

Federal Endangered, Threatened, and Candidate Species

Biological Evaluation

Project Name:
TRACKHOUSE RACING

Prepared For:
Trackhouse Entertainment Group
8500 Westmoreland Drive Northwest
Concord, North Carolina 28027

Date:
27 March 2026

Prepared By:



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1. Project Overview

1.1. Project Identification

Project Name	Trackhouse Racing
IPaC Project Code	2026-0063303
IPaC Record Locator	852-178712793
Action Agency	U.S. Army Corps of Engineers
Action Agency ID	Not yet assigned
Permit Type	NWP 39 or IP

1.2. Project Location and Site Description

Address	6762 Davidson Highway
City, State, ZIP	Concord, North Carolina 28027
County	Cabarrus
Parcel ID Number(s)	46916838510000 and 46916818890000
Acreage (Approximate)	25.16 and 3000 linear feet of sewer easement
LAT / LONG	35.437923° / -80.691238°
Site Description	The subject property is located on the North side of Davidson Highway (NC Highway 73), West of its intersection with Kannapolis Parkway. The site also includes approximately 3000 linear feet of proposed sewer line easement extending from the property along Davidson Highway and then South toward Coddle Creek to connect to an existing sewer line. The subject property is approximately 8 driving miles Northwest of the city center of Concord, North Carolina. The site is an active cattle farm. Most of the property is maintained in pasture or developed with various buildings and a homesite. A forested tract exists along the Eastern portion of the property. The sewer line easement is forested. The habitat types that occur on site include open fields, forested areas and some edge and transition areas along the boundaries of the fields, roadside edge, a small section of existing sewer line corridor, wetlands, and perennial and intermittent streams. The topography of the project site slopes outward in all directions from a central higher elevation hill in the Northern portion of the site, and to the South toward Coddle Creek in the sewer easement. The topographic relief of the project site is approximately 104 feet with an approximate maximum elevation of 708 feet and minimum

	elevation of 604 feet above sea level. The surrounding land use consists of forested tracts, agricultural fields, municipal and industrial development. The Don T. Howell Reservoir is to the West of the subject property.
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1.3. Project Objective and Methodology

Project Type	Commercial
Project Description	Commercial development involves the construction of shopping centers, office buildings, flex space buildings, and mixed use facilities in a designated area. While these developments are crucial to economic activity, they also can have substantial environmental impacts during both the construction and operational phases. During construction, existing vegetation is removed, and land is graded, leading to soil disturbance, habitat destruction, and disruption of local ecosystems. The use of heavy machinery during construction compacts the soil, reducing permeability and affecting its ability to absorb water, which can lead to runoff issues. Disturbance of soil during construction increases the risk of erosion, which can lead to sedimentation of nearby water bodies, affecting water quality. Paved surfaces (streets, sidewalks, parking areas) increase stormwater runoff, reduce groundwater recharge, and can contribute to localized flooding once the development is complete. Construction waste, such as concrete, wood, metal, and packaging materials, also can pollute the land if not responsibly managed during construction. Operationally, commercial developments replace natural habitats with buildings, roads, and parking areas, reducing biodiversity and wildlife habitats. The construction of buildings, roads, and parking areas can lead to soil compaction and potentially introduce oil and other chemicals into the surrounding ecosystem. Ongoing landscaping maintenance, such as mowing, fertilization, and the use of pesticides, can further degrade the soil and affect nearby ecosystems. These land disturbing activities can have environmental impacts both during construction and throughout their operational lifespan. Below are the potential environmental impacts on air, water, noise, and lighting for commercial development.
Potential Construction Related Effects on the Environment	
Water	Vegetation removal, land grading, and the installation of impervious surfaces (such as roads and parking areas) increase surface runoff, which can overwhelm local stormwater management systems. Runoff from disturbed soils can carry sediment into nearby water bodies, degrading water quality and affecting aquatic life. Construction sites can experience spills of fuel, oil, or chemicals, which may contaminate soil and groundwater if not properly contained. Construction processes, such as concrete mixing and dust control, require enormous quantities of water, putting pressure on local water resources and may carry contaminant and sediment into local water bodies if appropriate measures are not implemented.

Air	Excavation, grading, and other construction activities generate dust, which can degrade air quality and negatively affect human and animal respiratory health. Diesel-powered machinery (excavators, bulldozers, etc.) emits carbon dioxide (CO ₂), nitrogen oxides (NO _x), particulate matter (PM), and other pollutants into the atmosphere. Paints, adhesives, and other chemicals used during construction release Volatile Organic Compounds (VOCs), contribute to air pollution.
Lighting	Temporary lighting for nighttime work may cause light pollution, which affects surrounding residents and wildlife, particularly nocturnal species. Construction site security lighting can spill over into neighboring areas, causing disturbance to local ecosystems, and reducing visibility of the night sky.
Sound	The operation of heavy machinery (e.g., bulldozers, excavators) generates high noise levels, which can disturb residents, wildlife, and nearby communities. Construction projects often extend into evenings and weekends, resulting in prolonged noise exposure to neighboring areas. Pile driving, concrete work, and other heavy machinery can create vibrations that disrupt nearby buildings and wildlife habitats.
Potential Operations Related Effects on the Environment	
Water	Impervious surfaces such as roads, parking areas, and rooftops increase runoff, which can overwhelm local stormwater management systems, leading to potential flooding and water quality issues once the commercial development is completed. Commercial areas can put significant pressure on local water supplies for daily usage, irrigation, and landscaping needs. Fertilizers, herbicides, and pesticides used for commercial landscaping can wash into local water bodies, contributing to water pollution and harm to aquatic ecosystems.
Air	As tenants move in, and customers begin visiting the facilities, increased vehicle traffic generates CO ₂ , NO _x , and other pollutants, contributing to air pollution. Commercial development heating and cooling systems, especially those powered by fossil fuels, can contribute to greenhouse gas emissions and local air pollution. Gas-powered lawn mowers, leaf blowers, and other outdoor maintenance equipment contribute to local air pollution through the release of exhaust fumes.
Lighting	Streetlights, security lights, outdoor lighting, advertising lighting for commercial properties contribute to light pollution, affecting nearby wildlife and the overall nighttime environment. High-intensity lighting required for visibility in commercial parking areas can lead to energy inefficiency if not managed properly. Commercial developments with poorly designed lighting systems can spill light into surrounding areas, disrupting the natural day-night cycle for wildlife and residents.
Sound	Frequent loading, unloading, and the movement of trucks generate significant noise, which can disturb nearby residential areas and natural habitats. Commercial facilities often operate first and second shifts, meaning noise disturbances from employees, trucks, and other equipment can extend into quiet time hours. Air conditioning units, heating systems, and other mechanical systems can generate noise that affects the comfort of nearby properties, as well as wildlife. Lawn care equipment and other maintenance equipment contribute to ongoing noise pollution in the commercial development and the wildlife that share those habitats.

1.4. Information for Planning and Consultation (IPaC) Review and Findings

Species Name	Scientific Name	Listed Status	Critical Habitat Designated	Determination Key Available
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	No	Yes
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	Proposed	No
Michaux's Sumac	<i>Rhus michauxii</i>	Endangered	No	No
Schweinitz's Sunflower	<i>Helianthus schweinitzii</i>	Endangered	No	No

1.5. Species Habitat

Species Name	Recommended Survey Window	Habitat Description
Tricolored Bat	April 1 – November 15	Tricolored Bat habitat is dense growth of trees and underbrush covering a large tract. During the spring, summer and fall, tricolored bats primarily roost among live and dead leaf clusters of live or recently dead deciduous hardwood trees. In the southern and northern portions of the range, tricolored bats will also roost in Spanish moss (<i>Tillandsia usneoides</i>) and <i>Usnea trichodea</i> lichen, respectively. In addition, tricolored bats have been observed roosting during summer among pine needles, within artificial roosts like barns, beneath porch roofs, bridges, concrete bunkers, and rarely within caves. Female tricolored bats exhibit high site fidelity, returning year after year to the same summer roosting locations. Female tricolored bats form maternity colonies and switch roost trees regularly. Males roost singly. During the winter, tricolored bats hibernate - which means that they reduce their metabolic rates, body temperatures, and heart rate - in caves and mines; although, in the southern United States, where caves are sparse, tricolored bats often roost in road-associated culverts and trees, and remain active and feed throughout winter. Tricolored bats exhibit high site fidelity with many individuals returning year after year to the same hibernaculum.
Monarch Butterfly	N/A	The Monarch is native to North America, with a range that has expanded west via human assistance to many islands in the Pacific Ocean and to the east to the Iberian Peninsula to now occupy 90 countries, islands, and island groups. Despite the expansion, over 90 percent of Monarchs worldwide continue to live and migrate in their native range in North America. The species requires habitat with milkweed (genus <i>Asclepias</i> or closely related genera) as a larval host plant and floral nectar sources for adults. Migratory

		Monarchs in North America also use overwintering habitat, where the adults cluster on trees.
Michaux's Sumac	May – October	Michaux's sumac, endemic to the inner Coastal Plain and lower Piedmont, grows in sandy or rocky, open, upland woods on acidic or circumneutral, well-drained sands or sandy loam soils with low cation exchange capacities. The species is also found on sandy or submesic loamy swales and depressions in the fall line Sandhills region as well as in openings along the rim of Carolina bays; maintained railroad, roadside, power line, and utility rights-of-way; areas where forest canopies have been opened up by blowdowns and/or storm damage; small wildlife food plots; abandoned building sites; under sparse to moderately dense pine or pine/hardwood canopies; and in and along edges of other artificially maintained clearings undergoing natural succession. In the central Piedmont, it occurs on clayey soils derived from mafic rocks. The plant is shade intolerant and, therefore, grows best where disturbance (e.g., mowing, clearing, grazing, periodic fire) maintains its open habitat.
Schweinitz's Sunflower	late-August – October	Schweinitz's Sunflower is endemic to the Piedmont of North and South Carolina. The few sites where this rhizomatous perennial herb occurs in relatively natural vegetation are found in Xeric Hardpan Forests. The species is also found along roadside rights-of-way, maintained power lines and other utility rights-of-way, edges of thickets and old pastures, clearings and edges of upland oak-pine-hickory woods and Piedmont longleaf pine forests, and other sunny or semi-sunny habitats where disturbances (e.g., mowing, clearing, grazing, blow downs, storms, frequent fire) help create open or partially open areas for sunlight. It is intolerant of full shade and excessive competition from other vegetation. Schweinitz's Sunflower occurs in a variety of soil series, including Badin, Cecil, Cid, Enon, Gaston, Georgeville, Iredell, Mecklenburg, Misenheimer, Secrest, Tatum, Uwharrie, and Zion, among others. It is generally found growing on shallow sandy soils with high gravel content; shallow, poor, clayey hardpans; or shallow rocky soils, especially those derived from mafic rocks.

2. Results

2.1 Field Assessment

Date(s) of Field Survey	March 20, 2026
Conducted by	T. Casey, M. Menzel, A. Sturkie
Prepared by	A. Sturkie

2.2 Action Area

The Action Area includes all locations where direct and indirect effects of the project are likely to occur. The Action Area also must consider species-specific considerations for listed species, the presence of suitable habitats, and designated Critical Habitat known to occur within the area with documentation from USFWS databases and any additional required field surveys. For this project, the Action Area would encompass:	
Project Footprint	Direct impact area includes the project site boundary where clearing, grading, and construction will take place. This includes the land that will be occupied by buildings, roads, parking areas, and other infrastructure associated with the development.
Surrounding Habitat (Buffer Area)	Indirect impact area extends outward from the project footprint to include nearby habitat areas potentially impacted by increased runoff, sedimentation, noise, and light pollution resulting from construction and long-term occupancy. This buffer area may range from 100 to 500 feet beyond the project footprint or limits of disturbance, depending on slope, soil type, and water flow paths, as these factors influence potential runoff and sediment dispersion.
Hydrological Connections	Watershed impact area includes nearby waterways, wetlands, or other hydrologically connected areas that could be affected by changes in stormwater runoff, water quality, or sediment transport from the development site. The Action Area would include these areas up to the point where there is a significant reduction in these effects, typically extending no more than 100 meters upstream and 400 meters downstream of the project boundaries. However, the exact reach would depend on site hydrology, often extending to the nearest stream or wetland impacted by runoff from the development site.
Wildlife Movement Corridors	Wildlife impact area includes any corridors used by Endangered or Threatened species that pass through or near the development site. This may include areas extending 0.25 miles or more from the project, particularly if Critical Habitats or known movement corridors for protected species are nearby. However, in most cases, especially when Critical Habitats are not in the vicinity of the project site, wildlife corridors will likely remain along existing riparian corridor systems adjacent to and within the project site.
For the purposes of this Biological Evaluation, the Action Area includes not only the immediate construction site (i.e., project footprint) but also extends to all areas that could be directly or indirectly impacted by the project's activities, with particular attention to the impacts on Endangered and Threatened species and their designated habitats. The rationale for the boundaries of the Action Area is defined based on potential environmental impacts, considering	

the scale and nature of the project activities and the site's ecological and hydrological features. This Action Area boundary is sufficient to capture both direct and indirect impacts associated with the construction, operation, and maintenance of the commercial development. However, the Federal Action Agency determines the Action Area, and it may be different in scale and scope than the area considered in this Biological Evaluation. Also, please note that our assessment of the Action Area is limited to the property boundary and areas open to public access, as we do not have legal access or authorization for conducting surveys on adjacent or adjoining private properties.

2.3 Conservation Measures

The proposed development will incorporate measures that will help reduce the potential for adverse impacts resulting from the project on wildlife and the ecosystem. Conservation measures and/or mitigation strategies for these impacts may include:	
Efficient Stormwater Management	Installing retention ponds, bioswales, and other green infrastructure solutions to manage stormwater runoff, reduce flooding risks, and protect water quality by filtering pollutants before they reach natural water bodies. All stormwater treatment will meet or exceed the stormwater management requirements for the County and the State. Stormwater management plans will be prepared in accordance with a stormwater drainage masterplan to be prepared by a professional engineering firm licensed by the State prior to any development. The stormwater drainage masterplan will address the hydrological characteristics of the entire site, as well as adjacent drainage patterns of relative importance. The plan will address predevelopment conditions and post-development stormwater management for flood control and sediment reduction. This plan will also address storm water quality to enhance water quality and protect the surrounding freshwater wetlands.
Low-Impact Development (LID) Techniques	Incorporating permeable surfaces and other natural areas to manage stormwater and reduce runoff. LID designs and practices are not always practical for commercial developments. Nevertheless, the stormwater control measure design within a commercial development can include components to mimic the natural processes of retaining rainwater. Natural buffer areas between and around the proposed development will allow a natural soak into the ground.
Comprehensive Plans and Unified Development Ordinances	Many counties and municipalities have developed comprehensive plans or implemented regulations under a Unified Development Ordinance (UDO) that all commercial developments must adhere to for authorization and permitting. Comprehensive plans and UDOS apply a set of regulations involving land use and, in some cases, structural best management practices which protect the watersheds by reducing the pollution from future development which enters drinking water supplies and other important natural ecosystems. These regulations can control the amount of buildable area and area that must be preserved as natural undisturbed area, types and distance of setbacks and buffers, stream buffer widths, tree preservation, and many other components that serve wildlife and ecosystem function. All requirements of associated Comprehensive Plans, Land Use Plans, and Unified Development Ordinances will be implemented.
Noise Barriers and Buffer Zones	Many counties and municipalities require using landscaping (vegetated buffers) or physical barriers to reduce the impact of noise from traffic and mechanical systems. Creating noise buffers using landscaping, fencing, or

	sound-absorbing materials will reduce the impact of commercial noise from traffic on nearby residential or sensitive areas. Required noise buffers will be implemented in accordance with local regulations.
Sustainable Landscaping	Native plant species for landscaping around the commercial facilities to reduce water usage, minimize the need for chemical fertilizers and pesticides, and enhance biodiversity will be utilized when appropriate and applicable. Landscaping also will meet requirements of local Comprehensive Plans, Land Use Plans, and Unified Development Ordinance. Additionally, practices like xeriscaping may be adopted to conserve water in arid regions.
Energy-Efficient Building Practices	Energy-efficient lighting, HVAC systems, and insulation, along with integrating renewable energy sources (such as solar panels), to reduce overall energy consumption and lower greenhouse gas emissions from commercial operations will be implemented where practicable and possible.
Sustainable Building Materials	Recycled, low-emission, and locally sourced building materials to reduce the carbon footprint of commercial facilities construction and operation will be used when practical and available.
Waste Reduction and Recycling	Waste reduction strategies like sorting, reusing, and recycling materials from commercial operations to divert waste from landfills and minimize environmental harm will be implemented when practical and available.

2.4 Survey Results and Evaluating the Effects of the Action on Listed Species

Species Name	Effects to the Species
Tricolored Bat	Because the Tricolored Bat is a Proposed Endangered species and not yet listed, the species is not protected by the take prohibitions of Section 9 (Prohibited Acts) of the ESA until the rule to list is finalized. Under Section 7(a)(4) of the ESA, federal agencies must confer with the USFWS if their action will jeopardize the continued existence of a proposed species. We used USFWS's IPaC website to assess the potential impacts the project might have on the Tricolored Bat. The resulting determination key recommended a "May Affect" determination.
Monarch Butterfly	Because the Monarch Butterfly is a Proposed Threatened species and not yet listed, the species is not protected by the take prohibitions of Section 9 (Prohibited Acts) of the ESA until the rule to list is finalized. Under Section 7(a)(4) of the ESA, federal agencies must confer with the USFWS if their action will jeopardize the continued existence of a proposed species. No effects to Monarch Butterfly or its habitat are expected to occur from the proposed project.
Michaux's Sumac	All potential habitats for Michaux's Sumac were examined. Habitats in the form of roadside edge, transitional areas along the edges of the cattle fields, and a small section of existing sewer line corridor are present within the subject property. The roadsides along Davidson Highway are mowed and well maintained and do not provide suitable habitat for Michaux's Sumac. Likewise, the transition areas around the edge of the cattle fields are either well maintained or frequently grazed and do not provide suitable habitat for Michaux's Sumac. The existing sewer line corridor is mowed and well maintained and does not provide suitable habitat for Michaux's Sumac. The forested areas have a dense

	canopy and very little shrub-scrub layer. No suitable habitat for Michaux's Sumac was observed anywhere within the subject property. No individual occurrences of Michaux's Sumac were observed to exist. Direct and indirect effects from the proposed project are not expected to adversely affect Michaux's Sumac. No effects to Michaux's Sumac or its habitat are expected to occur from the proposed project.
Schweinitz's Sunflower	All potential habitats for Schweinitz's Sunflower were examined. Habitats in the form of roadside edge, transitional areas along the edges of the cattle fields, and a small section of existing sewer line corridor are present within the subject property. The roadsides along Davidson Highway are mowed and well maintained and do not provide suitable habitat for Schweinitz's Sunflower. Likewise, the transition areas around the edge of the cattle fields are either well maintained or frequently grazed and do not provide suitable habitat for Schweinitz's Sunflower. The existing sewer line corridor is mowed and well maintained and does not provide suitable habitat for Schweinitz's Sunflower. The forested areas have a dense canopy and very little shrub-scrub layer. No suitable habitat for Schweinitz's Sunflower was observed anywhere within the subject property. No individual occurrences of Schweinitz's Sunflower were observed to exist. Direct and indirect effects from the proposed project are not expected to adversely affect Schweinitz's Sunflower. No effects to Schweinitz's Sunflower or its habitat are expected to occur from the proposed project.

2.5 Summary Effects of the Action on Listed Species within the Action Area

Species Name	Suitable Habitat Present	Survey Conducted	Survey During Optimal Survey Window, if Applicable	Suggested Effects Determination	Suggested Critical Habitat Determination
Tricolored Bat	Yes	N/A	N/A	N/A or May Affect*	N/A
Monarch Butterfly	N/A	N/A	N/A	N/A	N/A
Michaux's Sumac	No	Yes	No	No Effect	N/A
Schweinitz's Sunflower	No	Yes	No	No Effect	N/A

*Conditional effects determination.

Thank you for the opportunity to provide these findings. Feel free to call with questions or comments.

Austin Sturkie

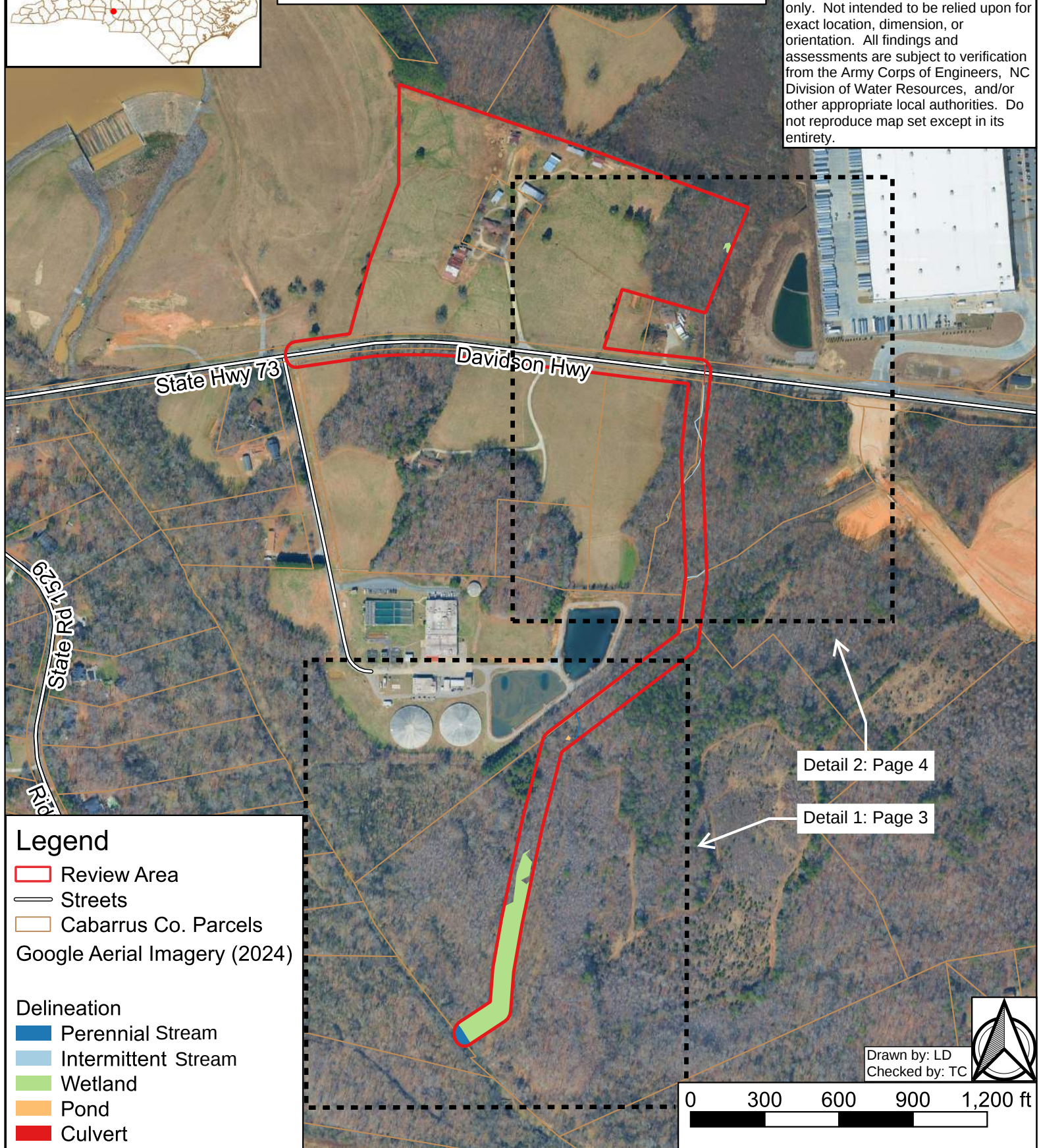
Austin Sturkie
Environmental Specialist

APPENDIX A: Resource Maps



Aquatic Resources Sketch Map

Sketch Map provided for illustrative purposes and preliminary planning only. Not intended to be relied upon for exact location, dimension, or orientation. All findings and assessments are subject to verification from the Army Corps of Engineers, NC Division of Water Resources, and/or other appropriate local authorities. Do not reproduce map set except in its entirety.



Legend

- Review Area
- Streets
- Cabarrus Co. Parcels
- Google Aerial Imagery (2024)
- Delineation
 - Perennial Stream
 - Intermittent Stream
 - Wetland
 - Pond
 - Culvert

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

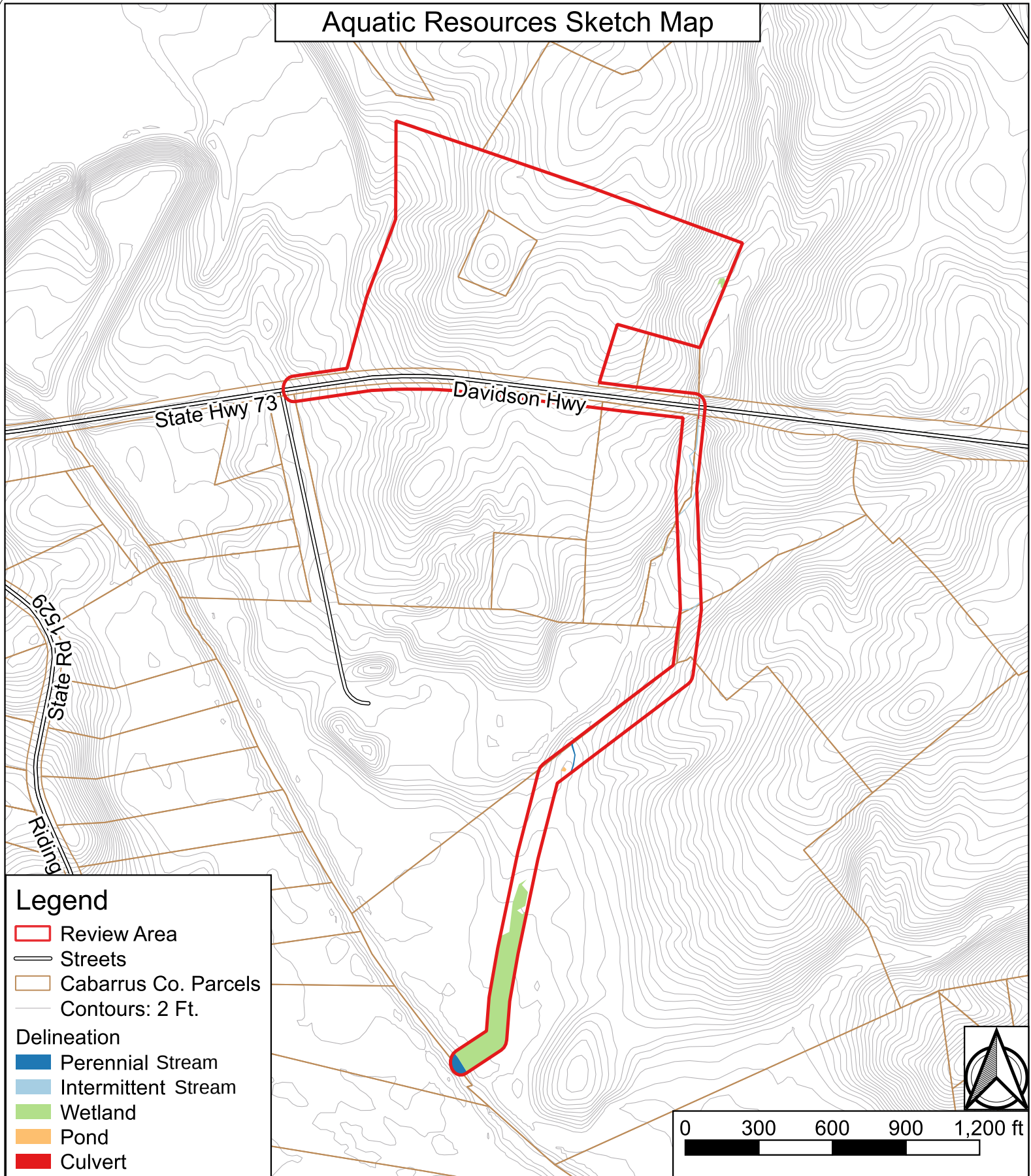
For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 23, 2026



Aquatic Resources Sketch Map



Project Name: Trackhouse Racing

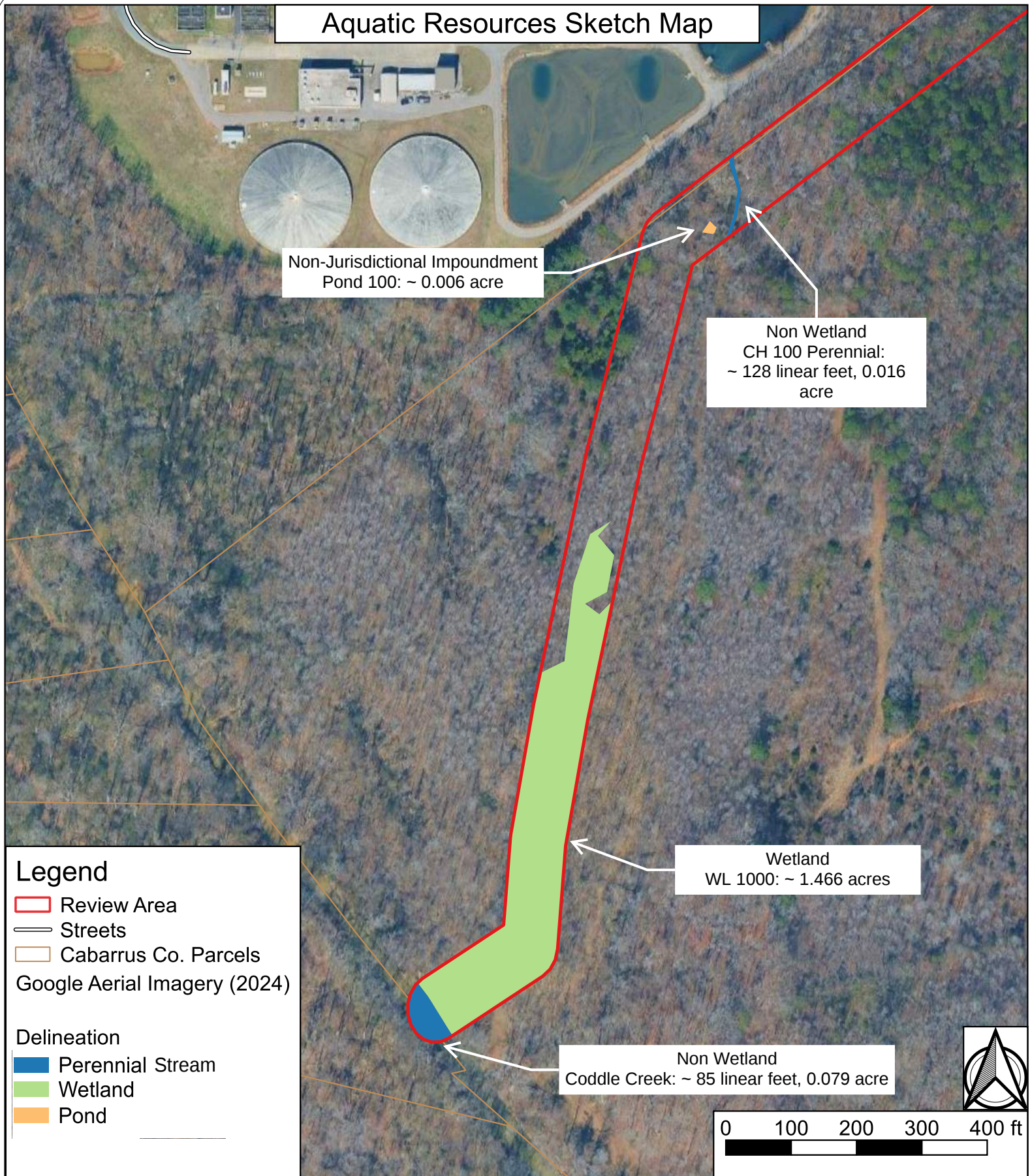
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Aquatic Resources Sketch Map



Project Name: Trackhouse Racing

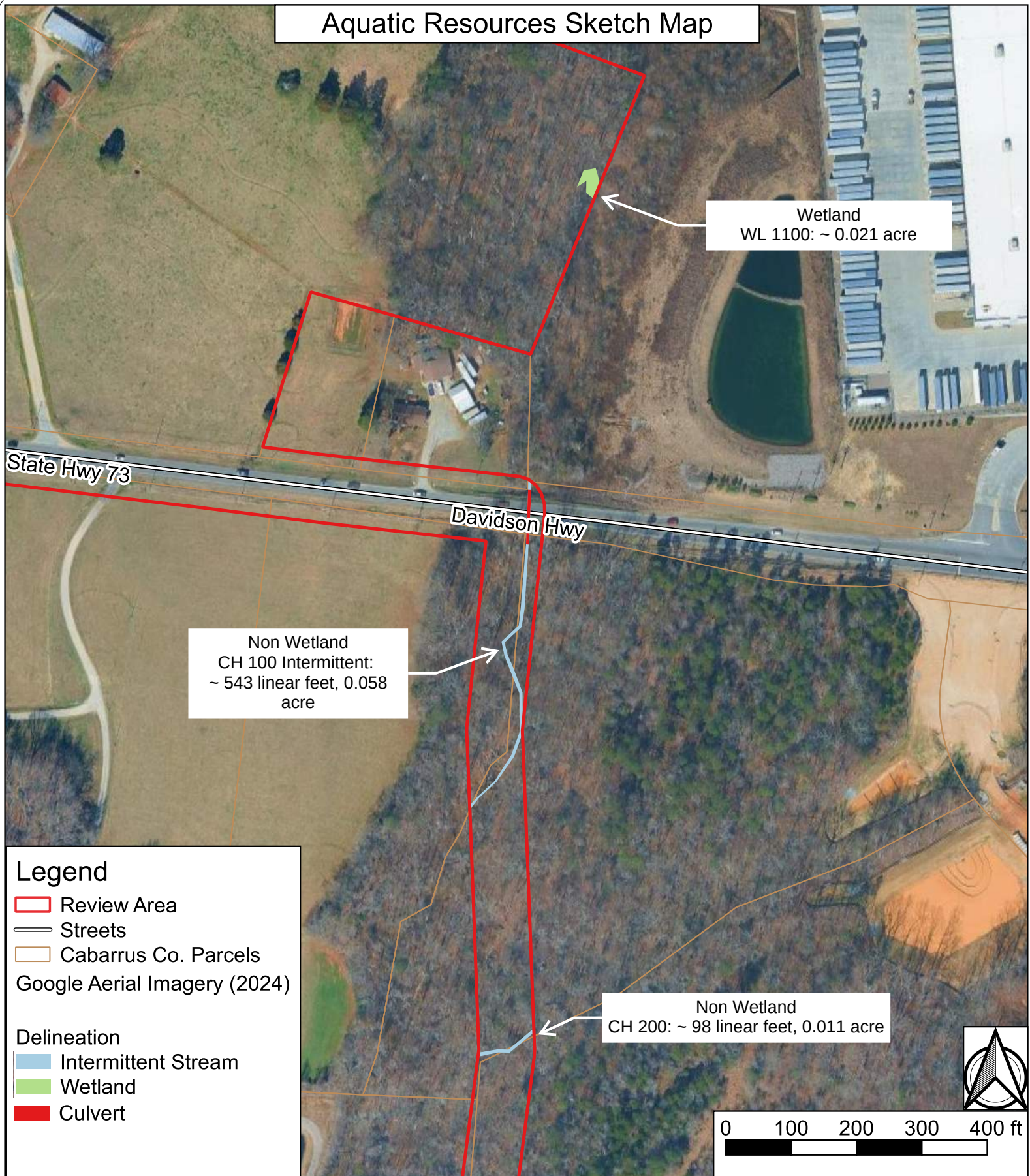
Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

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Date: March 23, 2026

Aquatic Resources Sketch Map



Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 23, 2026

Information shown on these drawings/maps/charts is compiled from numerous sources and may not be complete or accurate.

Parcel Map

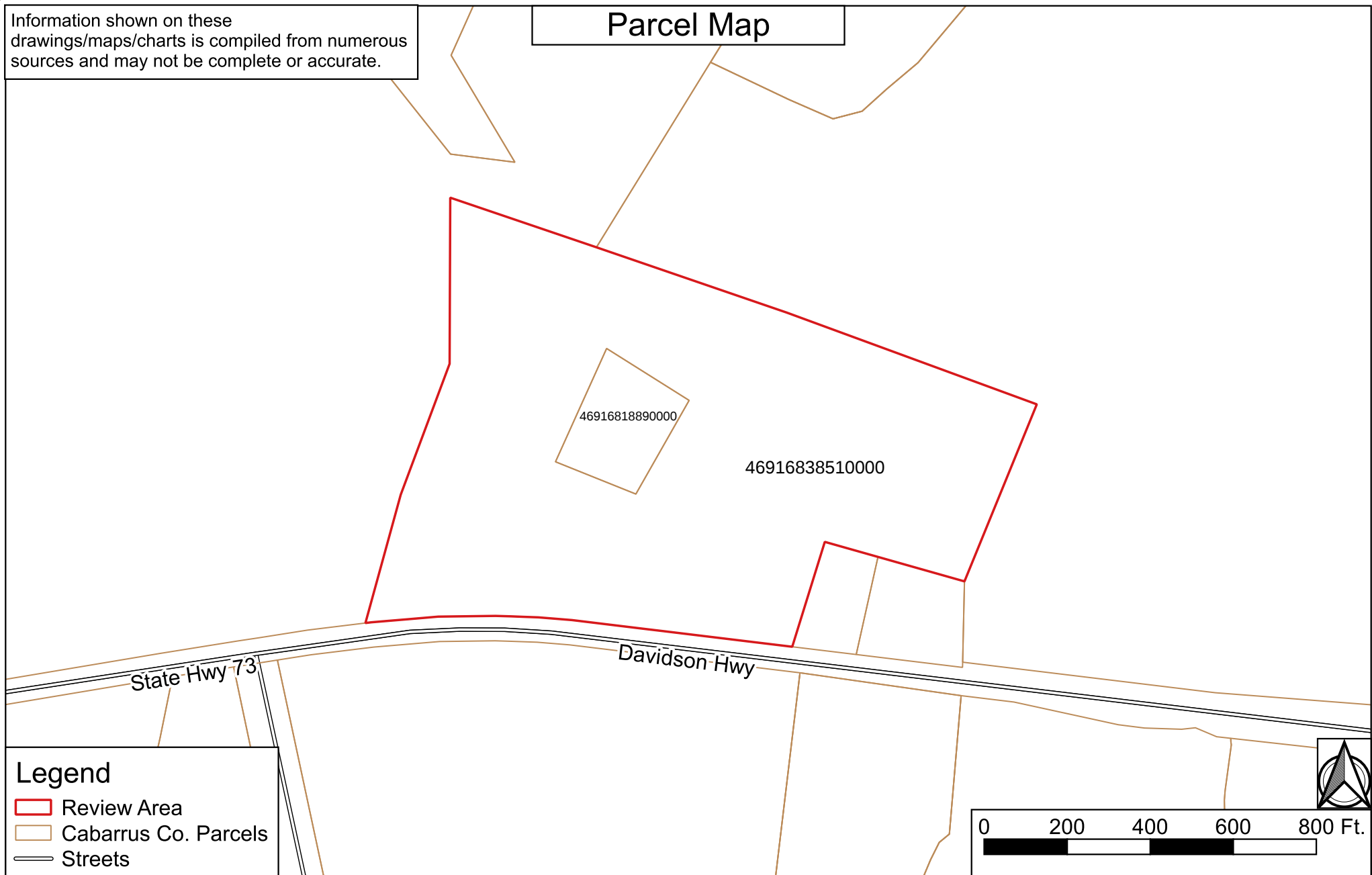


Figure: 02

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

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Topographic Map

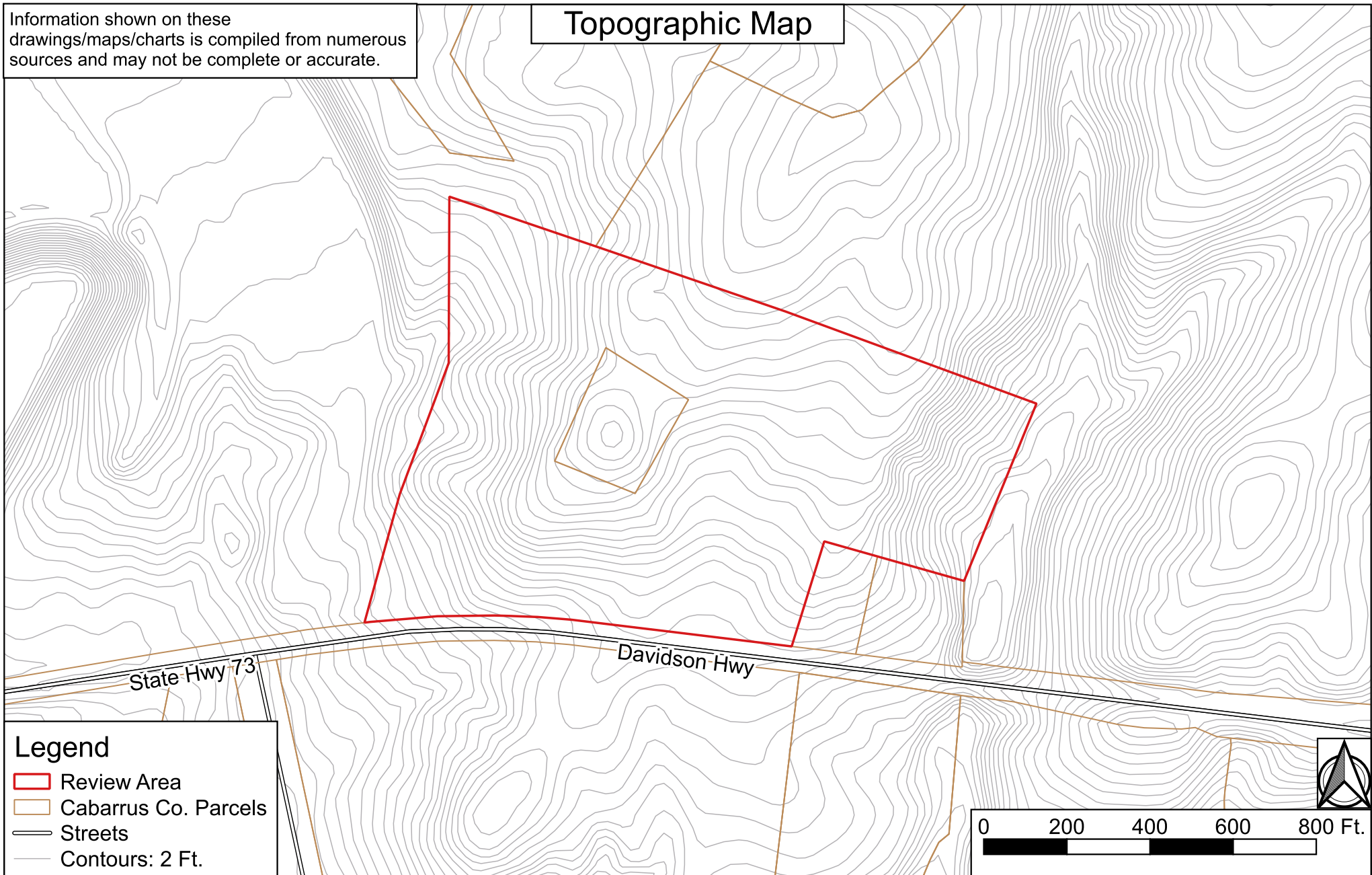


Figure: 03

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

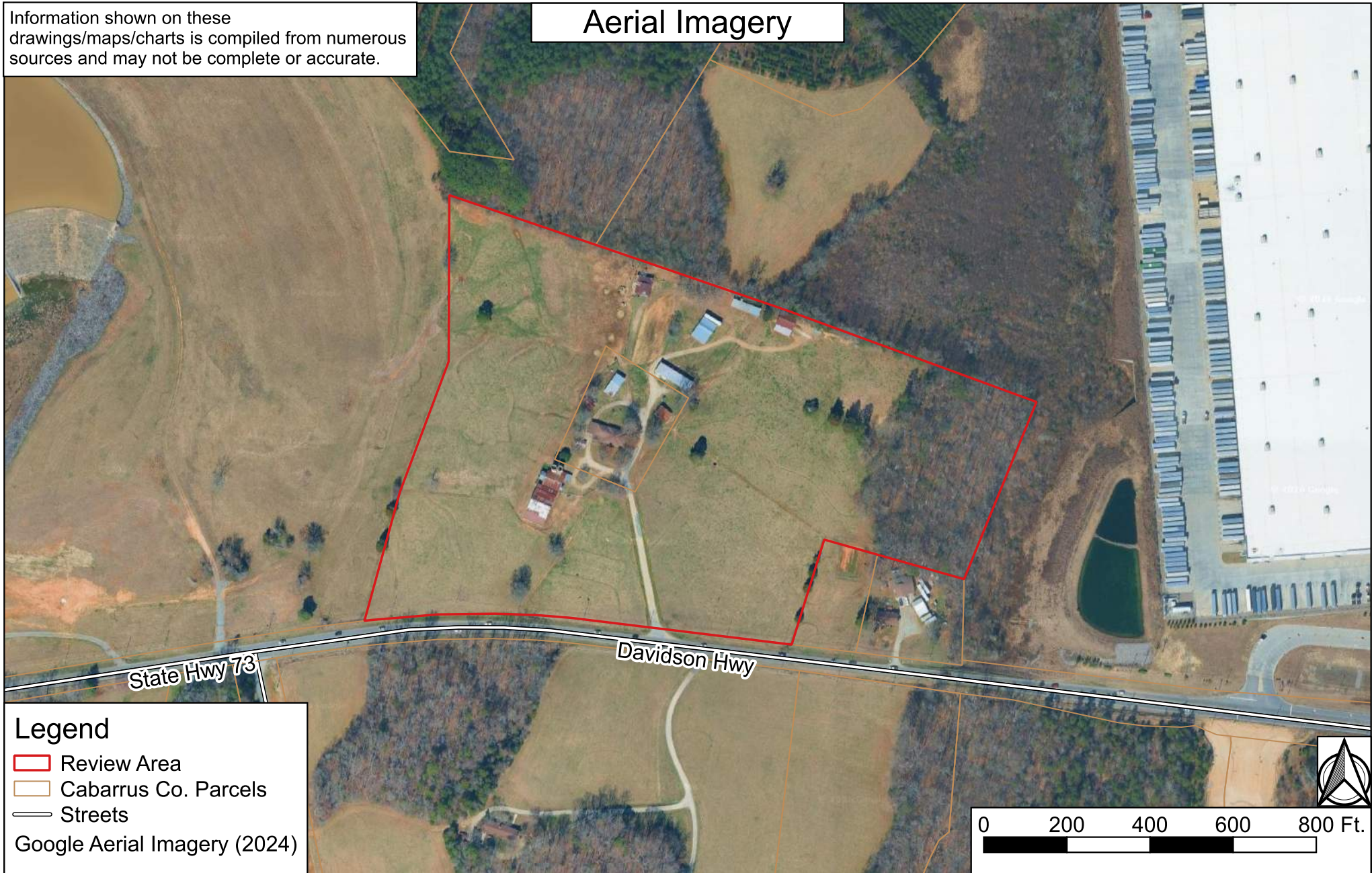
For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

Information shown on these drawings/maps/charts is compiled from numerous sources and may not be complete or accurate.

Aerial Imagery



Legend

- ▭ Review Area
- ▭ Cabarrus Co. Parcels
- Streets

Google Aerial Imagery (2024)



Figure: 04

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

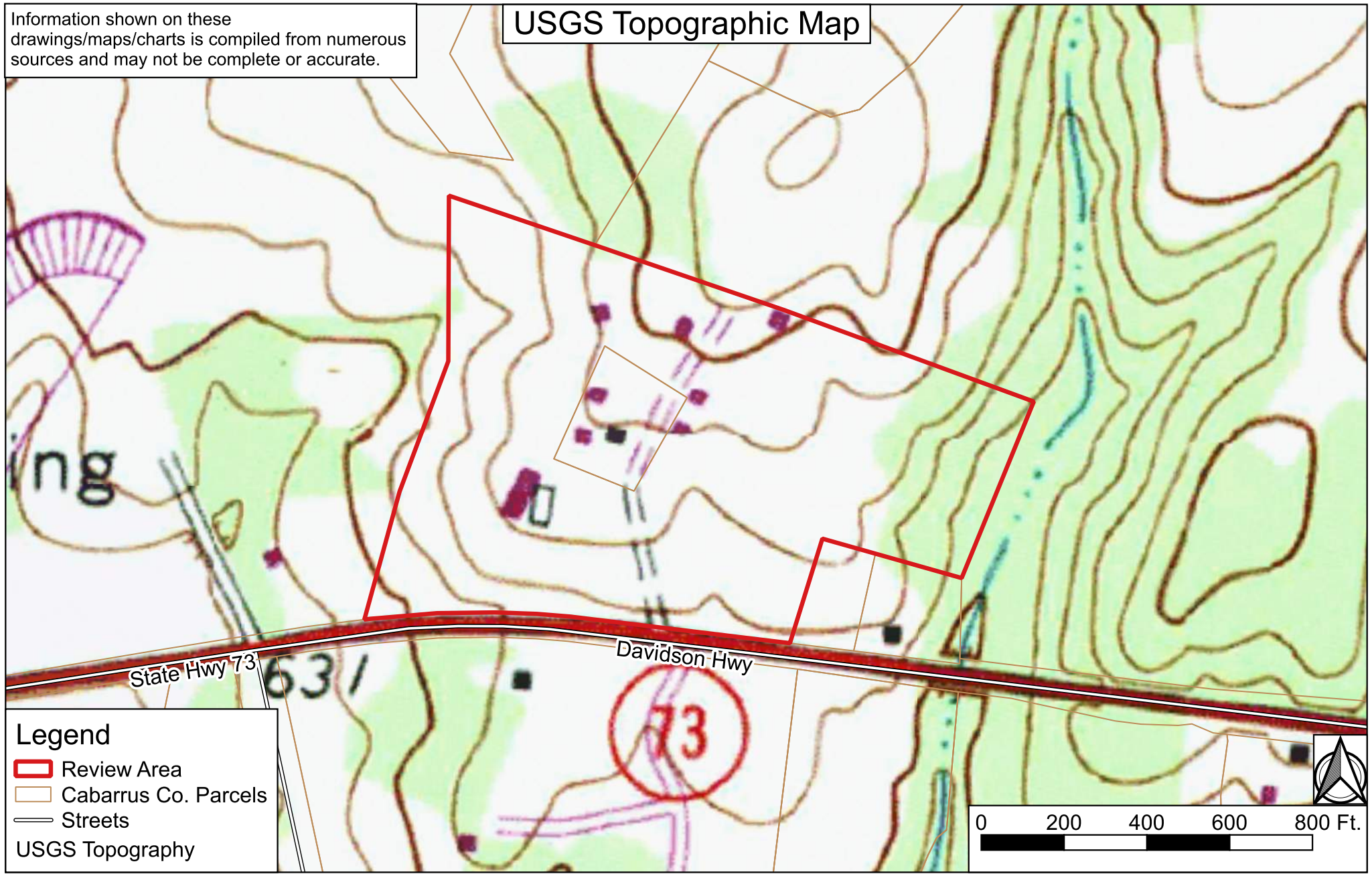
For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

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USGS Topographic Map



Legend

- ▭ Review Area
- ▭ Cabarrus Co. Parcels
- Streets
- USGS Topography



Figure: 05

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

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USGS Topographic Map Vicinity

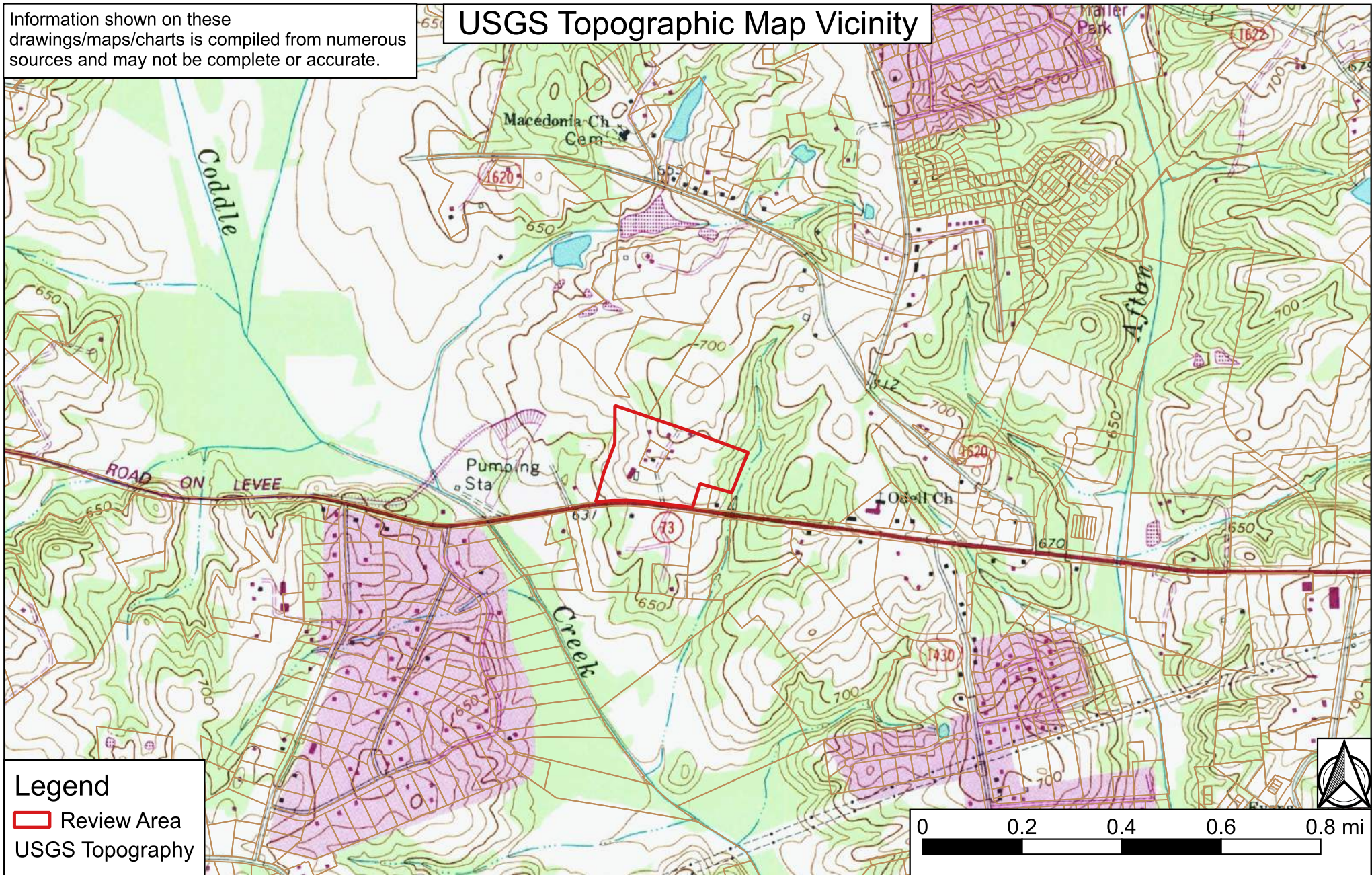


Figure: 06

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

Information shown on these drawings/maps/charts is compiled from numerous sources and may not be complete or accurate.

USGS 1:24,000 Quadradngles Map

Mooresville

Enochville

China Grove

Cornelius

Kannapolis

Concord

Harrisburg

Concord SE

Legend

-  Review Area
-  Cabarrus County
-  USGS Quadrangles



0.2468 mi



Figure: 07

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

Information shown on these drawings/maps/charts is compiled from numerous sources and may not be complete or accurate.

Digital Elevation Model

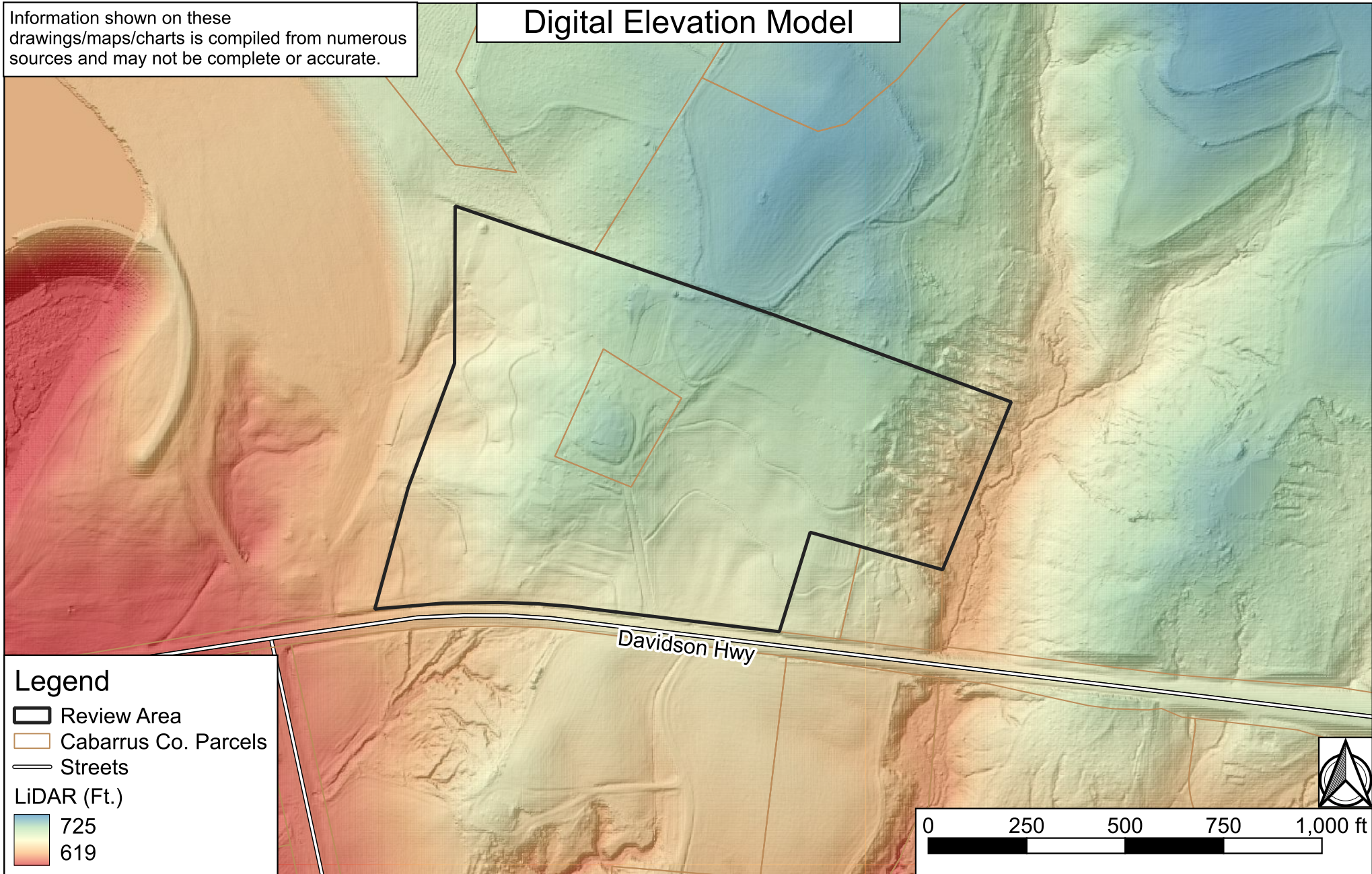


Figure: 09

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

Information shown on these drawings/maps/charts is compiled from numerous sources and may not be complete or accurate.

National Hydrographic Dataset

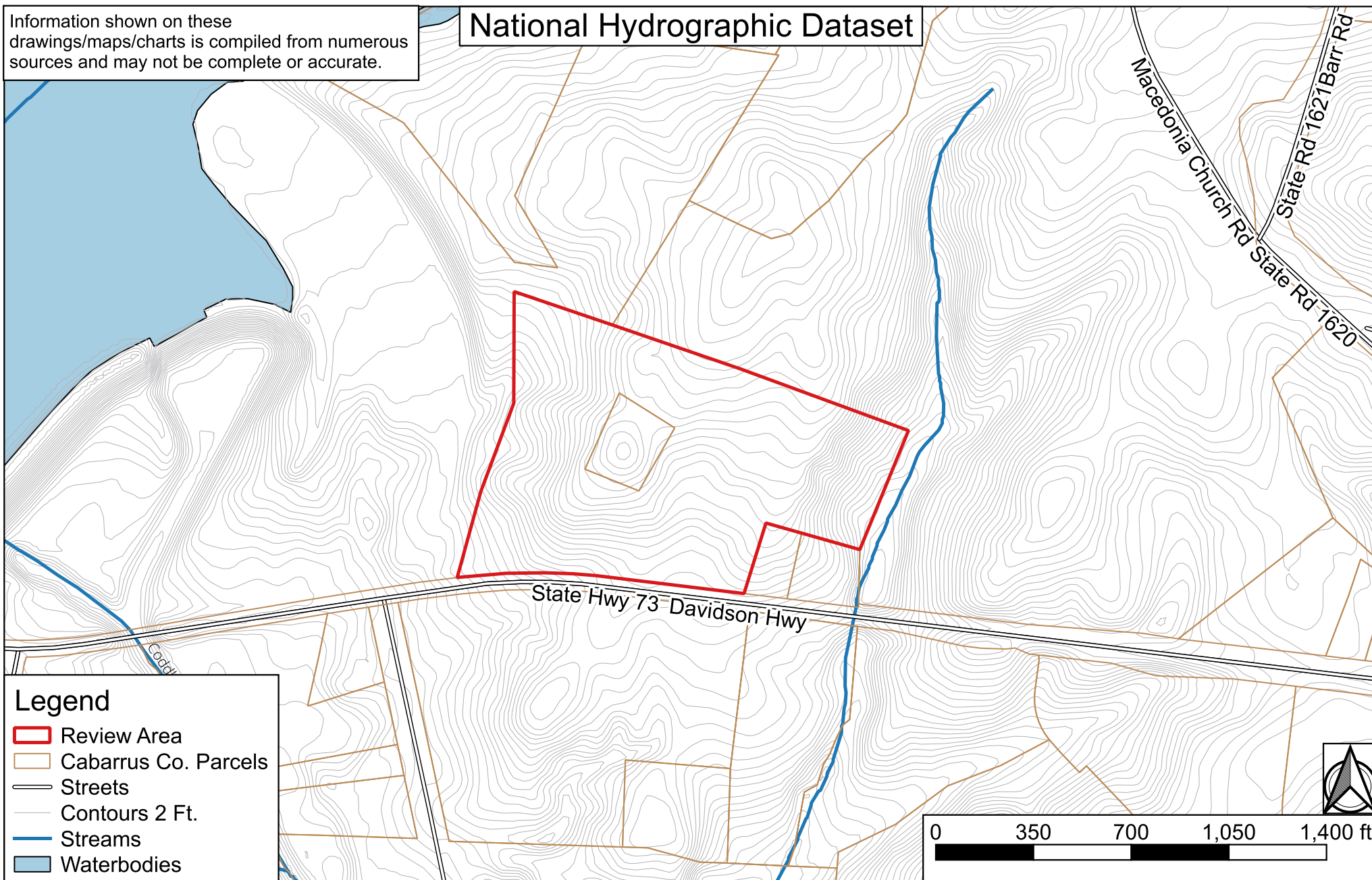


Figure: 10

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

Information shown on these drawings/maps/charts is compiled from numerous sources and may not be complete or accurate.

National Wetland Inventory

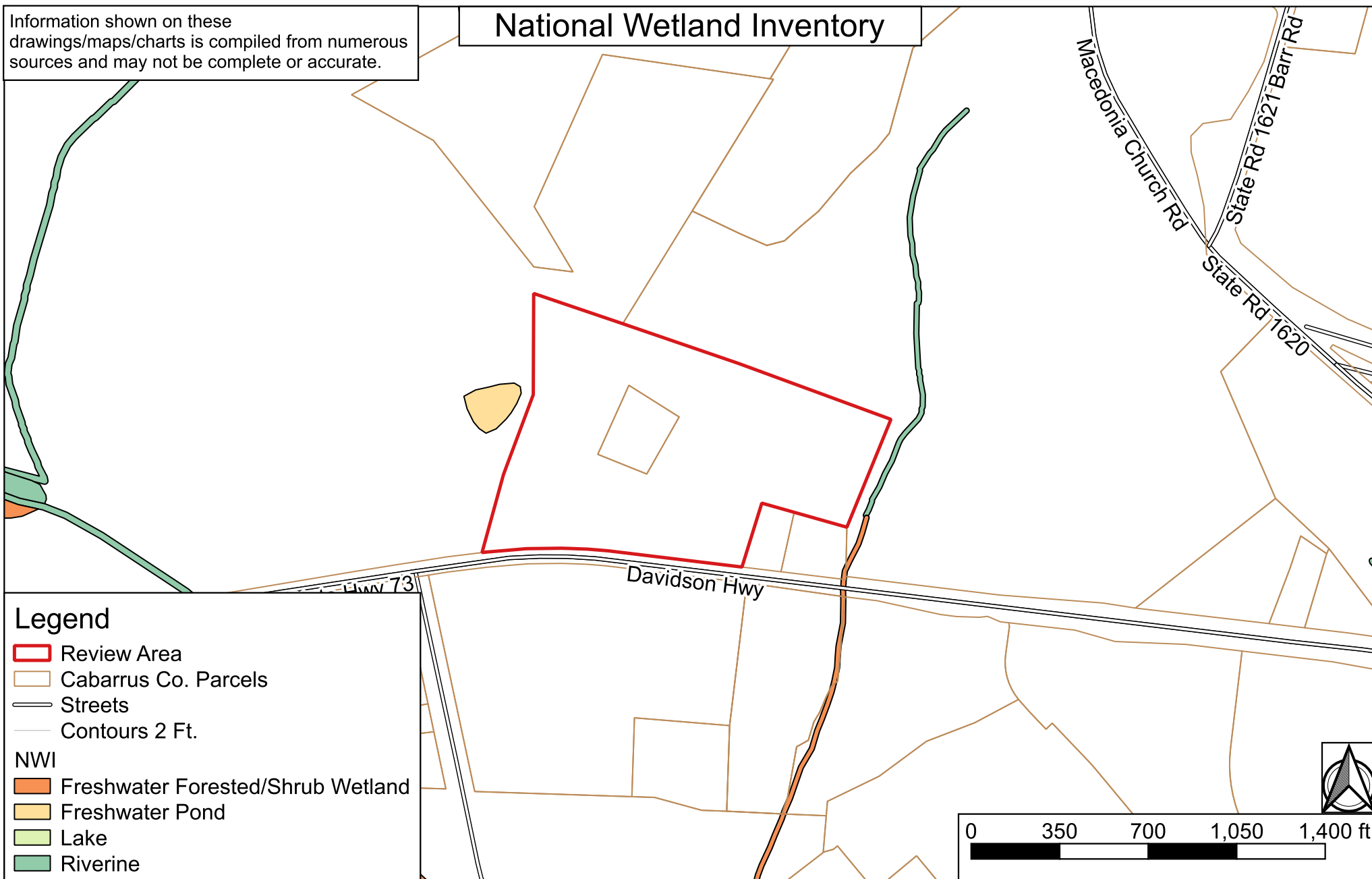


Figure: 11

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

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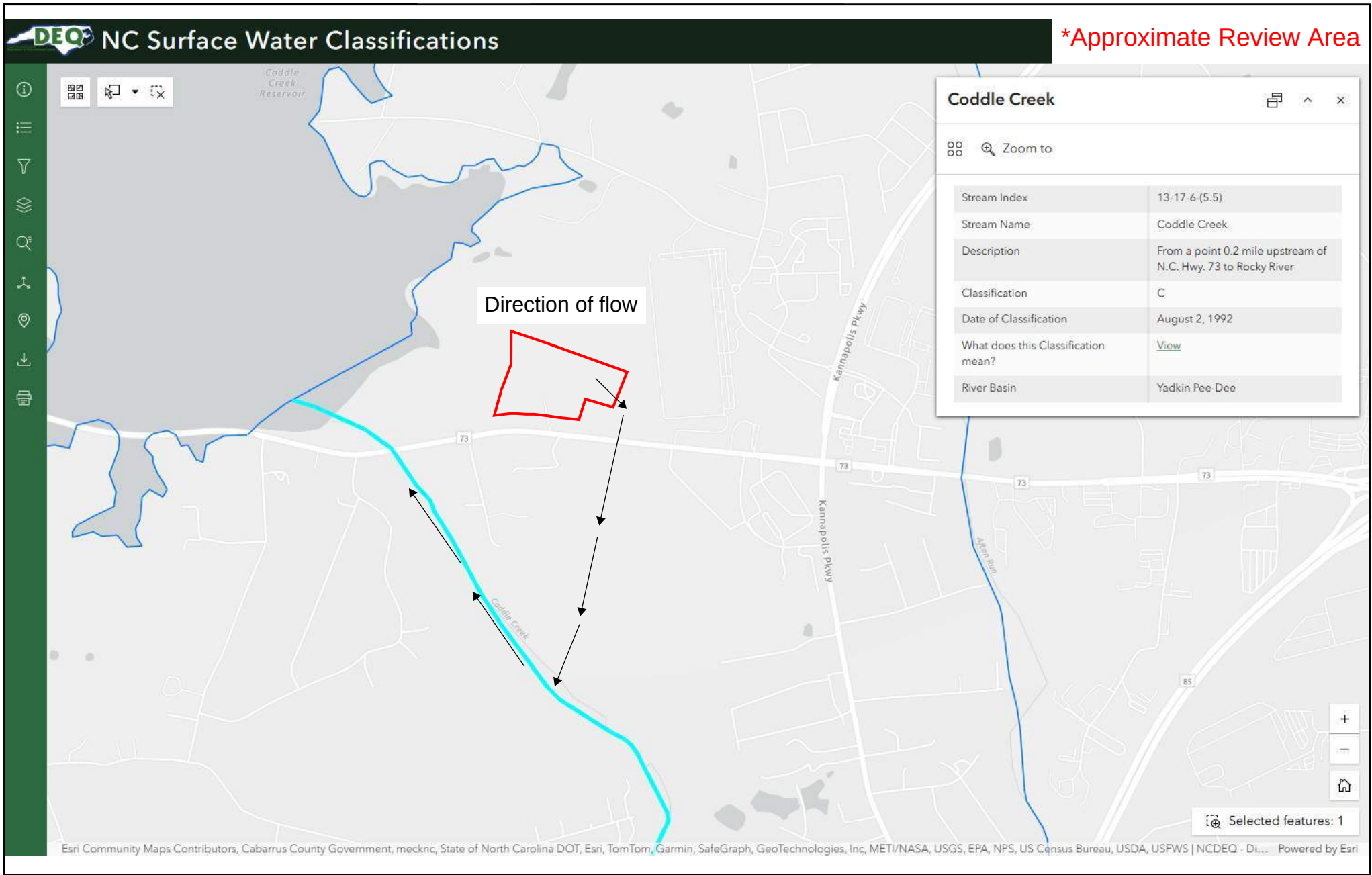


Figure: 12

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

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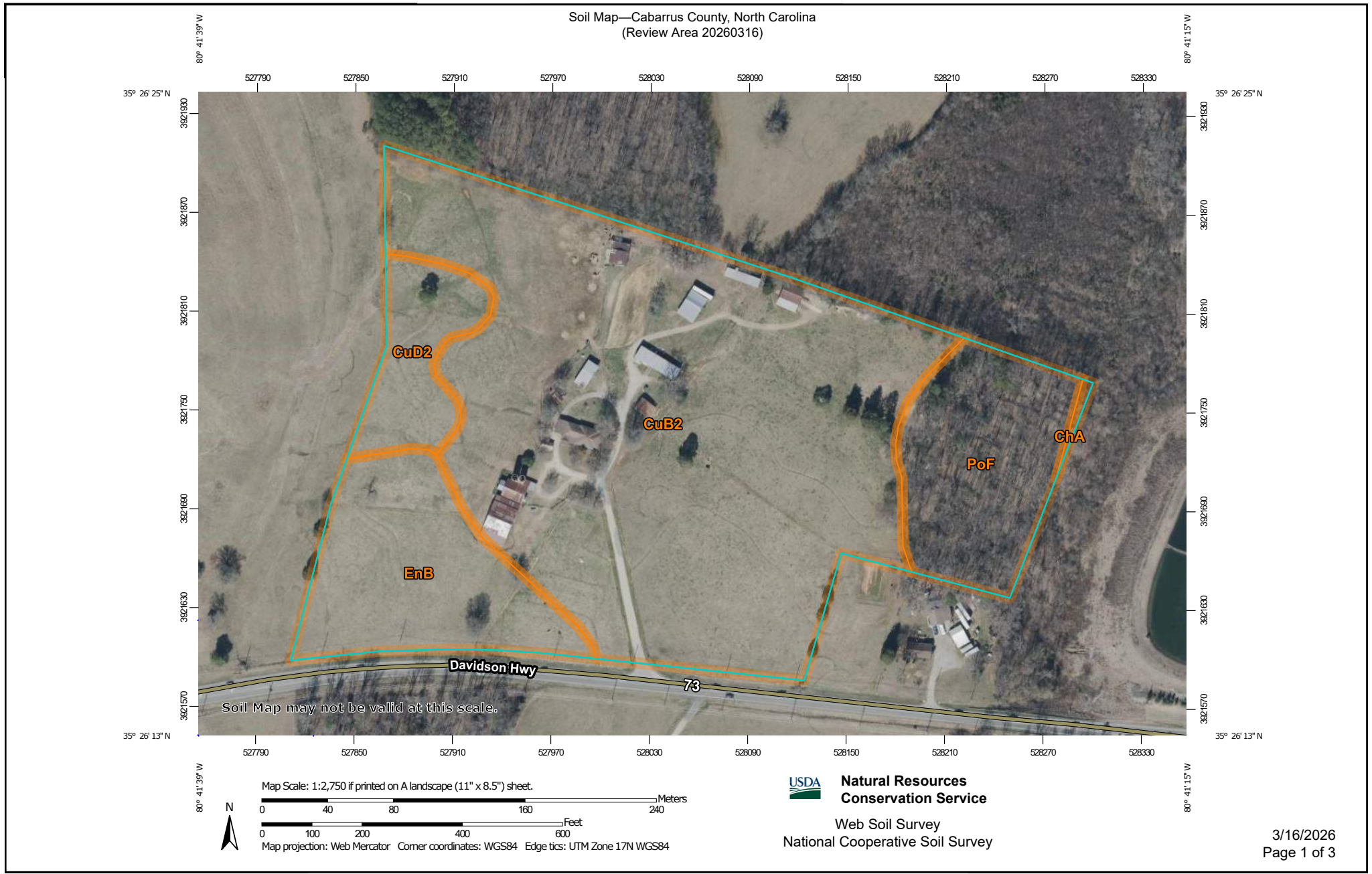


Figure: 13a

Project Name: Trackhouse Racing		
Location: 6762 Davidson Hwy Concord, NC 28027		
For: Trackhouse Racing		
Coordinates: 35.437923°, -80.691238°	Date: March 16, 2026	

MAP LEGEND

Area of Interest (AOI)			Spoil Area
	Area of Interest (AOI)		Stony Spot
Soils			Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
Special Point Features		Water Features	
	Blowout		Streams and Canals
	Borrow Pit	Transportation	
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow	Background	
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cabarrus County, North Carolina
Survey Area Data: Version 25, Sep 2, 2025

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 1, 2024—Jul 1, 2024

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

3/16/2026
Page 2 of 3



Figure: 13b

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
ChA	Chewacla sandy loam, 0 to 2 percent slopes, frequently flooded	0.1	0.2%
CuB2	Cullen clay loam, 2 to 8 percent slopes, moderately eroded	16.4	67.0%
CuD2	Cullen clay loam, 8 to 15 percent slopes, moderately eroded	1.5	6.1%
EnB	Enon sandy loam, 2 to 8 percent slopes	3.5	14.1%
PoF	Poindexter loam, 15 to 45 percent slopes	3.1	12.6%
Totals for Area of Interest		24.6	100.0%



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

3/16/2026
Page 3 of 3



Figure: 13c

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026



Figure: 13d

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

Information shown on these drawings/maps/charts is compiled from numerous sources and may not be complete or accurate.

HUC 12 Watersheds

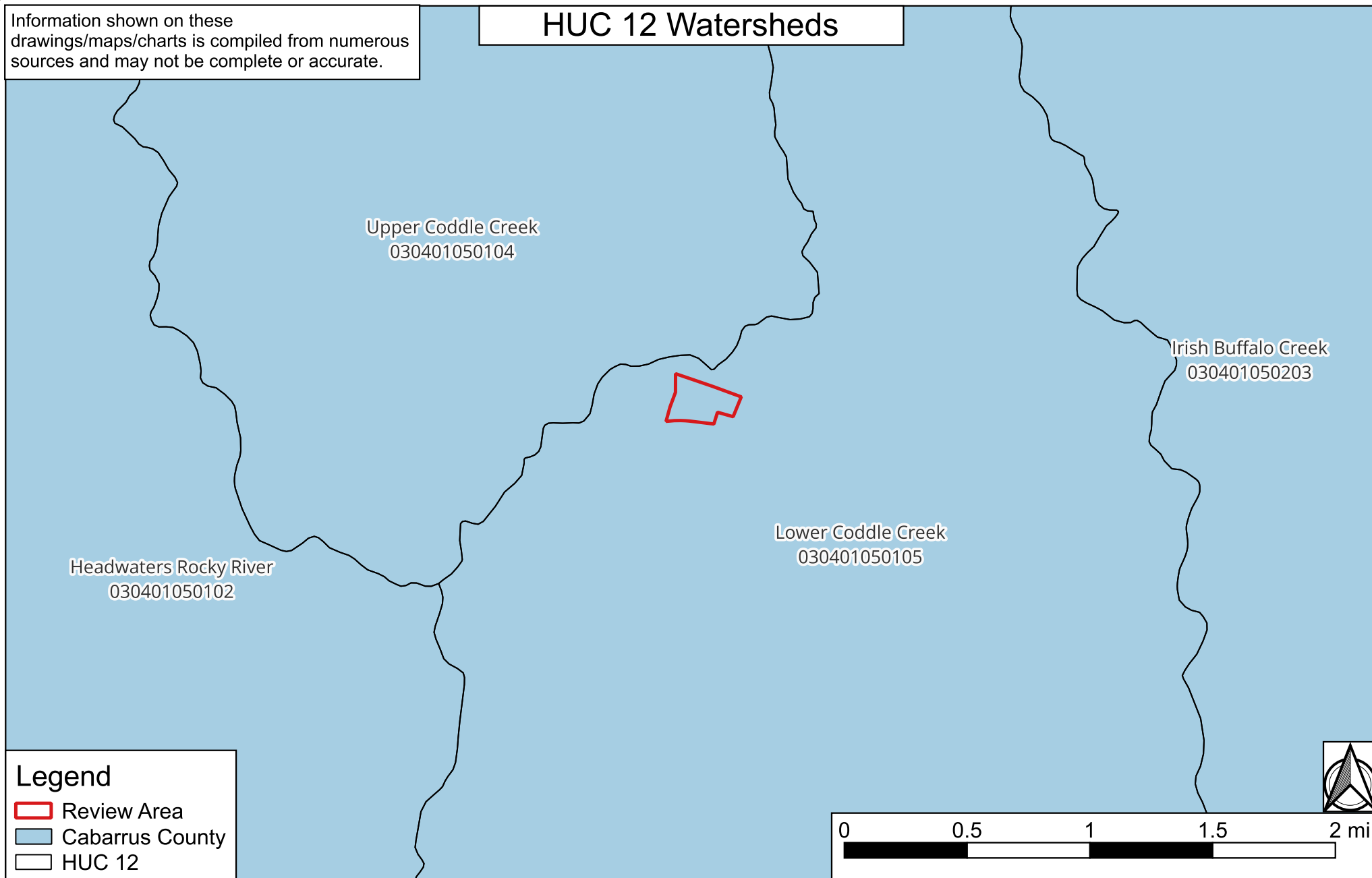


Figure: 14

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

Information shown on these drawings/maps/charts is compiled from numerous sources and may not be complete or accurate.

HUC 08 Watersheds

Upper Catawba
03050101

South Yadkin
03040102

Lower Yadkin
03040103

Rocky
03040105

Lower Catawba
03050103

Legend

Review Area

Cabarrus County

HUC 08



0

2.5

5

7.5

10 mi



Figure: 15

Project Name: Trackhouse Racing		
Location: 6762 Davidson Hwy Concord, NC 28027		
For: Trackhouse Racing		
Coordinates: 35.437923°, -80.691238°		Date: March 16, 2026

Information shown on these drawings/maps/charts is compiled from numerous sources and may not be complete or accurate.

Slope Analysis Model

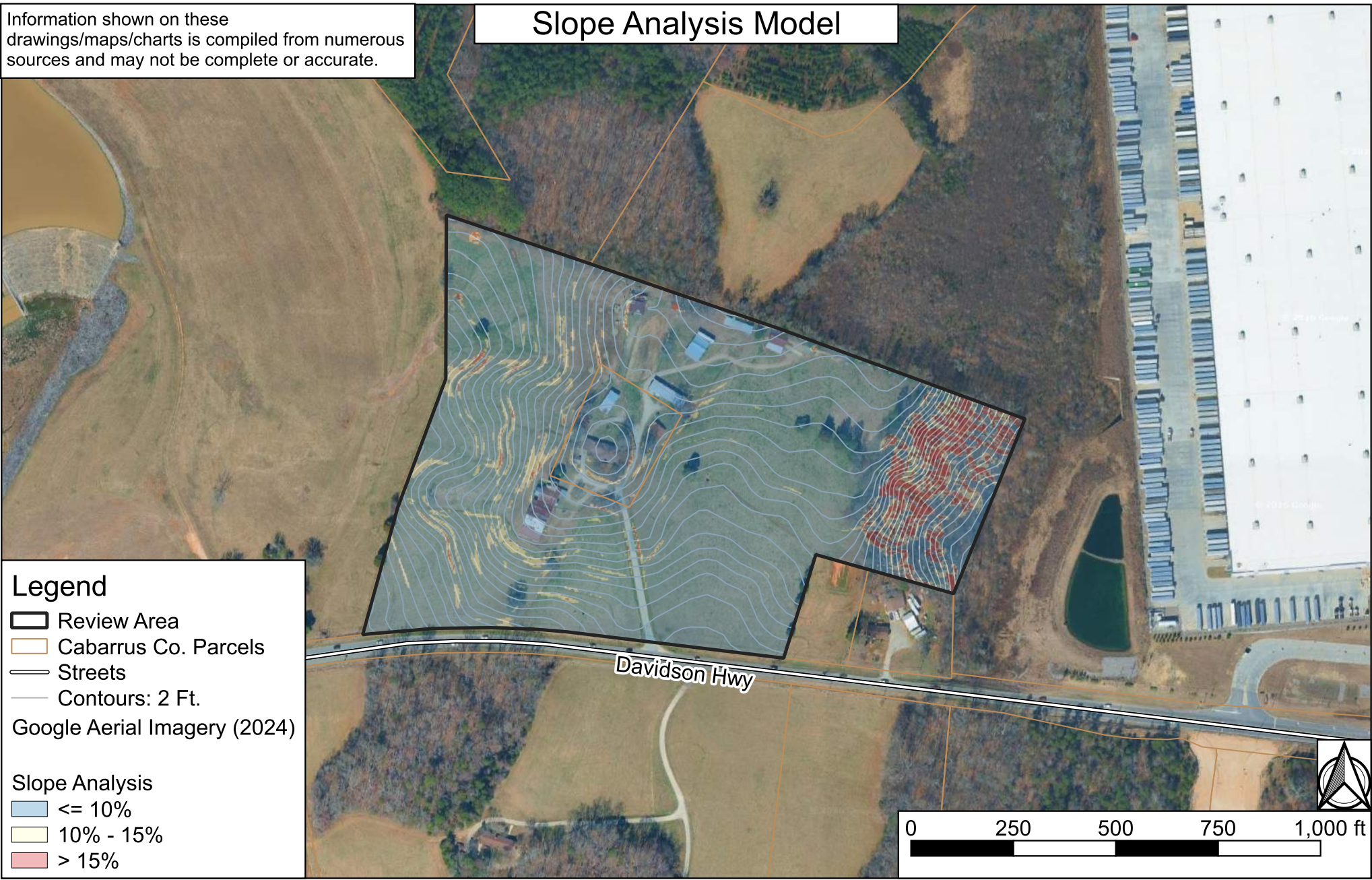


Figure: 16

Project Name: Trackhouse Racing

Location: 6762 Davidson Hwy Concord, NC 28027

For: Trackhouse Racing

Coordinates: 35.437923°, -80.691238°

Date: March 16, 2026

APPENDIX B: Georeferenced Preliminary Site Plan

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APPENDIX C: USFWS IPaC Report and Consistency Letter(s)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Asheville Ecological Services Field Office
160 Zillicoa Street, Suite B
Asheville, NC 28801-1082
Phone: (828) 258-3939 Fax: (828) 258-5330



In Reply Refer To:
Project Code: 2026-0063303
Project Name: Trackhouse Racing

03/16/2026 21:24:08 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, as well as proposed and designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The enclosed species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please note that new species information can change your official species list. Under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends you visit the ECOS-IPaC website regularly during project planning and implementation to ensure your species list is accurate or obtain an updated species list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A biological assessment (BA) or biological evaluation (BE) should be completed for your project. A BA is required for major construction activities (or other undertakings having similar physical impacts) considered to be Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c))(NEPA). For projects other than major construction activities, the Service suggests that a BE be prepared to determine effects of the action and whether those effects may affect listed species and/or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it is reasonably certain to occur and would not occur "but for" the proposed action.

Recommended contents of a BA/BE are described at 50 CFR 402.12. More information and resources about project review and preparing a BA/BE can be found at the following web link: <https://www.fws.gov/office/asheville-ecological-services/asheville-field-office-online-review-process-overview>.

If a Federal agency determines listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. The Service is not required to concur with "no effect" determinations from Federal action agencies. If consultation is required, the Service recommends that candidate species, proposed species, proposed critical habitat, and at-risk species be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or licensed applicants, can be found in the "Endangered Species Consultation Handbook" at the following web link: <https://www.fws.gov/media/endangered-species-consultation-handbook>.

Conservation measures (CMs) are actions included in the project description that the action agency or the applicant commits to implementing to avoid or minimize impacts to federally threatened or endangered species from their actions. CMs are a part of the proposed action and their implementation is required under the terms of a section 7 consultation. Ultimately, the lead federal action agency (project funder, permitter, or implementer) commits to CMs, however, implementation may be passed to the applicant via permit conditions. CMs demonstrate the action agency's commitment to imperiled species conservation and have the potential to expedite project review under the Act by eliminating or decreasing adverse impacts that would otherwise result from project implementation. Potential CMs can be found at the following web link: https://www.fws.gov/sites/default/files/documents/2025-03/2025-02-sample-conservation-measures-asheville_field_office.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Act, there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). More information about MBTA and BGEPA can be found at the following web link: <https://www.fws.gov/program/migratory-birds>.

We appreciate your consideration of Federally listed species. The Service encourages Federal agencies to include conservation of threatened and endangered species in their project planning to further the purposes of the Act. Please contact our staff at 828-258-3939, if you have any questions. In future correspondence concerning this project, please reference the Project Code which can be found in the header of this letter.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Asheville Ecological Services Field Office

160 Zillicoa Street, Suite B

Asheville, NC 28801-1082

(828) 258-3939

PROJECT SUMMARY

Project Code: 2026-0063303

Project Name: Trackhouse Racing

Project Type: Commercial Development

Project Description: Commercial development and sewer easement

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.4352226,-80.68883188274816,14z>



Counties: Cabarrus County, North Carolina

ENDANGERED SPECIES ACT SPECIES

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

FLOWERING PLANTS

NAME	STATUS
Michaux's Sumac <i>Rhus michauxii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5217	Endangered
Schweinitz's Sunflower <i>Helianthus schweinitzii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3849	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

1. The [Bald and Golden Eagle Protection Act](#) of 1940.
2. The [Migratory Birds Treaty Act](#) of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

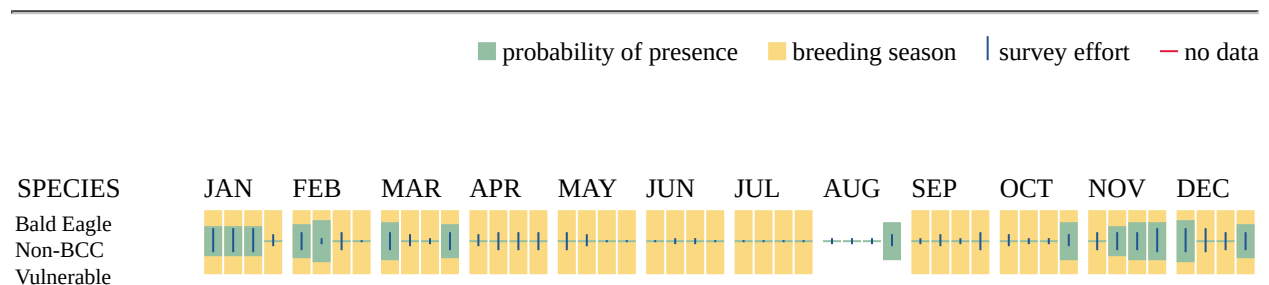
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>

- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20

NAME	BREEDING SEASON
Grasshopper Sparrow <i>Ammodramus savannarum perpallidus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8329	Breeds Jun 1 to Aug 20
Kentucky Warbler <i>Geothlypis formosa</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9443	Breeds Apr 20 to Aug 20
Prairie Warbler <i>Setophaga discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513	Breeds May 1 to Jul 31
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9439	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9478	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.



Wood Thrush
BCC Rangewide
(CON)



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Luke Goodin
Address: 338 S Sharon Amity Road #411
City: Charlotte
State: NC
Zip: 28211
Email: lgoodin@atlasenvi.com
Phone: 7045121206

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers



United States Department of the Interior



FISH AND WILDLIFE SERVICE Asheville Ecological Services Field Office

160 Zillicoa Street, Suite B

Asheville, NC 28801-1082

Phone: (828) 258-3939 Fax: (828) 258-5330

<https://www.fws.gov/office/asheville-ecological-services>

In Reply Refer To:
Project code: 2026-0063303
Project Name: Trackhouse Racing

03/25/2026 18:14:57 UTC

Federal Nexus: yes
Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Technical assistance for 'Trackhouse Racing'

Dear Austin Sturkie:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 25, 2026, for 'Trackhouse Racing' (here forward, Project). This project has been assigned Project Code 2026-0063303 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey), invalidates this letter.**

Determination for the Northern Long-Eared Bat and Tricolored Bat

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed	May affect
	Endangered	

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate. Projects that receive a may affect determination for tricolored bat through the key, should contact the appropriate Ecological Services Field Office if they want to conference on this species.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Michaux's Sumac *Rhus michauxii* Endangered
- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Schweinitz's Sunflower *Helianthus schweinitzii* Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the species listed above.

Conclusion

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of “May Affect.” A “May Affect” determination in this key indicates that the project, as entered, is not consistent with the questions in the key. Not all projects that reach a “May Affect” determination are anticipated to result in adverse impacts to listed species. These projects may result in a “No Effect”, “May Affect, Not Likely to Adversely Affect”, or “May Affect, Likely to Adversely Affect” determination depending on the details of the project. Please contact our Asheville Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Trackhouse Racing

2. Description

The following description was provided for the project 'Trackhouse Racing':

Commercial development and sewer easement

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.4352226,-80.68883188274816,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect” for a least one species covered by this determination key.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

Yes

4. Your project overlaps with an area where northern long-eared bats or tricolored bats may be present and roosting in trees year-round.

Do you understand that your project may impact bats roosting in trees at any time during the year?

Yes

5. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

No

6. Does the proposed action involve solar energy?

No

7. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Note for projects in Pennsylvania: Projects requiring authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act would be considered as having a federal nexus. Since the U.S. Army Corps of Engineers (Corps) has issued the Pennsylvania State Programmatic General Permit (PASPGP), which may be verified by the PA Department of Environmental Protection or certain Conservation Districts, the need to receive a Corps authorization to perform the work under the PASPGP serves as a federal nexus. As such, if proposing to use the PASPGP, you would answer 'yes' to this question.

Yes

8. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

9. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

10. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

11. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

12. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum or winter roost? Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your state wildlife agency.

Automatically answered

No

13. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

14. Does the action area contain (1) talus or (2) anthropogenic or naturally formed rock shelters or crevices in rocky outcrops, rock faces or cliffs?

No

15. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

16. Will the action result in effects to a culvert or tunnel at any time of year?

No

17. Are trees present within 1000 feet of the action area? **Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' [Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines](#).

Yes

18. Does the action include the intentional exclusion of bats from a building or building-like structure? **Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

19. Does the action involve removal, modification, or maintenance of a human-made building-like structure (barn, house, or other building) **known or suspected to contain roosting bats?**

No

20. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

21. Will the action include or cause any construction or other activity that is reasonably certain to increase average night-time traffic permanently or temporarily on one or more existing roads? **Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

No

22. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

23. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note: For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

No

24. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

25. Will the action include drilling or blasting?

No

26. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use at night)?

No

27. Will the proposed action involve the use of herbicides or pesticides (e.g., fungicides, insecticides, or rodenticides)?

No

28. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' [Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines](#).

No

29. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable forested northern long-eared bat or tricolored bat roosting habitat? **Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' [Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines](#).

No

30. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

31. Is the project related to the production of coal, including projects that support the mining of coal, as well as the production and/or distribution of energy produced from coal?

No

32. Will the proposed action occur exclusively in an already established and currently maintained utility right-of-way?

No

33. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property.

No

34. Does the project intersect with the 0- 9.9% forest density category?

Automatically answered

No

35. Does the project intersect with the 10.0- 19.9% forest density category map?

Automatically answered

Yes

36. Does the project intersect with the 20.0- 29.9% forest density category map?

Automatically answered

Yes

37. Does the project intersect with the 30.0- 100% forest density category map?

Automatically answered

Yes

38. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 5 acres in total extent?

Yes

39. Does the action area intersect the tricolored bat species list area?

Automatically answered

Yes

40. Is the action area located within 0.5-mile of radius of an entrance/opening to any known tricolored bat hibernacula or winter roost?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your state wildlife agency.

Automatically answered

No

41. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

42. Your project overlaps with an area where tricolored bats may be present and roosting in trees year-round.

Has a presence/probable absence survey for the tricolored bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area? If unsure, answer "No."

No

43. Your project overlaps with an area where tricolored bats may be present and roosting in trees year-round. Is suitable tricolored bat habitat present within 1000 feet of project activities? Note: If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer "Yes." Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' [Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines](#).

Yes

44. Do you have any documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

7

If tree cutting will be part of the proposed action, at what time of year will tree cutting be conducted?

TBD

Can the proposed action be modified to ensure that tree cutting will be conducted outside of the season when bats will be present and roosting in trees?

Yes

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Austin Sturkie
Address: 338 Sharon Amity Road #411
City: Charlotte
State: NC
Zip: 28211
Email: asturkie@atlasenvi.com
Phone: 8034171435

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers