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DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

FILE						
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1. PERMITTEE

CLARK COUNTY, NV; CITY OF LAS VEGAS, NV; CITY OF NORTH LAS VEGAS NV; CITY OF HENDERSON, NV; CITY OF BOULDER CITY NV

3. NUMBER PRT-756260	
4. RENEWABLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	5. MAY COPY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. EFFECTIVE 7/24/91	7. EXPIRES 7/31/94

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business) CLARK COUNTY MANAGER DONALD L. SHALMY	9. TYPE OF PERMIT THREATENED SPECIES
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10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
LAS VEGAS VALLEY: LAS VEGAS, N. LAS VEGAS, HENDERSON & BOULDER CITY; UNINCORP. SUNRISE MANOR, E. LAS VEGAS, WINCHESTER, PARADISE, & SPRING VALLEY; PORTIONS OF UNINCORP. LONE MOUNTAIN & ENTERPRISE.

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. Acceptance of this permit serves as evidence that the permittee understands and agrees to abide by the terms of this permit and all sections of Title 50 Code of Federal Regulations Part 13 (attached) pertinent to issued permits.

E. The permittees are authorized to take (kill, harm, harass) up to 3,710 desert tortoises (GOPHERUS AGASSIZII) incidental to grading or other earth moving activities necessary for private or public development projects on 22,352 acres of desert tortoise habitat, as described in the permittee's application and supporting information, and as conditioned herein.

CONTINUED.....

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS
FIRST ANNUAL REPORT DUE 1/31/92
SUBMIT COMPLETE REPORT IN ACCORDANCE WITH PERMIT CONDITION "K".

ISSUED BY <i>Marshall Jones Jr</i>	TITLE CHIEF, OFFICE OF MANAGEMENT AUTHORITY	DATE 7/24/91
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F. The authorization granted by this permit is subject to full and complete compliance with, and implementation of, the Short-term Habitat Conservation Plan for the Desert Tortoise in Las Vegas Valley, Clark County, Nevada (HCP) as amended to conform to language of the Final Environmental Assessment for Issuance of a Permit to Allow Incidental Take of Desert Tortoises in Clark County, Nevada (May 1991) and the Implementation Agreement for the HCP.

G. The permittees shall impose a mitigation fee, as outlined in the HCP, on projects covered by the permit. The \$550-per-acre fee shall be used to fund the HCP.

H. The permittees shall minimize and monitor the impacts of the taking as outlined in the HCP as follows:

1. Require tortoise surveys and removal on all lands within the permit area, except for exclusionary zones and sites meeting exclusionary criteria as defined in the HCP, prior to authorizing disturbance of the land by grading, development, or other means.
 - a. The permittees shall provide protocols and compliance forms for such surveys, as described in the HCP and approved by the U.S. Fish and Wildlife Service (Service). Compliance forms shall be considered valid for no more than 90 days.
 - b. An auditing system with a budget of \$304,000 shall be established and staffed through the Nevada Department of Wildlife to audit survey and removal procedures undertaken by landowners as set forth in the HCP. Auditing shall be performed on a random basis or in response to complaints. Quality control and corrective measures shall be implemented as provided for in the HCP.
2. A tortoise transfer facility shall be established with a budget of \$25,000 per year to handle 3,710 tortoises over the 3-year period.
 - a. All tortoises shall be kept and maintained at the transfer facility in a clean, orderly, and humane manner for a period which shall not be less than 3 nor more than 5 working days (holding period).
 - b. Care must be taken in handling sick or injured animals to ensure effective treatment and care, and in handling dead specimens to preserve biological material in the best possible state.
 - c. All tortoises delivered from the transfer facility shall be permanently and humanely marked as directed by the Service.

- d. Tortoises shall be delivered from the tortoise transfer facility only to such persons, firms, and entities as directed by the Nevada Department of Wildlife (Department) or the Service. Final disposition of collected tortoises shall proceed in the following order:

Tortoises that appear to be unhealthy shall only be (i) placed in research that will keep the animals in permanent captivity or (ii) euthanized.

Tortoises that appear to be healthy shall be (i) relocated if a FWS-authorized relocation plan can be worked out; (ii) used in research; (iii) placed in zoological or educational exhibits or museums; (iv) placed in adoption program; or (v) euthanized.

Tortoises placed in private hands for adoption shall remain the property of the U.S. government. The tortoises may not be sold, traded, donated, transferred, transported out of the area, or released back into the wild without authorization of the Service. Tortoises may not be used for commercial purposes. Death or escape of the authorized wildlife must be reported to the Service's Reno Field Station (Sheryl Barrett at 702/784-5227) within 24 hours and the date and causative circumstances provided. The Service shall condition the official certificate of transfer to reflect the permanent mark and the conditions outlined in this paragraph.

- e. Those tortoises that the transfer facility has not been directed to deliver shall be humanely euthanized after the holding period has expired.
- f. All desert tortoise remains should be preserved and provided to one of the following institutions: Museum of Vertebrate Zoology, University of California, Berkeley, California; Los Angeles County Museum of Natural History, Los Angeles, California; San Bernardino County Museum, San Bernardino, California; University of Nevada, Department of Biology, Las Vegas, Nevada; University of New Mexico, Albuquerque, New Mexico, or to any museum or educational institution authorized by the Service's Reno Field Station. Prior to development, Clark County shall make arrangements with the institutions regarding proper disposition of potential specimens. The permittees must provide the depository with a copy of this permit to validate that the specimens supplied to the museum were taken pursuant to a permit. If none of the institutions want the specimens, the remains should be cremated within 30 working days.
- g. Accurate records shall be kept and maintained regarding all

tortoises which have been accepted, delivered, or euthanized by the tortoise transfer facility.

3. Results of tortoise removals shall be reported on HCP compliance forms and shall be considered valid for no more than 90 days. Based upon the survey and removal forms, the County shall prepare a monthly report which sets forth the number of tortoises taken and the number of acres disturbed during the previous month, as well as a cumulative total of tortoises taken and acres disturbed from the date of issuance of the Permit to the date of the report. The report shall also set forth the number of acres and their location of conserved habitat, as defined in the HCP, which have been established. The County shall, on or before the last day of the month, deliver written copies of such report to the Service.
 4. The permittees shall establish a public information program, with a budget of \$25,000 per year during the term of the permit, for purposes defined in the HCP.
 5. A hotline and removal service shall be established with a budget of \$75,000 to allow persons locating tortoises within exclusionary zones, or sites that meet exclusionary criteria, to call and report the location of such tortoises. The removal service shall pick up and deliver tortoises thus located to the tortoise transfer facility.
- I. The permittees shall mitigate the incidental take of desert tortoise as outlined in the HCP as follows:
1. The permittees shall, from the development fees collected, establish a trust fund in the sum of \$3,125,000 which shall be held, managed, invested, and expended by Clark County. Income derived from the trust fund shall be used to manage and monitor the conserved habitat as set forth in the HCP.
 2. The permittees shall budget \$2,000,000 from development fees to acquire a minimum of 400,000 acres of conserved habitat to mitigate impacts of incidental take in the permit area. To be counted as conserved habitat, the area in question shall meet the conditions provided for in the HCP.
 3. No land disturbance shall be performed where tortoise surveys indicate the presence of tortoises on the property and which disturbance would involve the taking of tortoises until such time as conserved habitat has been established in the following amounts:
 - a. At least 100,000 acres of conserved habitat is established within either of the two priority areas [Potential Tortoise Management Areas (PTMAs) 2 and 6 and PTMAs 12 to 14] before any take shall be allowed;

- b. At least 200,000 acres of conserved habitat is established by the end of the first year of the permit after take is allowed;
- c. At least 300,000 acres of conserved habitat is established before take exceeds 2,000 tortoises or habitat loss exceeds 13,000 acres; and
- d. At least 400,000 acres of conserved habitat is established, with at least 200,000 acres in either of the two priority areas, before take exceeds 3,500 tortoises or habitat loss exceeds 18,000 acres.

4. Management of conserved habitat shall include seven land use controls as defined in the HCP. The seven land use controls shall, to the extent permitted by law, be permanent and extend beyond the term of the permit and Implementation Agreement.

5. The permittees shall establish a research program with a budget of \$500,000 that focuses on data, studies, and field work aimed at improving the tortoise's chances of survival and recovery in the wild. Research proposals shall be solicited and reviewed by the HCP Implementation and Monitoring Committee and other outside experts as applicable, beginning in the first quarter of the permit period.

J. An Implementation and Monitoring Committee, consisting of 20 members as designated in the Implementation Agreement, shall be established to perform such tasks as described in the HCP.

K. Reporting Requirements. An annual report must be submitted January 31 of each year permit is in effect and within 30 days after the termination of activity under this permit. A copy of the report shall be provided to the Reno Field Station, the Regional Office (Fish and Wildlife Enhancement, 911 N.E. 11th Street, Portland, Oregon 97232-4181), and the Office of Management Authority (4401 North Fairfax Drive, Room 432, Arlington, Virginia 22203). The report must detail all desert tortoise-related activities undertaken in association with this project, including number of tortoises injured, killed, or moved; disposition of tortoises; number of acres of habitat disturbed; location and amount of conserved habitat; and effectiveness of the terms and conditions provided in this permit.

24 JUL 1991

Date


Marshall Jones, Jr. Chief
Office of Management Authority