The Federal Endangered Species Act

When threatened or endangered species are present on land scheduled for development or other disturbance activities, the landowner must comply with the Federal Endangered Species Act by applying for an incidental take permit.

Application for an incidental take permit is subject to certain requirements, including preparation by the permit applicant of a conservation plan, generally known as a "Habitat Conservation Plan" or "HCP." The HCP is a planning document that ensures impacts to species and habitat are adequately minimized and mitigated.

HCPs can be developed on a project by project basis, or can be developed regionally.

The Multiple Species Habitat Conservation Plan

The Multiple Species Habitat Conservation Plan, or MSHCP, is the regional habitat conservation plan associated with the current incidental take permit for land disturbance in Clark County, Nevada.

The MSHCP contains:
• A list of species covered by the plan
• Impacts analysis
• Minimization and mitigation requirements
• Funding mechanisms
• Implementation guidelines

The MSHCP covers all non-Federal (private, municipal, state) lands within Clark County and Nevada Department of Transportation activities within Clark, Nye, Lincoln, Mineral and Esmeralda counties south of the 38th parallel and below 5,000 feet.

The plan has a 30 year permit term, which started in February 2001, and covers 78 species.

Some important terms:

Take – To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. It includes significant habitat modification.

Incidental take – Take that results from, but is not the purpose of, carrying out an otherwise lawful activity.

Incidental Take Permit (ITP) – A permit issued under Section 10 of the Federal Endangered Species Act to private parties undertaking otherwise lawful projects that might result in the take of an endangered or threatened species.

Listed species - A species, subspecies, or distinct vertebrate population segment that has been added to the Federal lists of Endangered and Threatened Wildlife and Plants as they appear in sections 17.11 and 17.12 of Title 50 of the Code of Federal Regulations (50 CFR 17.11 and 17.12).

Implementation

The MSHCP identifies 604 possible conservation actions that mitigate and monitor the impacts of take on covered species and their habitats.

Conservation actions include:
• Public information and education
• Research
• Inventory
• Monitoring
• Protective Measures
• Restoration and enhancement of habitat
• Land use policies and actions

Minimization activities include the operation of the Wild Desert Tortoise Assistance Line and Pick Up Service to collect wild tortoises found on construction sites.

Mitigation activities rely on a reserve system consisting of primarily federal lands that are categorized by levels of management to conduct mitigation and conservation actions.

The Program is required to expend a minimum of approximately $4 million per biennium to implement conservation actions.

Permittees

The Desert Conservation Program serves as the Administrator of the MSHCP and Incidental Take Permit on behalf of the “Permittees”:

• City of Las Vegas
• City of North Las Vegas
• City of Henderson
• City of Mesquite
• City of Boulder City
• Clark County
• Nevada Department of Transportation (NDOT)

For further information

Please contact the Clark County DEQ for more information or go to http://www.clarkcounty nv.gov/deq/mcp/Pages/default asp