



U. S. Fish & Wildlife Service

Nevada Fish and Wildlife Office

Conserving the Biological Diversity of the Great Basin, Eastern Sierra, and Mojave Desert

Coyote Springs Investments LLC (CSI) Multiple-Species Habitat Conservation Plan (MSHCP) Questions and Answers

Q. What is a Multiple-Species Habitat Conservation Plan (MSHCP)?

A. An MSHCP under section 10(a) of the Endangered Species Act (ESA), is a planning document that is a mandatory component of an Incidental Take Permit application. The MSHCP must ensure that effects of the authorized incidental take will be adequately minimized and mitigated to the maximum extent practicable.

Q. What is take?

A. “Take” is defined in the ESA as any action that would “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect” any threatened or endangered species. Harass are actions that create the likelihood of injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Harm may include significant habitat modification that actually injures a species. There are no federal prohibitions under the ESA for the take of listed plants on non-federal lands, unless taking of those plants is in violation of state law and would accompany a project that requires federal authorization, permits of funding.

Q. Why did CSI complete an MSHCP?

A. A permit is needed if otherwise legal activities may result in the incidental take of a listed species. The MSHCP process allows the landowner (CSI) to proceed with the activity as long as CSI complies with the terms and conditions of the approved MSHCP.

Q. What will be covered under the permit?

A. The Permit would authorize the incidental take of the threatened desert tortoise, and two unlisted species, the banded Gila monster and western burrowing owl (if they become listed), on non-federal and lease lands in Clark and Lincoln counties, Nevada.

The Applicant plans to develop up to 21,454 acres of private lands in Lincoln County. Additionally, the Applicant proposes to manage 13,767 acres of lease lands in Clark and Lincoln counties as the Coyote Springs Investment Conservation Lands (CSICL). The private and lease lands occupy most of the eastern portion of Coyote Spring Valley, straddling the Pahranaagat Wash and the Kane Springs Wash. The Covered Area is located approximately 55 miles northeast of Las Vegas and bordered by the Delamar Mountains to the north, U.S. Highway 93 to the west and the Meadow Valley Mountains to the east.

The surrounding areas are primarily public lands managed by Bureau of Land Management and the Service on the Desert National Wildlife Refuge.

Q. What type of conservation measures are included in the MSHCP?

A. Conservation measures can be categorized into three groups: avoidance, minimization, and mitigation. Avoidance measures avoid the potential effect. Minimization measures reduce the potential effect to lesser levels over time. Mitigation measures compensate for the potential effect after avoidance and minimization measures have been considered.

Q. What are the avoidance and minimization measures?

A. The following list summarizes the avoidance and minimization measures for desert tortoises, banded Gila monsters and western burrowing owls (detailed discussion of measures are found in Chapter 6 of the CSI MSHCP.):

- Land development area surveys, clearance and translocation of desert tortoise
- Best Management Practices for construction, operations and maintenance activities which includes
 - General site measures
 - Ground disturbance activities
 - Sediment and erosion control
 - Water quality
 - Fire conservation measures
 - Trash management
 - Conservation education
 - Pet management
- Temporary and permanent desert tortoise exclusion fencing
- Weed Management Plan
- Reconfiguration of CSI private lands and lease lands in Lincoln County

Q. What are the mitigation measures?

A. The following list summarizes the mitigation measures for desert tortoises, banded Gila monsters and western burrowing owls (detailed discussion of mitigation measures are found in Chapter 6 of the CSI MSHCP):

- Collection of mitigation fees of \$800 per acre of disturbance and an additional fee of \$750,000 for use in recovery and research efforts
 - Desert tortoise head-starting program
 - Desert tortoise translocation program
 - Fire ecology and post-fire habitat restoration
 - Invasive species management
 - Habitat modeling for banded Gila monster
 - Surveys for western burrowing owls
- Permanent conservation of 7,548 acres
- Designation of the 13,767-acre CSICL (including the 7,548 acres)

- Management and restoration of CSICL for the conservation of the covered species

Q. Are there any development activities that will not be covered by the permit?

A. Yes. Groundwater withdrawal is not a covered activity in the CSI MSHCP. However, groundwater withdrawals and their effects to the Moapa dace are subject to evaluation under separate biological opinions for several groundwater development projects, and any appropriate incidental take would be authorized through those biological opinions when issued.

Q. What is the term of the permit?

A. The Service will issue a 40-year permit.

Q. Will someone monitor the MSHCP for compliance?

A. Yes. An Adaptive Management Plan (AMP) will be implemented to monitor effectiveness of conservation actions and management prescriptions in meeting established biological goals, recommend alternative actions to pursue in the event that the goals are not being met, and incorporate any other information, including third-party scientific research, that has bearing on how best to meet the biological goals.

A phased approach to development (including up to 2,000 acres of disturbance per year for the first eight years) would ensure that for the first eight years, there would be timely effectiveness monitoring of implementation of the proposed avoidance, minimization, and conservation measures for the covered species in the CSI MSHCP.

Recommendations for alternative conservation actions could be made and implemented through the AMP if necessary, before the next 2,000 acres would be disturbed.

Q. Was there an opportunity for public involvement in this process?

A. Yes.

December 4, 2001	Public Scoping (60-day comment period)
September 12, 2006	Public Scoping –Revised project area (30-day comment period)
September 26-27, 2006	Public Scoping meetings
November 2, 2006	Extension of Public Scoping comment period (30-day comment period)
November 2, 2007	Draft MSHCP/EIS (60-day comment period)
September 12, 2008	Final MSHCP/EIS (30-day comment period)