



## U. S. Fish & Wildlife Service

### Nevada Fish and Wildlife Office

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

#### Questions and Answers

### Notice of Intent to Prepare an Environmental Impact Statement Amendment to the Clark County Multiple Species Habitat Conservation Plan and Incidental Take Permit September 30, 2009

#### **Q. What is a Multiple Species Habitat Conservation Plan?**

- A.** Habitat Conservation Plans (HCPs) are planning documents required as part of an application for an incidental take permit. An incidental take permit is required if a project on non-Federal land may result in “take” of a species listed as endangered or threatened under the Endangered Species Act (ESA). HCPs describe the anticipated effects of the proposed taking; how those impacts will be minimized or mitigated; and how the HCP is to be funded.

HCPs can apply to both listed and non-listed species (multiple species), including those that are candidates or have been proposed for listing. Conserving species before they are in danger of extinction or are likely to become so can also provide early benefits and prevent the need for listing.

#### **Q. Why does Clark County have such a plan?**

- A.** Clark County falls within the range of several species that are protected by the ESA, including the desert tortoise and the southwestern willow flycatcher. Since activities associated with urban growth and development (referred to as the covered activities) could result in the incidental take of these protected species, Clark County, the cities of Clark County, and the Nevada Department of Transportation (Permittees) obtained an incidental take permit to legally proceed with their activities that would otherwise result in the unlawful take of listed species. The permit allows for the take of the tortoise and the flycatcher, as well as 76 other non-listed species of concern, in the event that these species become listed during the 30-year permit term. The Permittees were required to develop the MSHCP to ensure that the impacts of taking the covered species would be minimized and mitigated to the maximum extent practicable, and that the taking would not result in appreciably reducing the likelihood of the survival and recovery of the species in the wild.

#### **Q. How long has the county had the plan?**

- A.** The Clark County Multiple Species Habitat Conservation Plan (MSHCP) was completed in late 2000, and the current incidental take permit is effective February 1, 2001 through January 31, 2031.

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**Q. Why are the cities in Clark County and the Nevada Department of Transportation included on the Incidental Take Permit with Clark County?**

- A. Participation by the cities in Clark County and NDOT allows the MSHCP's conservation program to operate at an ecosystem or landscape level. This regional approach benefits a wide array of species within the ecosystems being managed, while streamlining ESA compliance for the smaller landowners. This type of HCP encourages local governments to look beyond ESA requirements and take a landscape view at planning for their community.

**Q. What is incidental take?**

- A. "Take" is defined in the Endangered Species Act of 1973 as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species. Harm may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior (e.g., nesting or reproduction). Incidental take is defined as take that is incidental to, not the purpose of, carrying out an otherwise lawful activity.

**Q. Does the permit thus allow for the "incidental take" of a certain number of desert tortoises and/or other species protected by the Endangered Species Act?**

- A. "Take" of the covered species under the Clark County MSHCP is monitored by tracking the amount of land disturbed as a result of the covered activities. Because individual species are often difficult to detect in the wild and the specific number of individual species affected by the covered activities is unknown or undeterminable, "take" of listed species may be expressed in terms of the number of habitat acres or other appropriate habitat units to be affected. Under the current MSHCP, the permittees are authorized to take covered species on up to 145,000 acres of non-federal land within Clark County, and desert tortoises within Nevada Department of Transportation's rights-of-way within desert tortoise habitat in Lincoln, Nye, Mineral, and Esmeralda counties.

The incidental take permit does **not** authorize purposeful take of a listed species (whether it be in the form of killing, harassment, or harm). Permittees are required to minimize and mitigate impacts of the taking from their activities to the maximum extent practicable; however, the permit protects the permittees from violations under section 9 of the ESA in the event that a listed species is incidentally taken during the normal course of conducting their lawful activities.

**Q. What kinds of activities can result in incidental take under this permit?**

- A. The activities may include, but are not limited to, residential and commercial development, utility and transportation facilities, flood control, parks and recreation, and other capital improvements and operations.

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**Q. Clark County has experienced rapid growth and development in recent years. How much habitat has been disturbed under the current MSHCP?**

A. Since 2001, the Permittees have authorized covered activities on approximately 78,000 acres of land under the current MSHCP and permit, which is about 54 percent of the total disturbance that was anticipated to occur during the 30-year permit.

**Q. What are the Permittees proposing to change under the amendment to the MSHCP?**

A. The Permittees are proposing to increase the amount of species habitat disturbance that is authorized under the existing MSHCP and permit, expand the conservation program to minimize and mitigate for the increased disturbance, reduce the number of covered species, and revise the permit term of the MSHCP amendment to 50 years.

**Q. Where can one obtain more information about the Clark County MSHCP and Incidental Take Permit?**

A. Contact Jeri Krueger, Habitat Conservation Planning Coordinator, Nevada Fish and Wildlife Office, Las Vegas, Nevada at (702) 515-5230.

**Q. Where and when are the scoping meetings being held?**

A. The public scoping meetings are scheduled as follows:

**October 19, 2009 6:00pm to 8:00pm**  
Clark County Library – Jewel Box Theater  
1401 East Flamingo Road  
Las Vegas, Nevada 89119

**October 22, 2009 6:00pm to 8:00pm**  
PBS&J  
2270 Corporate Circle  
Henderson, Nevada 89074

**October 21, 2009 6:00pm to 8:00pm**  
Searchlight Community Center  
200 Michael Wendell Way  
Searchlight, Nevada 89046

**October 26, 2009 6:00pm to 8:00pm**  
Moapa Valley Community Center  
320 North Moapa Valley Boulevard  
Overton, Nevada 89040

**Q. What kind of input is the Fish and Wildlife Service looking for?**

A. The Fish and Wildlife Service is gathering information necessary to prepare an Environmental Impact Statement, under the National Environmental Policy Act (NEPA), on the proposed amendment of the MSHCP and permit. We wish to obtain suggestions, comments, and useful information from other agencies and the public on the scope of the document, including significant issues deserving of study, the range of alternatives, and the range of impacts to be considered.

(More)

**Q. Do people have to attend one of the scoping meetings in order to submit comments, questions, or concerns?**

**A.** No. Written comments can be submitted to: Robert D. Williams, Nevada Fish and Wildlife Office, 4701 North Torrey Pines Drive, Las Vegas, Nevada, 89130, facsimile: 702-515-5231. The 30-day public comment period ends on October 30, 2009. Written comments must be postmarked no later than that date. You may contact Ms. Jeri Krueger, Habitat Conservation Planning Coordinator, at 702-515-5230 to request additional information regarding the scoping meetings.

**Q. What happens next?**

**A.** Comments will be accepted for 30 days after publication of the Notice of Intent in the Federal Register. These comments will be used to inform the development of the EIS for the amendment of the MSHCP and permit. Once completed, the draft EIS, HCP, and other associated documents will be made available to the public for review and comment by publishing a notice in the Federal Register.

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