Soils are sandy, silty, and clayey gravels characteristic of distal fan depositional environment.

The climate in the Pahrump Valley is typical for the Mojave Desert, with very hot summers, cool winters, and arid conditions. The southernmost part of Nye County receives an average annual precipitation of five inches or less. Precipitation occurs sporadically from either winter rains or summer thundershowers. During the winter months, high-pressure conditions predominate resulting in west-to-east tending winds and precipitation patterns. During the summer months, low-pressure conditions predominate, resulting in southwest-to-northeast trending precipitation patterns.

The Plan Area is located on the alluvial fan on the east side of Pahrump Valley, in an area characterized as desert pavement (undisturbed areas), interspersed with somewhat silty-soiled playa. The area is dominated by a creosote bush (*Larrea tridentata*) community type. Other plants include four-wing saltbush (*Atriplex canescens*), shadscale (*Atriplex confertifolia*), white bursage (*Ambrosia dumosa*), spiny menodora (*Menodora spinescens*), Nevada ephedra (*Ephedra nevadensis*), littleleaf ratany (*Krameria erecta*), common matchweed (*Gutierreza sarothrae*), Mojave yucca (*Yucca schidigera*), and cottontop cactus *(Echinocactus polycephalus*). Several non-native, invasive annual species were present but not abundant, including red brome (*Bromus madritensis* ssp. *rubens*), red stem filaree (*Erodium cicutarium*), and Mediterranean grass (*Schismus barbatus*). Joshua tree (*Yucca brevifolia*) were not present within the project area. The area is characterized as moderate to good desert tortoise habitat. There is no critical habitat present in the Project Area.

Pahrump experienced relatively rapid population growth from 1987 to 2007, reflecting growth in the neighboring Las Vegas Valley. The influx of new residents in the late 1980's spurred islands of urbanization in this agricultural community. From 1987 to 2007 Pahrump's population increased from around 6,000 to 35,000 residents, as growth continued to be fueled by the economy and explosive growth in Las Vegas. Although still largely rural in character, Pahrump's patchwork urbanization has mostly eliminated commercial-scale agriculture in the Valley.

From 2008 through 2009, Pahrump was affected by the recession, and the population declined, construction and development stalled, and unemployment levels rose. Recovery has been slow as reflected by the number of new building permits and minimal growth in the population, which has only recently achieved pre-recession level of 35,000. Permits for new construction and development are beginning to increase after nearly a decade of stagnation.

The Project Area, the proposed northern expansion of the facility, is located within the Town of Pahrump boundary adjacent to the existing SMR. The Project Area falls within the General Commercial Zoning District and is zoned Industrial Special Overlay restricting the development on the parcels. Specifically,

the Master Plan Amendment and Zone Change Special Conditions approved by the Nye County Board of County Commissioners on May 15, 2018, included the following restrictions:

1. There shall be no additional single-family residential development on the subject land.
2. Development must be compatible with a motorsports racetrack, adjacent single family residential development and potential development of the community college.
3. To assure compatibility of development of the racetrack, the Developer shall be required to provide buffers between adjacent disparate uses.
4. Maximum allowed water use on the entire 604 acres shall be restricted to 50 acre-feet annual. Compliance with the Groundwater Management Plan dedication of water rights or mitigation of all water use shall be required at the Site Development Plan Review stage.
5. Development shall require a Development Agreement, Amending the existing Development Agreement or a Conditional Use Permit, (no permissive uses).
6. Track operations are allowed seven days a week, during daylight hours only.

The Tortoise Release Area (see Figure 3) is northeast of the Project Area, slightly higher on the alluvial fan, with somewhat more incised channels as the elevation rises to the northwest. This area is managed by the BLM for multiple use and overlays an area designated as a regional utility corridor, which restricts construction of structures or other facilities with the potential to interfere with this designated use.

3.2 Resources Evaluated and Dismissed From Further Analysis

An initial review of resources in the Plan Area (including the Project Area and Tortoise Release Area only) and the potential for impacts was completed and a number of resources were identified that would not be affected either by the nature of the project activities or the absence of the resources in the areas. Where appropriate, potential impacts related to the Project Area and the Tortoise Release Area were discussed separately.

Table 2 summarizes environmental attributes reviewed as to whether they may be affected by the Proposed Action, and the rationale for the determination. Elements that may be affected are further described in the EA. Rationale for elements not affected by the Proposed Action is listed in the table below. The EA developed by the BLM (2018) and other sources were used to support the following evaluations.

Table 2. Review of Potentially Affected Resources

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Quality			X	The Pahrump Valley is in attainment for all National Ambient Air Quality Standards (NAAQS). Measures implemented through the Pahrump Clean Air Action Plan (CAAP) were found to be effective and remain effective in reducing PM_{10} to levels below regulatory concern. The calculated incremental increase in PM_{10} emissions would not result in a measurable degradation of air quality and would not result in exceedance of any NAAQS. See Section 3.3.1 for further discussion. The Applicant would be required to obtain a dust control permit from NDEP and Nye County for all soil disturbing activities of 0.25 acres or greater and to comply with all permit stipulations for the duration of construction activities. No activities within the Tortoise Release Area would affect Air Quality.
Cultural Resources	X			The project area was surveyed and evaluated in 2018 by the BLM. No historic properties will be affected in either the direct or the indirect areas of potential effect. Two recent lithic scatters were identified in the area during the survey but were not considered historically significant. No activities within the Tortoise Release Area would affect Cultural Resources if present.
Greenhouse Gas Emissions		X		The incremental increase in greenhouse gas emissions during construction and within the Tortoise Release Area would be insignificant compared with other sources in Southern Nevada.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Environmental Justice	X			The expansion of the raceway and activities in the Tortoise Release Area would not displace or disproportionately affect any minority or low-income communities in the Pahrump Valley region as the private property proposed for the expansion is currently vacant and does not abut any minority or low-income communities.
Wildfire			X	Development of the project would result in the removal of approximately half of the native vegetation from the Project Area, reducing the potential for wildfires to occur. See analysis in Section 3.3.2. Activities within the Tortoise Release Area would have no effect on.
Floodplains	X			The Project Area is in Federal Emergency Management Agency designated Floodplain Zone X, which is outside the 500-year floodplain and outside the 1% and 2% annual chance floodplains. Activities within the Tortoise Release Area are not within a mapped floodplain.
Invasive Species/ Noxious Weeds		X		Due to soil disturbance and the volume of vehicle/equipment traffic during construction, the proposed action introduces a risk of establishing new invasive species/noxious weeds on public lands at the property boundary. These additional risks would be mitigated through application of the existing facility's active weed control program to the expansion area. See analysis in Section 3.3.3. Activities within the Tortoise Release Area would not result in an increase in invasive species or noxious weeds.
Native American Concerns	X			No Native American concerns were identified by the BLM during the land sale process conducted in 2019.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Noise			X	Construction activity on any scale has the potential to increase noise levels for nearby receptors. Indirectly, operation of high-performance vehicles on a racetrack may also contribute to the overall noise environment. See analysis in Section 3.3.4. Activities within the Tortoise Release Area would not result in an increase in noise.
Paleontology	X			The Project Area is located on an alluvial fan. No paleontological resources are expected to be present. Activities within the Tortoise Release Area would not affect paleontological resources if present.
Socioeconomics			X	The proposed project of constructing a raceway expansion may provide economic benefit with jobs, enhanced tourism, or increased local government revenue and may provide minor economic growth for the region but is unlikely to be to a degree to provide a significant impact. The socioeconomic review conducted by the BLM for the sale of the subject property to SMR bounded socioeconomic impacts resulting from full build-out (620 acres). The direct, indirect, and induced population effects of the projected increase in employment was found to have a slightly beneficial but insignificant impact on the local economy, and no impact on services. The proposed project is 227 acres, a fraction of that previously evaluated by BLM, therefore resulting impacts will be less than those in the original BLM analysis. Given the potential impacts may be slight and entirely beneficial, this resource is not further evaluated in this document.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Water Resources		X		This project would modify local hydrologic conditions; planned structures could impact the natural flow of runoff from moderately disturbed undeveloped land onto existing raceway infrastructure. However, existing runoff is not expected to change due to the flood-control measures to be implemented to protect proposed and existing infrastructure. Minimal increase in water demand of 7.5 acre-feet per year can be provided by the water utility currently serving the property. The local water utility would also provide the approximate 15 acre-feet of water required for construction operations. Any additional wastewater would also be handled by the current water utility company via the existing onsite sewer system associated with the existing SMR resort facility. Activities within the Tortoise Release Area would not affect water resources.
Soils		X		The proposed action would disturb native soils through grading activities. Local soils, including areas with desert pavement and or biological soil crust, if present, would be altered, potentially leading to increases in local erosion. However, blading of 227 acres of land is a very small fraction of the total amount of this soil type for the area and Best Management Practices would be implemented to minimize impacts beyond the project footprint. Additionally, only a portion of the 227 acres is projected for disturbance. Activities within the Tortoise Release Area would not result in soil disturbance.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Wildlife		X		General wildlife (not otherwise federally or state protected) occupying the area of proposed expansion is common and widespread throughout the region. Construction of the raceway expansion is unlikely to impact area wildlife despite the potential loss of up to 227 acres of moderately disturbed land adjacent to other residential, industrial, and commercial development. The Project Area is adjacent to undisturbed land (eastward) to which wildlife could disperse. Activities within the Tortoise Release Area would not affect wildlife in the area.
Special Status Species (including Threatened, Endangered or Candidate Species, Migratory Birds, and State Protected Species)			X	The proposed Project would affect the threatened Mojave desert tortoise which was observed within the project area during surveys prior to transfer of the land from BLM to SMR, and in the Tortoise Release Area; however, the project would have no effect on designated critical habitat for this species. The project would have no effect on other federally listed species or critical habitat. The project may affect migratory birds. See analysis in Sections 3.3.5.
Wetlands/ Riparian Zones	X			No permanent surface waters or wetlands exist in or near the Plan Area.
Woodland/ Forestry	X			No woodlands or forests are present in the Plan Area.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Vegetation		X		Site vegetation is characterized as Mojave Mixed Desert Scrub, a common and widespread community throughout the Mojave Desert of southern Nevada and southern California and is not unique to the area. This vegetation type and others have seen declines since 1998 throughout that region. However, this decrease has predominantly been on multiple-use lands, not private. Threats to this ecosystem include direct and indirect impacts resulting from anthropogenic activity, invasion by non-native annual grasses and increased fire frequency. Disturbances associated with these activities have fragmented habitat, increased edge effects, and created conditions facilitating establishment on non-native annual grasses. The 227-acre Project Area is already moderately disturbed and bounded by areas of significant disturbance (i.e., community gravel pit and existing raceway). Development of the private project area would not fragment habitat, increase edge effects, or create conditions facilitating establishment of non-native annual grasses. Activities within the Tortoise Release Area would not affect vegetation.

3.3 Resources Carried Forward for Further Evaluation

3.3.1 Air Quality

Air quality in the Pahrump Valley has been continuously monitored for ten-micron particulate matter (PM_{10}) by NDEP since 2001. Four stations at strategic locations (background and high-emission locations) continue to record and report near-real time data to the NDEP Monitoring Website.

The Pahrump Valley is currently in attainment for priority pollutants identified by Environmental Protection Agency (EPA) NAAQS; the only pollutant parameter monitored is PM_{10}. In 2003, Nye County, the Town of Pahrump, NDEP Air Quality Bureau, and EPA Region 9 Office of Air Program signed a Memorandum of Understanding (MOU) to prepare and adopt a CAAP to implement programs and measures necessary to reduce PM_{10} emissions to levels below regulatory concern. The 2006 CAAP presents a baseline emissions inventory for contributing PM_{10} sources (NDEP, 2006).

Mobile Sources including Non-Fugitive Emissions (Vehicle Exhaust, Brake and Tire Wear), Total Non-Road Exhaust Emissions (Fuel RVP, Gas Sulfur %, Diesel Sulfur %), and Fugitive Emissions for Paved

Highways and Local Roads combined were found to account for less than 1% of the total emissions in the inventory, and Fugitive Emissions from Arterial Paved Roads accounted for approximately 1% of the total. In total, all mobile-related sources were found to represent less than 2% of the Pahrump Valley PM_{10} emissions inventory for both pre- and post-CAAP measures and estimates. Unpaved Roads and Disturbed Vacant Land was the assumed major contributor to Valley PM_{10} emissions (NDEP, 2006).

NDEP's 10-yr update report, "Pahrump Valley, Nevada PM_{10} Ten Years of Success," (NDEP, 2015) is the culmination of the 2003 MOU and the CAAP efforts and describes the analyses and results obtained in reducing the emissions and the ambient concentration of PM_{10} in Pahrump during the period 2003 to 2010. The NDEP found PM_{10} emissions were reduced to levels below regulatory concern by the mandated compliance date because of Nye County's Dust Control Program and prioritized Pave and Chip Seal Programs. Specifically, from 2001 to 2013, emissions from paved roads increased slightly over pre-CAAP levels due to increases in population, number of vehicles, and the miles of paved road. The number of miles arterial dirt roads paved during that time also increased. All other sources, especially Unpaved Roads and Disturbed Vacant Land (including construction) declined dramatically bringing the pre-CAAP Total Emissions Inventory from about 116,000 tons/year to 28,000 tons/year. Data from four continuous real-time monitoring stations in Pahrump is used to demonstrate compliance with relevant NAAQS.

3.3.2 Wildfire

Wide-ranging wildfire is not a historic component of the native Mojave Desert due to the relatively wide interspace between shrubs with minimal fuel to carry fires over large areas. However, in many parts of the Mojave Desert, establishment of extensive layers of fast growing, volatile, dense layers of non-native annual grasses and forbs in many areas have established a situation conducive to carrying fires over large areas, particularly after a season of significant rainfall. The project area and the adjacent habitat do not exhibit dense stands of weed species as seen in other portions of the region.

SMR and the Pahrump Valley Fire and Rescue have established an emergency response relationship for fires and other emergencies as detailed in the Nye County Development Agreement for the Spring Mountain Raceway and Motor Resort.

Additionally, firefighting resources stationed at the BLM Pahrump Fire Station, adjacent to the SMR, also provide wildfire support and mutual aid to Pahrump Valley Fire and Rescue and Nye County. The BLM Pahrump Fire Station is always staffed with at least one employee and/or BLM Law Enforcement Officer. It is fully staffed during fire season. The BLM Pahrump Fire Station helipad is utilized for the takeoff and landing of Type 2 (medium) or Type 3 (light) helicopters in support of BLM fire and aviation operations. the BLM Fire Station provides area wildfire response to multiple BLM fire management units on the west and south side of the Spring Mountains to the California border, in accordance with the 2004 Las Vegas Fire Management Plan (BLM, 2004) and the 1998 Las Vegas/Pahrump Resource Management Plan (BLM, 1998).

The Project Area is adjacent to BLM managed land to the north and east. The BLM Pahrump Fire Station is approximately 1.75 miles southeast of the SMR.

3.3.3 Invasive/Noxious Weeds

Nevada Revised Statutes, Chapter 555.005 defines "noxious weeds" and mandates the extent that landowners and land management agencies must control specific noxious weed species on lands under their jurisdiction. Additionally, invasive non-native annual grasses have become established throughout the Mojave Desert, out-competing native vegetation and thereby reducing forage quality in the area. When plant density is high, the species carry wildfires across areas that have not evolved with this ecological stressor.

During the course of surveys of the Project Area, the only non-native species identified was sparse low to moderate presence of red brome, a species known to contribute to the spread of wildfires in areas where dense stands of the species form following wet spring seasons. During surveys in the Tortoise Release Area, red brome, red stem filaree, and Mediterranean grass were observed in low abundance.

3.3.4 Noise

The evaluation of the effects of noise on the human environment is intended to address the potential impacts on potential Noise Sensitive Areas (NSA).

The affected environment and geographic scope for analysis of the Proposed Action regarding noise impacts includes the affected local soundscape and potential sensitive receptors in the Pahrump Valley. The study area for this assessment included the nearest potential NSA, which are the residences located approximately one mile west of the western boundary of the Project Area (the same distance from the existing raceway facility). No schools, day care facilities, hospitals, long-term care facilities, places of worship, libraries, parks, recreational areas, wilderness areas, or wilderness study areas are present within one mile of the Project Area.

The SMR and proposed expansion are located along the northern boundaries of the southeastern edge of the Town of Pahrump on Nevada State Route 160 across from the Town of Pahrump/Nye County Fairgrounds (proposed, yet undeveloped). State Route 160, which fronts the existing SMR mixed use zone and averages 0.1 miles from existing raceway, has an estimated traffic volume of 10,100 vehicles per day (NDOT, 2018), making the highway substantial consistent noise contributor for the area.

BLM community gravel pits operate to the north, northwest and west of the track expansion area. Adjacent land to the north, northeast, east, and southeast is rural open land managed by BLM with several unimproved trails used mainly by off-road vehicle enthusiasts. Except for the SMR members' residences, no populated or residential areas exist within one mile of the track expansion.

The Development Agreement between Nye County and Spring Mountain Raceway LLC (the Proponent) requires installation of sound walls, sound berms, or other acoustical barriers located between the racetrack and the SMR member's residential home properties to minimize noise from the operations of the racetrack. Additionally, the Development Agreement requires SMR to prohibit any vehicle which is not in compliance with the established racetrack policies relating to vehicle decibel specifications from operating on the racetrack. Track rules and regulations restrict all vehicles to a maximum sound level of 103 decibels (dB) measured 50 feet from the edge of the track.

Normal conversation is about 60 dB, a lawn mower is about 90 dB, and a loud rock concert is about 120 dB (Figure 4). In general, sounds above 85 dB are considered harmful, depending on how long and how often a person is exposed to them. Each 10-point increase (e.g., from 70 to 80 dB) represents a tenfold increase in sound energy, even though it is only perceived as twice as loud by humans; the decibel scale is logarithmic.

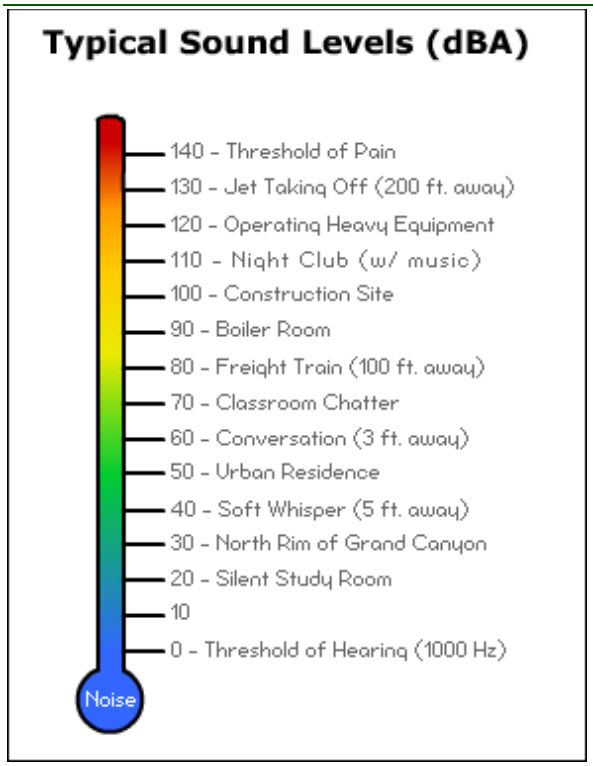

Figure 5. Occupational Safety and Health Administration example noise levels.

3.3.5 Special Status Species

Special status species include any species which is listed, or proposed for listing, as threatened or endangered under the provisions of the Endangered Species Act, or any species designated as a "candidate" for such listing; any species covered by the Migratory Bird Treaty; and any species which is listed as sensitive or otherwise protected by the State of Nevada or local jurisdictions. The following sections summarize species within each of these categories known or suspected of being present in the project area, and for which an assessment of potential impacts to those species are addressed later in this document.

3.3.5.1 Threatened and Endangered Species

The USFWS Information for Planning and Conservation (IPaC) online database was queried (Consultation Code: 08ENVS00-2020-SLI-0119) on May 14, 2020, to determine which listed or proposed to be listed species may be present in the Project Area. The query returned three species potentially present in the area: southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), and the desert tortoise (*Gopherus agassizii*). No designated critical habitat for any listed species, National Wildlife Refuge Land, or Fish Hatcheries were identified within or near the Project Area.

Southwestern Willow Flycatcher

The southwestern willow flycatcher is a subspecies of the willow flycatcher family with grayish-green back and wings, whitish throat, light gray-olive breast, and pale yellowish belly. Two wingbars are visible and an eye ring is faint or absent. The upper beak is darker than the lower beak. The most distinguishing characteristic between the southwestern willow flycatcher and other willow flycatchers is their song, a sneezy "fitz-hew" (USFWS, 2002).

The southwestern willow flycatcher breeds in Arizona, New Mexico, southern California, portions of southern Nevada and Utah, and southwest Colorado (USFWS, 2002). It winters in the rain forests of Mexico, Central America, and northern South America. The southwestern willow flycatcher breeds in relatively dense riparian tree and shrub communities associated with rivers, swamps, and other wetlands including lakes and reservoirs. It is a late spring breeder seen and heard in riparian forests by mid-May. It nests in trees and thickets in late May and early June with young fledging in early July. The southwestern willow flycatcher is an insectivore and forages within and above dense riparian vegetation. Loss and modification of riparian habitat and nest parasitism by the brown-headed cowbird are key factors in the decline of flycatcher populations.

The proposed Project Area does not contain riparian habitat and no such habitat is present within five miles of the project area; therefore, potential impacts to the southwestern willow flycatcher were not analyzed in this document.

Yuma Clapper Rail

The Yuma clapper rail was listed as Endangered in 1967 and is a large-footed marsh bird distinguished from other clapper rails by its paler, duller underparts and grayish edging of dorsal feathers; cheeks and postoculars are a bluish or ashy gray (USFWS, 1983). Males are larger than females, but the sexes are alike in plumage. The Yuma clapper rail eats mostly crayfish, clams, isopods, freshwater shrimp, fish and various insects. The bird is a marsh bird found in dense cattail or cattail-bulrush marshes along the lower Colorado River in Mexico north to the lower Muddy River and Virgin River in Utah above those rivers' confluence with Lake Mead.

The proposed Project Area does not contain any dense cattail or cattail-bulrush marshes, and none are known to be present within five miles of the project area; therefore, potential impacts to the Yuma clapper rail were not analyzed in this document.

Mojave Desert Tortoise

The Mojave population of desert tortoise (all tortoises north and west of the Colorado River in Arizona, Utah, Nevada, and California) was listed as threatened on April 2,1990 [55 Federal Register (FR) 12178]. The USFWS issued an initial recovery plan (USFWS, 1994) and a revised recovery plan (USFWS, 2011) for the desert tortoise. A five-year review was completed in 2010 (USFWS, 2010).

The Project Area is within an area considered Moderate Quality Desert Tortoise Habitat and individuals of this species are known to occur within the Project Area. Potential impacts to and Incidental Take of Mojave desert tortoise is being addressed through Section 10 Consultation between the Proponent and the UWSFWS, which the preparation and implementation of an HCP, and the potential issuance of an ITP, which is the action being considered in this evaluation.

The Mojave desert tortoise occurs in the Mojave and Sonoran deserts north and west of the Colorado River in southwestern Utah, southern Nevada, southeastern California, and northwestern Arizona in the United States (USFWS, 2011). It spends up to 95% of its life underground in a variety of habitats from sandy flats to rocky foothills, including alluvial fans, washes, and canyons where suitable soils for den construction might be found. It is found from near sea level to around 3,500 feet in elevation.

Tortoises depend on burrows to escape the extreme temperatures of cold winters and very hot summers, spending much of their lives underground. Tortoises often share burrows and use multiple burrows scattered throughout their home range. Tortoises are most active from March to June and September to October, when temperatures are relatively mild, and when forage from winter rains is present in the spring or following the monsoonal rains in the fall.

Within the Pahrump Valley, desert tortoise habitat occurs primarily on the east side of State Route160, between the developed areas of the town and the foothills of the Spring Mountains. Tortoise habitat is also present at the rural/urban interfaces south/southeast of Pahrump and extends into undeveloped areas. Desert tortoise habitat quality varies throughout Pahrump Valley, with higher quality less-disturbed habitat occurring on the east side of State Route 160 and in the northern and northwestern edges of the town boundary. Habitat tends to be less disturbed and fragmented farther from the wildland-urban interface.

The size, location, and configuration of the project would have little additional effect of fragmentation through exacerbation of this pinch point. The project is bounded to the south by the existing raceway facility, which is fully-contained and inaccessible to desert tortoises; to the west by established gravel pits; and to the north by an established gravel pit and additional lands granted for expansion of the gravel pit which is surrounded by a tortoise exclusion fence (Figure 3). Given this configuration and location in relation to the adjacent bounding facilities, the development of this project area does not contribute to the fragmentation.

During the May 2018 presence/absence survey, three desert tortoises and approximately 20 potential tortoise burrows were observed within the proposed project area. Locations of tortoise and tortoise burrows were recorded using GPS during the field survey. A summary of the findings of that survey and additional information on the Mojave desert tortoise in this region are included in the HCP supporting the ITP application which is the topic of this EA.

During early November 2019, surveys were conducted of the Tortoise Release Area to confirm the suitability of the habitat for the potential release of tortoises, to document sign of occupancy by desert tortoises, and to determine if burrows or other potential shelter sites were present in the area. Surveys were focused on the northeast portion of the recipient site, in the foothills of the Spring Mountain range, although the entire area was preliminarily evaluated for suitability for translocation. Biologists identified two adult and one juvenile tortoise within the area during the surveys. Numerous soil burrows were observed throughout the area, and many burrows had active tortoise sign associated with them. Additionally, carcasses, scat, eggshells, and tracks were all found during surveys. Human disturbance in the area was relatively minimal.

3.3.5.2 Migratory Birds

The Migratory Bird Treaty Act (MBTA) (16 USC 703 et. seq.) protects migratory birds and their nests. A list of MBTA protected birds are found in 50 CFR 10.13. The list of birds protected under this regulation is extensive and includes numerous birds found within the Mojave Desert of Nevada. Typically, the breeding season is when these species are most sensitive to disturbance, which generally occurs from February 15th through August 31st depending on the species.

Western Burrowing Owl

One migratory bird of special interest in this region is the western burrowing owl (*Athene cunicularia hypugaea*), primarily due to its declining abundance throughout its range. The western burrowing owl is a diurnal bird of prey specialized for shrub-steppe habitats. Burrowing owls are one of the smallest owls in North America, measuring between 7.5 to 10 inches tall with a wingspan of 21 to 24 inches. They have a broad range across western North America, Central America, and South America. Burrowing owls are typically present in southern Nevada from mid-March through August. Burrowing owl habitat in the Mojave Desert typically consists of open, dry, treeless areas on the desert floor. Burrowing owls most frequently use burrows created by other animals such as ground squirrels (*Spermophilus* spp.), coyotes (*Canis latrans*), or desert tortoises, as well as pipes and culverts or man-made structures. The burrows are used for nesting, roosting, cover, and caching prey. In recent decades, the range and abundance of the burrowing owl have been declining primarily due to agricultural, industrial, and urban development that

reduce habitat and burrow availability. During surveys of the site for desert tortoises no burrowing owls nor sign of their presence were observed within or adjacent to the Project Area.

3.3.5.3 State Protected Species

Gila Monster

The Gila monster (*Heloderma suspectum*) is a Nevada state protected species (Nevada Administrative Code [NAC] 503.080, 503.090, and 503.093) and was noted by Nevada Department of Wildlife (NDOW) as a species of interest for the Project Area. The Gila monster is the largest native species of lizard in the US and is the only venomous lizard endemic to the United States. Adults typically have a body length of 12 to 14 inches with the tail adding an additional 6 to 7 inches. They are slow-moving lizards dependent almost solely on vertebrate eggs and young in nests for food. The Gila monster is found in portions of the Mohave Desert in southwestern Utah, southeastern Nevada, southeastern California, and northwestern Arizona; in the Sonoran Desert in southwestern Arizona and Sonora, Mexico; and in small portions of the Chihuahuan Desert in southeastern Arizona and southwestern New Mexico. The Gila monster favors rocky slopes, washes, and sandy valleys, with sites available for protection from weather extremes and predators. It typically spends more than 95 percent of its time in underground shelters. Limited information exists about the relative abundance in Nevada. NDOW has ongoing management investigations addressing the Gila monster's status and distribution. No Gila monsters were observed during field surveys for desert tortoises.

Cactus and Yucca

The collection, destruction, harvest, sale and transport of cactus and yucca are regulated activities in Nevada to protect the landowner as well as the resources. Private landowners are not obligated to protect these plants on their land, but commercial use of the resources require appropriate permits.

On public and private land, written permission of the landowner is required for harvest of plants in numbers of five or less. Public land managers have additional conservation and management obligations not imposed on the private landowners. Harvests on private land for commercial purposes require a native flora harvest registration permit. Commercial purpose is defined as the removal or possession of six or more cacti and/or yucca (including Joshua trees) in any one calendar day, or removal or possession of one or more plants for seven consecutive days. The registration permit must have the legal description of the land and the notarized signature of the landowner.

The project area includes cactus and yucca including cottontop (*Echinocactus polycephalus*), hedgehog (*Echinocereus engelmannii*), beavertail (*Opuntia basilaris*), silver cholla (*Opuntia echinocarpa*), Mojave yucca (*Yucca schidigera*) and other species. Joshua trees were not present on the Project Area.

4 ENVIRONMENTAL CONSEQUENCES

This chapter assesses the environmental impacts expected to occur from the implementation of the Action and No Action alternatives described in Section 2 Proposed Action and Alternative on the resources carried forward for further review as described in Table 2. Environmental Consequences are analyzed for each resource for each alternative in the same order as discussed in Section 3 Affected Environment.

4.1 Effects of No Action Alternative

Implementation of the no action alternative would result in no changes to the status quo. The ITP would not be issued, and no new construction or operations would occur on the 227 acres of private land in the foreseeable future.

4.1.1 Air Quality

4.1.1.1 Direct and Indirect Effects on Air Quality

Under the No Action Alternative, the ITP would not be approved. No disturbance or development of the 227 acres at the Project Site would occur, not adding to the current PM_{10} levels for the area or vehicle emissions.

4.1.1.2 Cumulative Effects on Air Quality

Because the No Action Alternative would result in no direct or indirect impacts related to air quality, there would be no cumulative impacts associated with the No Action Alternative.

4.1.2 Wildfire

4.1.2.1 Direct and Indirect Effects on Fire/Fuels

Under the No Action Alternative, the ITP would not be approved, and existing vegetation would remain intact. There would be no change to area access. No additional fire breaks would be constructed in the area and vegetation on the 227 acres of private land would be prone to fire at the current rate.

4.1.2.2 Cumulative Effects on Fire and Fuels

Because the No Action Alternative would result in no direct or indirect impacts to 227 acres of vegetation there would be no cumulative impacts associated with the No Action Alternative. Wildland fires would continue to occur at the current rate.

4.1.3 Invasive/Noxious Weeds

4.1.3.1 Direct and Indirect Effects Invasive/Noxious Weeds

Under the No Action Alternative, the ITP would not be approved, and invasive/noxious weed populations would continue to exist as they currently do with little or no management for their eradication or limiting of population expansion.

4.1.3.2 Cumulative Effects on Invasive/Noxious Weeds

Because the No Action Alternative would result in no direct or indirect impacts related to invasive species and noxious weeds there would be no cumulative impacts associated with the No Action Alternative.

4.1.4 Noise

4.1.4.1 Direct and Indirect Effects on Noise

Under the No Action Alternative, the ITP would not be approved. No new construction or expansion of operations would occur on the 227-acre Project Site. Noise levels from the existing track operation would remain unchanged at approximately 30 dB to 55 dB at the nearest residential areas.

4.1.4.2 Cumulative Effects on Noise

Because the No Action Alternative would result in no new direct or indirect noise impacts, there would be no cumulative impacts other than the current impacts associated with the No Action Alternative (existing track operations and State Highway 160).

4.1.5 Special Status Species

4.1.5.1 Direct and Indirect Effects on Special Status Species

Under the No Action Alternative, the ITP would not be approved, and special status species, would continue to be subject to existing conditions.

4.1.5.2 Cumulative Effects on Special Status Species

Because the No Action Alternative would result in no new direct or indirect impacts related to special status species, there would be no project-related cumulative impacts associated with the No Action Alternative. However, there would also be no mitigation measures or off-setting mitigation conducted to improve species habitat or overall species understanding.

4.2 Effects of the Action Alternative

Implementation of the preferred action alternative would result in the extension of the existing SMR racetrack. Construction or operations would occur on the 227 acres of private land adding an additional 3.6 miles of track to the existing six-mile track. The action would also result in the translocation of desert tortoises potentially found in the area prior to construction. Three tortoises were observed in the project site during previous surveys. But using results from surveys of 692 acres including the Project Site and adjacent areas and standard USFWS density estimate formulas, up to six (6) adult desert tortoises and 39 juveniles or hatchlings may be present in the 227-acre project site and would be moved to adjacent federally managed land to the northeast.

4.2.1 Air Quality

4.2.1.1 Direct and Indirect Effects on Air Quality

BLM EA S030-2018-0004 previously evaluated the air quality impacts resulting from new racetrack construction on more than 620 acres of land (land sale area). The Proposed Action Alternative, or Proposed Project, for this EA includes ground disturbance of up to 227 acres of land, the construction activities associated with the track expansion, classrooms, and paddock. The emissions impact resulting from the proposed action to develop 227 acres would be substantially less than those previously calculated for the full 620-acre development. The following discussion summarizes the assessment and results of the BLM's 620-acre analysis and applies those results to the smaller footprint of the 227-acre Proposed Action. Project emissions of fugitive dust is expected and would be temporary in nature and would be mitigated using Best Management Practices required by NDEP Surface Area Disturbance Permit and Nye County Dust Control Plan.

SMR cars, trucks, and motorcycles would be driven on the existing adjacent track as well as in the expansion area. These vehicles would mostly be production vehicles which burn premium unleaded fuels. There will be a 1,000-gallon, portable fuel tank at the classroom facilities for refueling vehicles. This fuel tank will be trailer mounted so it can easily be refilled offsite. The track expansion would be paved, and dust would be removed weekly using PM_{10} compliant street sweepers, as is the practice at the existing track.

The maximum projected daily average vehicle miles traveled by vehicles on the full build-out 620-acre track expansion was calculated to be 1,500 v-m/d. This increase of 1,500 v-m/d resulting from the 620-acre track expansion is minor (0.5%) in comparison to the Pahrump Valley 2017 baseline value of 286,118 v-m/d for the Pahrump Valley, which includes emissions from the existing track and facilities, as well as emissions from vehicles not burning premium unleaded fuel. The calculated total annual increase in PM_{10} emissions (contribution) from the full build-out track expansion Mobile Sources including Vehicle Exhaust Emissions (On-Road and Non-Road) and associated Fugitive Dust from Paved Roads (Highway) is 4.13 tons/year, compared to the estimated 2017 baseline 9,113.74 tons/year for the Pahrump Valley, an increase of 0.045% over baseline source emissions. The smaller 227-acre footprint of the Proposed Action would contribute less than half of the emissions calculated by the BLM for the 620-acre expansion (1.51 versus 4.13 tons/year).

Construction of the full build track expansion (620 acres) would have had a direct effect on air quality potentially increasing PM_{10} emissions by less than 0.1% over the baseline air quality conditions. The 227-

acre expansion would have the direct effect on air quality of potentially increasing PM_{10} emissions by less than 0.05% over the baseline air quality conditions.

Activities within the Tortoise Relocation Area would include a small amount of driving on existing roads and walking to release tortoises removed from the Project Area and then to locate and monitor the tortoises fitted with transmitters. Therefore, air quality would not be measurably affected by these activities.

4.2.1.2 Cumulative Effects on Air Quality

The proposed action would result in a small, incremental (0.05%) contribution to air quality cumulative impacts associated with growth in the Pahrump Valley. The cumulative incremental contribution of fugitive dust and PM_{10} emissions to the existing baseline conditions would not result in exceedance of any NAAQS. Based on the estimated 2017 emissions inventory for the Pahrump Valley, and emissions from future development of this land, the direct and indirect contribution to cumulative air quality impacts from PM_{10} and other facility-related emissions are insignificant when compared to baseline emissions and the estimated increase in emissions associated with projected local growth.

4.2.2 Wildfires

4.2.2.1 Direct and Indirect Effects on Wildfires

Construction operations, which would possibly introduce additional ignition sources to the area potentially increasing the risk of human-caused wildfires, is temporary in nature and would not have a lasting effect. The incremental fire risk from construction activities would be mitigated by using best management practices (parking in vegetation-free areas, use of hot work procedures if applicable, smoking policies, etc.). The project would eliminate existing sources of ignition from the 227 acres, such as off-road vehicles. The removal of approximately half of the fuels (vegetation) on the 227-acre site would reduce the fuels available on land adjacent to the existing SMR and gravel pits.

The introduction of construction ignition sources could result in events requiring additional responses by the BLM or Pahrump Valley Fire and Rescue but would be highly unlikely to exceed the response capacity of either entity. Additionally, Best Management Practices would be implemented at the site, including having fire extinguishers at the worksite and in construction vehicles. Traffic on Wheeler Pass Road and the Frontage Road along Highway 160 would not be affected by the project as they would not be used during construction. All SMR construction and operational traffic would travel through the existing site. Facility expansion design incorporates defensible and survivable space to protect human safety and infrastructure from wildfire and utilizes roads and similar developments as fuel breaks.

4.2.2.2 Cumulative Effects on Wildfires

Changes to an area's fire regime condition class and loss of ecosystem function, native plant species, and habitat occur due to natural and human caused wildfires. Repeated fires are likely to perpetuate the annual grass fire cycle and degrade environmental conditions over time. Overall increased human activities in the region increases the chances for human caused fires.

New, continued, or increased developments and infrastructure increase the Wilderness/Urban Interface footprint and increase the area's fire response complexity and costs. The expansion of the boundary for the existing racetrack would be a small incremental increase to the Wilderness/Urban Interface footprint occurring due to continued growth and development in the Pahrump Valley.

4.2.3 Invasive/Noxious Weeds

4.2.3.1 Direct and Indirect Effects on Invasive/Noxious Weeds

Actions associated with the approval of the ITP would include clearing, grubbing, and grading a majority of the 227 acres of SMR land. The bare ground resulting from the vegetation removal provides opportunity for non-native invasive weed species to colonize the project area. If weeds are established on the site, there is potential for species to out-compete native plants for resources. Noxious and/or invasive weeds effectively compete with native species for sunlight, soil, water, nutrients, and space, thereby reducing forage productivity. Additionally, soil disturbance could reduce the native seed bank associated with the site.

Increased vehicle traffic during all phases of the Project would also impact noxious and/or invasive weeds. Vehicles are effective at introducing and/or spreading weeds by disbursing weed seed along roadways. More specifically the increased vehicular activity at the site boundary has the potential to spread non-native invasive annual grasses to adjacent public land.

The spread of invasive weed infestations such as cheat grass and other annual grasses provide beds of fine fuels increasing the likelihood and spread of fire.

Aggressively managing invasive or noxious species would limit residual effects to manageable levels. This is made possible by maintaining discontinuous, dispersed native vegetation, nonflammable native species, propagation and planting of native species, or complete removal of all vegetation.

The proponent would continue to implement weed control measures and follow Best Management Practices throughout the Project Area. This would mitigate the introduction and spread of noxious and/or invasive weeds to the project site and to adjacent lands.

4.2.3.2 Cumulative Effects on Invasive/Noxious Weeds

The Proposed Action would result in cumulative impacts on native vegetation communities, including the potential spread of noxious and/or invasive weeds with the potential to adversely affect the Project area and adjacent lands. The cumulative effects would be negligible because the Proponent has an established Weed Control Program in effect to identify, prevent, and treat the spread of noxious and or invasive species.

4.2.4 Noise

4.2.4.1 Direct and Indirect Effects on Noise

The noise analysis was conducted to evaluate potential track noise conditions. The noise analysis compares existing noise conditions including ambient, highway and existing track noise to the expected increase in noise levels from the additional 3.6 miles of track to determine whether increased noise levels would be significant. The nearest locations affected by noise from the construction and operation of the track expansion are the gravel pits to the north and west, and public lands to east. The two nearest residential NSA, at 1.3 and 1.1 miles distant, are located across State Highway 160, and the other to the northwest of gravel pits, respectively. The proposed Great Basin College Campus (yet to be constructed) is located approximately 1.7 miles southeast of the Project Area.

Construction noise from the operation of heavy equipment is expected and would be temporary in nature; construction activities would be restricted to daytime hours and last less than 52 weeks over a five-year period. Based on the models and maximum number of vehicles and heavy equipment in operation at any given time (see Section 1.3.1), construction noise is expected to be between 70 dB and 85 dB at 50 feet distant from the Project Area boundary, which would only encompass users of Wheeler Pass Road and

receptors at the north side of the current SMR boundary. Impact and vibration noise are not expected. An online calculator (MAS Environmental, 2006) was used to determine the noise level at the nearest residential NSA and found to be 30 dB to 55 dB (equal to or less than a normal conversation level), which is well within established construction noise guidelines used by the Department of Transportation (Table 4). Nighttime ambient noise levels would be unaffected.

Operation of the track expansion would not substantially increase noise in the study area as compared to current operations. Although the expansion would allow a slight increase in the total number of cars on the track at any given time (up to ten per day), the relative increase would not substantially add to the overall daytime track noise. Using the maximum allowed noise of 103 dB at 50 feet from the track edge per the Nye County Development Agreement, the noise from one car is calculated to be 62.53 dB (normal conversation) at the nearest residential NSA. The operation of ten cars at the same time would increase noise levels to about 115 dB (not a linear relationship) 50 feet from the track edge, corresponding to 74.53 dB (loud classroom chatter or loud singing at five feet) at the nearest residential NSA. Therefore, noise levels at the nearest residential NSA would be between 62.53 dB and 74.53 dB. Nighttime ambient noise levels would be unaffected since track nighttime operations are restricted by the Nye County Development Agreement.

Table 3. Summary of US Department of Transportation Short Duration Construction Noise Guidelines

Location	Daytime	Nighttime
Short Duration Noise Guidelines		
NSAs (Residences)	90 dBA $L_{eq\ (8h)}$	80 dBA $L_{eq\ (8h)}$
Commercial	100 dBA $L_{eq\ (8h)}$	100 dBA $L_{eq\ (8h)}$
Industrial	100 dBA $L_{eq\ (8h)}$	100 dBA $L_{eq\ (8h)}$
Moderate Duration Noise Guidelines		
NSAs (Residences)	80 dBA $L_{eq\ (8h)}$	70 dBA $L_{eq\ (8h)}$
Commercial	85 dBA $L_{eq\ (8h)}$	85 dBA $L_{eq\ (8h)}$
Industrial	90 dBA $L_{eq\ (8h)}$	90 dBA $L_{eq\ (8h)}$

dBA = A-weighted decibel scale adjusted to account for varying sensitivity of the human ear to different sound frequencies, i.e., lower and higher frequencies are weighted lower.

Noise impacts to OHV (motorcycle or all-terrain vehicle) enthusiasts on public lands would be the most significant and vary based on their distance from the track. At about 700 feet from the track (Wheeler Pass Road), noise from an OHV, which averages 80 dBA for most commercially available OHV would likely drown out any track noise. Track noise at this distance, after track expansion would be 92 dB (assuming 115 dB at 50 feet from the track edge, and a Wheeler Pass Road distance of 700 feet from the track). The noise contributed from track operations would not likely be discernable over the sound of the standard OHV.

Construction activities would have a direct short-term effect (less than five years) during which time applicable NDOT guidelines would not be exceeded. The negligible effect on ambient noise levels in the study area would not be significant nor likely noticeable to area receptors due to the relatively isolated location. Direct noise effects of track operations on nearest residential NSA and OHV users are within EPA-established guidelines, and an increase would not likely be discernable over existing noise levels to these receptors. Short term indirect effects may include modified movement patterns and area use of the area by wildlife. Long term indirect effects are not anticipated.

4.2.4.2 Cumulative Effects on Noise

The proposed action would result in a small, incremental increase in noise exposure to casual receptors located near or within the planned track expansion. Changes in noise levels would not affect use of the surrounding area as foreseeable future projects are sufficiently distant to limit any increases in ambient noise due to damping effects.

4.2.5 Special Status Species

As described in the HCP, direct impacts to desert tortoises in the Project Area would need to be mitigated prior to and during any ground disturbing activities. Proposed Action would result in the permanent loss of about 227 acres of moderate quality habitat in Nye County. NDOW authorization requirements for desert tortoise relocation, as well as protocol for protection of the Gila Monster and migratory birds would be observed prior to and during surface disturbing activities.

4.2.5.1 Threatened, Endangered, or Candidate Species

Direct and Indirect Effects on Threatened, Endangered, or Candidate Species

The action alternative would adversely affect the federally threatened Mojave desert tortoise (*Gopherus agassizii*) but would have no effect for its designated critical habitat, as none exists within or in the vicinity of the project area. The action alternative would have no effect on any other federally protected or candidate species or designated critical habitat due to absence of the species and/or habitat on the project site.

The action alternative would have both direct and indirect impacts to desert tortoise, primarily from the permanent loss of 227 acres of moderate to high quality habitat. Impacts to tortoise from the proposed action including killing eggs, juvenile, and adult tortoises not captured and moved out of harm's way, displacement of individuals, and the permanent loss of habitat. Indirect impacts could include increased noise, introduction and spread of weeds, and increased erosion potential. If not noticed and avoided during construction, operation, or maintenance activities, desert tortoises could be either injured or killed (by crushing) or could be injured or killed during capture and translocation (being moved out of harm's way). Other potential indirect impacts to this species include increased predators, increased human presence leading to death or harm to individuals or collection, increased weeds, and potential increased encounters with domestic pets. The loss of desert tortoise habitat is not expected to result in a loss of connectivity (i.e. increase fragmentation) to other or healthier habitat due to the land abutting a fenced gravel pit to the north and west, and the existing SMR to the south (i.e. the habitat lost was at the edge of otherwise contiguous habitat to the north and east).

The proposed project would result in the removal of an estimated six adult tortoises, 30 smaller tortoises, and eight hatchlings from the project area to be released in the adjacent release area with a resident population of tortoises. Handling of these tortoises will have some degree of impact to these individuals in the form of stress of handling and moving them. However, given they likely are moving into an area they are familiar with, and through the strict adherence to handling guidelines, this impact is anticipated to be minimal. Likewise, the resident tortoises in the release area may respond to and be impacted by the release of tortoises in this area. However, given the proximity of the two areas, the tortoises to be released likely have interacted with the resident tortoises, further tempering the level of impact to the released and the resident individuals. Estimating with a potential dispersal area of approximately 5 square kilometer (sq km) (1.5 km dispersal radius * ~3/4 accessible habitat: (3.14*1.5^2) * 0.75 = 5.3 sq km), the maximum expected increase in density would be 1.2 adult tortoises per sq km, a negligible increase to the density is in the recipient site.

Given the potential impacts on the local tortoises are expected to be minimal, the anticipated impacts on the tortoise population in the Recovery Unit and range-wide are expected to be minimal to negligible. The

2014 abundance estimate for the Eastern Mojave Recovery Unit was 24,664 adult desert tortoises (Allison & McLuckie, 2018). Consequently, even the loss of all six adult desert tortoises estimated to be translocated or moved from the project would comprise a very small portion (approximately 0.02 percent) of the overall adult population within the Eastern Mojave Recovery Unit and an even smaller portion (0.003 percent) of adult desert tortoises range-wide (212,343 tortoises).

Similarly, the project would permanently remove approximately 227 acres of habitat, which is 0.006 percent of the total 3,968,759 acres available within the Eastern Mojave Recovery Unit, and would result in a loss of approximately 0.0013 percent loss of the 16,926,966 acres of available habitat range-wide (Allison & McLuckie, 2018).

The impacts of this "take" are minor/minimal locally, negligible regionally, and not present within the range of the species. Mitigation should be implemented commensurate with anticipated impacts. Mitigation measures to address the removal of habitat and the movement of tortoises from the project area would be implemented. No additional measures will be implemented to address the minimal impacts anticipated for the resident tortoises where project tortoises would be released.

To mitigate the expected losses, the Applicant developed an HCP to apply for a Section 10 ITP from the USFWS pursuant to the ESA. The ITP would include terms and conditions based on the HCP to protect and relocate any desert tortoises encountered on the site. The ITP will include the following elements to avoid, minimize, and mitigate unavoidable impacts from the project to desert tortoise:

1. Project Review and Pre-Construction Surveys
2. Employee Education
3. On-call Trained Responder
4. Tortoise Exclusion Fencing and Tortoise Gates
5. Tortoise Translocation Plan
6. Project Reporting
7. Payment of Section 10 Remuneration Fees

The off-setting mitigation project described in the HCP has been reviewed and is being initiated, therefore is not part of this analysis, though additional NEPA review may be necessary. Given the small scale and discrete nature of this proposed action, and the targeted conservation project/minimization measures selected, requiring the measures to be implemented prior to project implementation is not warranted.

In issuing an ITP, the USFWS may impose additional requirements as may be necessary to protect the desert tortoise and mitigate the effects on its habitat.

Cumulative Effects on Threatened, Endangered, or Candidate Species

The spatial area considered is the range of desert tortoise habitat in the Pahrump Valley, specifically the Pahrump Regional Planning District. The area is characterized as moderate to good desert tortoise habitat; there is no critical habitat present. Approximately 92,489 acres are included in this area, of which 23,717 acres is considered suitable habitat (Nye County Planning Department). Based on reasonably foreseeable future projects, even if all development were to take place, total acres of habitat loss would me minor, 612 acres of the 23,717 acres of desert tortoise habitat available, or about 2.6 percent.

As previously mentioned, the 2014 abundance estimate for the Eastern Mojave Recovery Unit was 24,664 adult desert tortoises (Allison & McLuckie, 2018). Consequently, even the loss of all six adult desert tortoises estimated to be translocated or moved from the project would comprise a very small portion (approximately 0.02 percent) of the overall adult population within the Eastern Mojave Recovery Unit and an even smaller portion (0.003 percent) of adult desert tortoises range-wide (212,343 tortoises).

Similarly, the project would permanently remove approximately 227 acres of habitat, which is 0.006 percent of the total 3,968,759 acres available within the Eastern Mojave Recovery Unit, and would result in a loss of approximately 0.0013 percent loss of the 16,926,966 acres of available habitat range-wide (Allison & McLuckie, 2018).

4.2.5.2 Migratory Birds

Direct and Indirect Effects on Migratory Birds

Migratory birds in the project area may be disturbed and/or displaced by the loss of less than 227 acres of habitat and/or noise on the project site. Depending on the time of year for construction there is the potential to disturb nesting birds within or immediately adjacent to the Project Area. The Applicant is encouraged to comply with the MBTA and avoid potential impacts to protected birds within the project area. The Applicant should adhere to mitigation measures to comply with the MBTA and protect sensitive bird species in the project area.

Habitat-altering projects or portions of projects should be scheduled outside of the bird breeding season which generally occurs between February 15th and August 31st, if possible. If the project must occur during the breeding season, a qualified biologist would survey the area for nests immediately prior to commencement of construction activities. This would include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests are found, an appropriately sized buffer area would be established and maintained until the young birds fledge. The buffer area must connect to suitable, undisturbed habitat. As the above dates are a general guideline, if active nests are observed outside this range they should be avoided as described above.

Cumulative Effects on Migratory Birds

Migratory birds in the Project Area may be disturbed and/or displaced. If the proponent complies with the MBTA to avoid potential impacts to protected birds within the project area, the future and cumulative impacts should be minimal. However, adherence to the MBTA by other project proponents in the area cannot be guaranteed. Any impacts due to activities at the Project Area, in conjunction with impacts from the other, larger, proposed projects in the area, could have the effect of displacing migratory birds from the area and potentially causing some nest failures and/or fledgling mortality.

Cumulative indirect impacts to burrowing owls would include any form of habitat degradation resulting from human-caused disturbances. This could include removal of habitat or available burrows, the proliferation of non-native invasive species or pollution of surface water runoff.

Suitable habitat for the burrowing owl occurs on the Project Site and in the immediately adjacent lands to the north and east. The Applicant should stay least 160 feet (50 meters) away from occupied burrows during the non-breeding season (September through January). The avoidance areas should be extended to 250 feet (75 meters) during breeding season.

4.2.5.3 State Protected Species

Direct and Indirect Effects on the Gila Monster

The direct impacts of the proposed action on the Gila monster would be loss of habitat, mortality, and harassment of individual animals if they wander into the area of activity. Gila monsters have not been documented in the project area and so are not expected to be impacted.

Cumulative Effects on the Gila Monster

Cumulative impacts to Gila monster would be minimal if avoidance measures are adhered to during construction. Gila monsters have not been documented in the project area and so are not expected to be impacted.

Direct and Indirect Effects on Cactus and Yucca

The project would directly impact cactus and yucca regulated by the Nevada Division of Forestry. The Applicant is encouraged to salvage the cactus and yucca present and incorporate them into landscaping. This would reduce some of the impact to the resources in the area. Cactus and yucca not used in post-construction landscaping should be disposed of in a commercial landfill.

Cumulative Effects on Cactus and Yucca

Cactus and yucca species are widespread in the Pahrump Valley; however, they are a limited and finite resource. When combined with other reasonably foreseeable actions in the Pahrump Valley, the proposed action would result in an incremental addition to current declines in the quantity of cactus and yucca in the Valley due to development.

4.3 Implementation of the HCP

Creating an HCP and issuing an incidental take permit begins a management process between the USFWS and the Applicant. ITP issuance begins an ongoing partnership to establish regulatory certainties and conservation benefits, specifically for the Mojave desert tortoise for this project. The HCP, the permit conditions, and any required implementing agreements, should provide the implementation steps, adaptive management, monitoring, and reporting requirements.

Once the ITP is issued, the compliance and implementation monitoring measures built into the HCP and ITP are implemented. The U.S. Fish and Wildlife Southern Nevada Fish and Wildlife Office will include administrative stipulations and schedules for the ITP. Compliance, or implementation, monitoring and reporting are part of the HCP process. Compliance monitoring is a process to verify that the Applicant is conforming to and correctly implementing the HCP, any terms and conditions of the site plan, and the ITP.

5 AGENCY COORDINATION AND COMMUNICATION

5.1 Nevada Department of Wildlife

Information on the wildlife species potentially present in the area was obtained from NDOW through the data request process resulting in identification of species of potential concern.

Coordination and consultation with NDOW will be implemented by the USFWS during review of the HCP and this EA, if necessary.

The Proponent and/or its biological consultants will be required to obtain Special Purpose Permits prior to implementation of the mitigation measures described in the HCP and the resulting ITP, if granted.

5.2 SHPO and Tribal Consultation

The previous cultural survey of the area during preparation of the BLM's land conveyance EA determined there were no National Register of Historic Places eligible resources at the project site. The SHPO was consulted and the information from that NEPA review was transferred to the USFWS.

5.3 Nye County

Nye County has endorsed the project and amended the existing Development Agreement to include the newly acquired land. The Development Agreement will be amended to include the proposed facility expansion prior to any construction.

6 LIST OF PREPARERS

6.1 U.S. Fish and Wildlife Service

The following individuals were involved in the development or Review of the Draft EA

Reviewers Glen Knowles, USFWS Southern Nevada Field Office

6.2 Proponent and Consultants

The following individuals contributed to the development of the Environmental Assessment. As the consultant, BEC Environmental, Inc. has completed and included Disclosure of No Conflict of Interest in the development of this EA (Appendix A).

BEC Environmental, Inc. (NEPA Consultant)
Erika Balderson
Danny Rakestraw

Double M Construction on behalf of Spring Mountain Raceway, LLC
Russ Meads
Steve Wulfenstein

MaryEllen C. Giampaoli, Environmental Compliance Specialist

Spring Mountain Raceway, LLC (Proponent)
John Morris, General Managing Partner

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APPENDIX A

Disclosure of No Conflict of Interest

DISCLOSURE STATEMENT

for BEC Environmental, Inc. concerning the preparation of
the Environmental Assessment for the Spring Mountain
Raceway Northern Expansion Habitat Conservation Plan

I, Eileen Christensen, of BEC Environmental, Inc., have made inquiry and to the best of my knowledge and belief declare that executing the contracted work of preparing the Environmental Assessment (EA) for the Spring Mountain Raceway Expansion Habitat Conservation Plan does not represent an actual or potential conflict of interest and BEC Environmental, Inc. does not have any financial or other interest in the outcome of this project.

I understand the term "conflict of interest" to mean that because of other activities or relationships with other persons, the contractor is unable or potentially unable to render impartial assistance or advice to the Government, or the contractor's objectivity in performing the contract work is or might be otherwise impaired, or the contractor may have an unfair competitive advantage. I understand the phrase "no financial or other special interest in the outcome of the project" to include any financial benefits such as a promise of future construction or design work on the project, as well as indirect benefits the consultant is aware of other than the enhancement of the contractor's professional reputation.

Signed: 
Eileen Christensen, Principle

Employers name: BEC Environmental, Inc.

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