



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

California/Nevada Operations Office  
2800 Cottage Way, Suite W-2606  
Sacramento, California 95825-1846

CLARK COUNTY  
COMPREHENSIVE  
PLANNING

2001 MAR 30 A 10: 05

IN REPLY REFER TO:

~~MAR 28 2001~~  
RECEIVED

Dr. Cynthia Truelove  
Multiple Species Habitat Conservation Plan Administrator  
Clark County Department of Comprehensive Planning  
500 Grand Central Parkway, Third Floor  
Las Vegas, Nevada 89155

Dear Dr. Truelove:

Subject: Clark County Desert Conservation Plan Permit PRT 801045

On November 22, 2000, you were issued Permit TE 034927-0 for the Clark County Multiple Species Habitat Conservation Plan (MSHCP), under Section 10(a)1(B) of the Endangered Species Act of 1973, as amended. While this permit became valid upon execution of the Implementing Agreement for the MSHCP, effective with the final signature on January 9, 2001, you have requested, that for accounting purposes, that we modify the effective date of the MSHCP permit to February 1, 2001. We concur with this modification. Please note that this effective date supercedes the effective date of January 9, 2001, as discussed in correspondence from our Regional Office in Portland, dated February 8, 2001.

In accordance with the Implementing Agreement for the Clark County MSHCP, this permit supercedes Permit PRT 801045 for the Clark County Desert Conservation Plan, issued to Clark County on August 1, 1995. I, therefore request that you relinquish PRT 801045, as this permit is no longer valid. Pursuant to 50 CFR § 13.26, you should return the permit within 30 days of the discontinuance, to the issuing office, together with a written statement surrendering the permit for cancellation. Please return the permit to the following address:

Assistant Regional Director, Ecological Services  
U.S. Fish and Wildlife Service  
911 NE 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4181  
(Attn: Laura Hill)



# FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

CLARK COUNTY MSHCP PERMITTEES  
(SEE BOX C.1. BELOW)

2. AUTHORITY-STATUTES

16 USC 1539(A)  
16 USC 703-712

REGULATIONS (Attached)

50 CFR 17.22  
50 CFR 17.32  
50 CFR 13  
50 CFR 21.27

3. NUMBER

TE034927-0

4. RENEWABLE

YES  
 NO

5. MAY COPY

YES  
 NO

6. EFFECTIVE

1/9/01

7. EXPIRES

1/8/31

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

CYNTHIA J TRUELOVE  
PLAN ADMINISTRATOR

9. TYPE OF PERMIT

THREATENED AND ENDANGERED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

Non-Federal lands in Clark County, Nevada, for cities and Clark County; Nevada Department of Transportation activities in Clark, Nye, Lincoln, Mineral and Esmeralda counties, Nevada, south of the 38th parallel and below 5000 feet elevation.

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.

C.1. a. Clark County  
500 S. Grand Central Parkway  
Las Vegas, NV 89155  
(702) 455-4181

b. City of Las Vegas  
400 East Stewart  
Las Vegas, NV 89101  
(702) 229-6501

c. City of North Las Vegas  
2200 Civic Center Drive  
North Las Vegas, NV 89030  
(702) 649-5811

d. City of Henderson  
240 Water Street  
Henderson, NV 89015  
(702) 565-2488

e. City of Boulder City  
900 Arizona Street  
Boulder City, NV 89024  
(702) 293-9282

f. City of Mesquite  
11 E. Mesquite Blvd & Yucca  
Mesquite, NV 89024  
(702) 346-5295

g. Nevada Department of Transportation  
1263 South Stewart Street  
Carson City, NV 89712  
(702) 689-5440

D. FURTHER CONDITIONS OF AUTHORIZATION ARE CONTAINED IN THE ATTACHED SPECIAL TERMS AND CONDITIONS.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY

Michael J. Spear

TITLE

MANAGER, CALIF/NEVADA OPERATIONS OFFICE

DATE

11/22/00

U.S. FISH AND WILDLIFE SERVICE, SACRAMENTO, CALIFORNIA  
SPECIAL TERMS AND CONDITIONS FOR TE034927-0

- D. All sections of Title 50 Code of Federal Regulations, parts 13, 17.22, and 17.32 are conditions of this permit (Attachments 1).
- E. This permit is not effective until all of the parties have signed the Implementing Agreement.
- F. The authorization granted by this permit is subject to compliance with, and implementation of the Clark County Multiple Species Habitat Conservation Plan (MSHCP), and executed Implementing Agreement, both of which are hereby incorporated into the permit.
- G. The Permittees (Clark County, the cities of Las Vegas, North Las Vegas, Henderson, Boulder city, and Mesquite, and the Nevada Department of Transportation), and agents designated by the Permittees are authorized to take 78 species on the attached list of "Covered Species Subject to Incidental Take" to the extent that take of these species would otherwise be prohibited under section 9 of the Endangered Species Act of 1973, as amended (Act), and its implementing regulations, or pursuant to a rule promulgated under section 4(d) of the Act. For each Covered Species Subject to Incidental Take which is not listed as threatened or endangered under the Act, the section 10(a) permit will become effective with respect to such species concurrent with the listing of the species to the extent that their take is prohibited by the Act. Take must be incidental to otherwise lawful activities as described in the MSHCP, and as conditioned herein. The amount and nature of the take (e.g., harassment, or harm due to habitat loss) is described in the MSHCP for each species and clarified in permit conditions J and K for certain species.
- H. The Permittees shall carry out the minimization, mitigation, and monitoring measures specified in section 2.8 of the MSHCP, and as otherwise stated under the IA. Unless specifically modified by the MSHCP, the minimization, mitigation, and monitoring stated in sections 3C and 3D of the Clark County Desert Conservation Plan (DCP) (Permit PRT 801045) are incorporated by reference and shall remain in effect as written unless later modified through the MSHCP, its adaptive management program, or the Implementation Plan and Budget process.
- I. The Permittees shall ensure that a science-based Adaptive Management Process (AMP) is developed and implemented as specified in the MSHCP and IA. A Memorandum of Agreement will be developed within 9 months of the issuance of the permit among the signatories to the IA conducting conservation actions funded under the MSHCP, and Clark County, to ensure that any management or conservation action that may potentially affect the Covered Species are reviewed by AMP for their effectiveness in the conservation of the species and their habitats.

PERMIT CONDITIONS FOR TE034927-0, cont'd.

J. The Permittees, in cooperation with the AMP contractor and the Service, shall participate with the land management agencies in development and/or revision of conservation management plans that identify the management and monitoring actions needed for the following areas or Covered Species:

1. Low Elevation Uplands: a) Piute Eldorado Desert Wildlife Management Area (DWMA), b) Coyote Springs Valley DWMA, c) Mormon Mesa DWMA, d) Gold Butte DWMA, and e) catclaw habitats;
2. Desert Riparian Habitats: a) Muddy River riparian habitat, b) Virgin River riparian habitat, and c) Meadow Valley Wash riparian habitat;
3. Low Elevation Springs: a) amphibian and aquatic snail species and b) bats;
4. Low Elevation Plant Species.

The prioritization and schedule for completion of the management plans will be developed within 6 months of permit issuance.

K. The following conditions apply to covered avian species listed in section 2.1.6 of the MSHCP:

1. Take, with the exception of Peregrine falcon (*Falco peregrinus anatum*) and phainopela (*Phainopepla nitens*), under this permit is conditioned upon the acquisition of private lands in desert riparian habitats along the Muddy and Virgin rivers, and Meadow Valley Wash. The total number and location of acres to be acquired within each watershed will be identified in the conservation management plan (I.2 above) through the AMP and agreed to by the Permittees, the land management agencies, and the Service.
2. No lethal take is authorized. Take of active nests is not permitted at any time.
3. This section 10(a) permit also constitutes a Special Purpose Permit under 50 CFR 21.27 for the take of those Covered Species Subject to Incidental Take which are listed as threatened or endangered under the Act, and which are also protected under the MBTA. Such Special Purpose Permit shall be valid for a period of 3 years from the effective date, provided the section 10(a) permit remains in effect for such period. Such Special Purpose Permit shall be renewed, provided that the Permittees and MSHCP Participants continue to fulfill their obligations under the MSHCP and IA. Each such renewal shall be valid for the maximum period of time allowed by 50 CFR 21.27 or its successor at the time of renewal.

PERMIT CONDITIONS FOR TE034927-0, cont'd.

L. Special restrictions apply to wetland species:

Incidental take of Covered Species due to mortality or habitat loss within U.S. Army Corps of Engineer's (Corps) jurisdictional wetlands is not authorized by this incidental take permit. Incidental take authorization for projects that affect such jurisdictional wetlands shall be authorized through future Section 7 consultations between the Service and the Corps under the Act, pursuant to section 404 of the Clean Water Act. Incidental take of wetland associated or dependent species outside of jurisdictional wetlands will be in accordance with the MSHCP and the IA.

M. Tortoise Translocation Program and other Handling Programs. The Permittees shall continue the desert tortoise translocation developed and implemented under the DCP, and described in section 2.8.3.8 of the MSHCP, for so long as desert tortoise translocation is in effect. On an annual basis, the Permittees must request, in writing, authorization for handling and moving tortoises under this program. Individuals who handle desert tortoises in association with the translocation program or other programs permitted under the MSHCP (as described in section 2.8 of the MSHCP) must be authorized in writing by the Service or be under the direct on-site supervision of authorized personnel. The Permittees will be responsible for quarterly inspection of the fence around the translocation site. In addition, during the tortoise active season (March 1 to October 31), fence inspection will be conducted within 72 hours of a major precipitation event (any rain event that would cause water to flow across the landscape causing soil erosion) and within 10 days during the desert tortoise inactive season (November 1 to February 28). All breaches shall be corrected within 72 hours during the active season and within 10 days during the inactive season.

N. Highway and Road Fencing. The Permittees will continue to retrofit, repair, and construct desert tortoise proof fencing along highways and roads within Clark County in accordance with section 2.8.3.7 of the MSHCP. Each biennial budget shall include the location, number of miles, and dollars allocated to fencing during the next biennium. The Permittees shall be responsible for quarterly inspection and repairs of the highway and road fences in accordance with the provisions identified in item L above when breaches are found.

O. Coyote Springs Valley. Pursuant to this permit only those conditions carried forward from the DCP for the take of desert tortoise will apply to the properties identified in the DCP and MSHCP as Aerojet, which is located in the Coyote Springs Valley.

P. Boulder City Conservation Easement. The Permittees shall ensure that any future development or use of the 85,000-acre conservation easement be consistent with the goals outlined in the DCP which are to protect and manage the desert tortoise and its habitat. Furthermore, the Permittees shall take measures necessary to ensure maintenance in

PERMIT CONDITIONS FOR TE034927-0, cont'd.

perpetuity, of connectivity for desert tortoise and other Covered Species, within the Boulder City Conservation Easement, including an adequate North-South corridor for the desert tortoise, as determined through the AMP.

Q. Monitoring and enforcement:

The Permittees must ensure that Service personnel are given appropriate access (as defined under 50-CFR 13.21(e)(2)) to monitor the Covered Species Subject to Incidental Take within the MSHCP planning area in perpetuity.

1. The Permittees must ensure that the Service's Southern Nevada Field Office (1510 North Decatur Boulevard, Las Vegas, Nevada, 89108, telephone 702-647-5230) or the Nevada Fish and Wildlife Office (1340 Financial Boulevard, Suite 234, Reno, Nevada 89502, telephone 775-861-6300) is contacted immediately regarding any violations of the MSHCP or this permit.
2. Upon finding dead, injured, or sick Covered Species associated with activities authorized under the Incidental Take Permit, the Permittees or designated agents must notify the Fish and Wildlife Service's Division of Law Enforcement at (702) 388-6380 within 5 working days.

R. All reporting for this permit shall be in compliance with sections 2.12.1 and 2.12.2 of the MSHCP. In addition, copies of all reports shall be submitted to the Field Supervisor, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502, and to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, 911 Northeast 11<sup>th</sup> Avenue, Portland, Oregon 97232.

S. A copy of this permit must be on file with each of the Permittees. Please refer to the permit number in all correspondence and reports concerning permit activities. Any questions you may have about this permit should be directed to the Field Supervisor, Nevada Fish and Wildlife Office, at 775-861-6300.

PERMIT CONDITIONS FOR TE034927-0, cont'd.

Fish and Wildlife Service Permit TE034927-0  
Covered Species Subject to Incidental Take

Reptiles and Amphibians

1. Desert tortoise, *Gopherus agassizii*
2. Glossy snake, *Arizona elegans*
3. Banded gecko, *Coleonyx variegatus*
4. Sidewinder, *Crotalus cerastes*
5. Speckled rattlesnake, *Crotalus mitchelli*
6. Mojave green rattlesnake, *Crotalus scutulatus scutulatus*
7. Great Basin collared lizard, *Crotaphytus insularis bicintores*
8. Desert iguana, *Dipsosaurus dorsalis*
9. Western red-tailed skink, *Eumeces gilberti rubricaudatus*
10. Large-spotted leopard lizard, *Gambelia wislizenii wislizenii*
11. California (common) king snake, *Lampropeltis getula californiae*
12. Western leaf-nosed snake, *Phyllorhynchus decurtatus*
13. Western long-nosed snake, *Rhinocheilus lecontei lecontei*
14. Sonoran lyre snake, *Trimorphodon biscutatus lambda*
15. Relict-leopard frog, *Rana onca*

Birds

16. Southwestern willow flycatcher, *Empidonax traillii extimus*
17. American peregrine falcon, *Falco peregrinus anatum*
18. Yellow-billed cuckoo, *Coccyzus americanus*
19. Blue grosbeak, *Guiraca caerulea*
20. Phainopepla, *Phainopepla nitens*
21. Summer tanager, *Piranga rubra*
22. Vermillion flycatcher, *Pyrocephalus rubinus*
23. Arizona Bell's vireo, *Vireo bellii arizoniae*

Mammals

24. Silver-haired bat, *Lasionycteris noctivagans*
25. Long-eared myotis, *Myotis evotis*
26. Long-legged myotis, *Myotis volans*
27. Palmer's chipmunk, *Tamias palmeri*



PERMIT CONDITIONS FOR TE034927-0, cont'd.

Insects

28. Spring Mountains acastus checkerspot, *Chlosyne acastus robusta*
29. Dark blue butterfly, *Euphilotes enoptes purpurea*
30. Morland's checkerspot butterfly, *Euphydryas anicia morandi*
31. Spring Mountains comma skipper, *Hesperia comma mojavensis*
32. Spring Mountains icarioides blue, *Icaricia icarioides austinatorum*
33. Mt. Charleston blue butterfly, *Icaricia shasta charlestonensis*
34. Nevada admiral, *Limenitus weidemeyerii nevadae*
35. Carole's silverspot butterfly, *Speyeria zerene carolae*

Crustaceans

36. Spring Mountains springsnail, *Pyrgulopsis deaconi*
37. Southeast Nevada springsnail, *Pyrgulopsis turbatrix*

Plants

38. Blue Diamond cholla, *Opuntia whipplei* var. *multigeniculata*
39. Rough angelica, *Angelica scabrida*
40. Sticky ringstem, *Anulocaulis leisolenus*
41. Charleston pussytoes, *Antennaria soliceps*
42. Las Vegas bearpoppy, *Arctomecon californica*
43. White bearpoppy, *Arctomecon merriamii*
44. Rosy King sandwort, *Arenaria kingii* ssp. *rosea*
45. Clokey milkvetch, *Astragalus aequalis*
46. Threecorner milkvetch, *Astragalus geyeri* var. *triquetrus*
47. Clokey eggvetch, *Astragalus oophorus* var. *clokeyanus*
48. Spring Mountain milkvetch, *Astragalus remotus*
49. Alkali mariposa lily, *Calochortus striatus*
50. Clokey paintbrush, *Castilleja martinii* var. *clokeyi*
51. Clokey thistle, *Cirsium clokeyi*
52. Jaeger whitlowgrass, *Draba jaegeri*
53. Charleston draba, *Draba paucifructa*
54. Inch high flebane, *Erigeron uncialis* ssp. *conjugans*
55. Forked buckwheat, *Eriogonum bifurcatum*
56. Sticky buckwheat, *Eriogonum viscidulum*
57. Clokey greasebush, *Glossopetalon clokeyi*
58. Smooth pungent greasebush, *Glossopetalon pungens* var. *glabra*
59. Pungent dwarf greasebush, *Glossopetalon pungens* var. *pungens*
60. Red Rock Canyon aster, *Ionactis caelestis*
61. Hidden ivesia, *Ivesia cryptocaulis*



PERMIT CONDITIONS FOR TE034927-0, cont'd.

62. Jaegar ivesia, *Ivesia jaegeri*
63. Hitchcock bladderpod, *Lesquerella hitchcockii*
64. Charleston pinewood lousewort, *Pedicularis semibarbata* var. *charlestonensis*
65. White-margined beardtongue, *Penstemon albomarginatus*
66. Charleston beardtongue, *Penstemon leiophyllus* var. *keckii*
67. Jaegar beartongue, *Penstemon thompsoneae* var. *jaegeri*
68. Parish's phacelia, *Phacelia parishii*
69. Clokey mountain sage, *Salvia dorrii* var. *clokeyi*
70. Clokey catchfly, *Silene clokeyi*
71. Charleston tansy, *Sphaeromeria compacta*
72. Charleston kittentails, *Synthyris ranunculina*
73. Charleston grounddaisy, *Townsendia jonesii* var. *tumulosa*
74. Limestone violet, *Viola purpurea* var. *charlestonensis*
75. *Anacolia menziesii*
76. *Claopodium whippleanum*
77. *Dicranowisia crispula*
78. *Syntrichia princeps*