

# What is Take?

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Section 9 of the Endangered Species Act (ESA), and federal regulations issued pursuant to section 4(d) of the ESA, prohibit take of endangered and threatened wildlife.

**Take** is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct of listed species of fish and wildlife.

**Harm** is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering (50 CFR § 17.3).

**Harass** is defined as actions that create the likelihood of injury to listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering (50 CFR § 17.3).

**Incidental take** is any take of listed animal species that results from, but is not the purpose of, carrying out an otherwise lawful activity conducted by the federal agency or the applicants. Under the terms of Sections 7(b)(4) and 7(o)(2) of the ESA, taking that is incidental to, and not intended as part of the agency action, is not considered a prohibited taking provided that such taking is in compliance with this incidental take statement.

## What is an Incidental Take Permit?

The ESA protects endangered and threatened species of wildlife and plants. An Incidental Take Permit is required when non-federal activities will result in take of threatened or endangered wildlife. Without a permit, it is unlawful to take listed wildlife species.

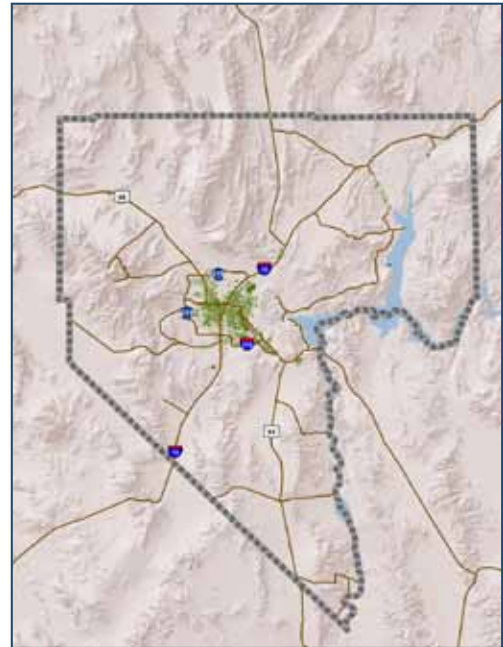
## Take Authorization under the Current MSHCP

The MSHCP Section 10(a)(1)(B) Incidental Take Permit authorizes incidental take of the 78 covered species included in the MSHCP, on non-federal lands up to a total maximum of 145,000 acres. This take is authorized for a period of 30 years, effective on January 9, 2001.

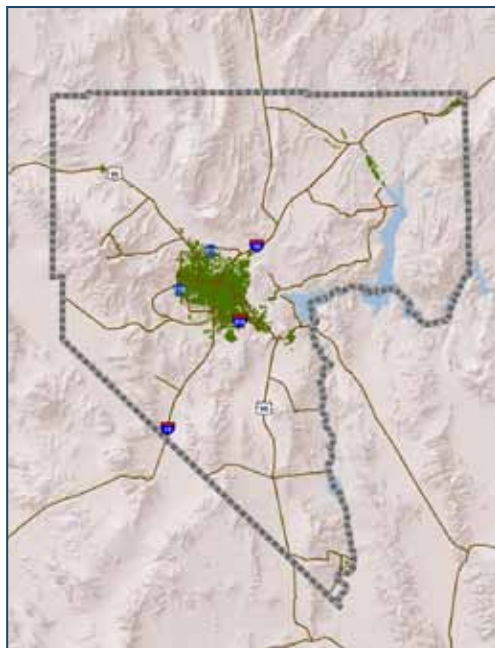
In 2001, developed land in Clark County totaled approximately 204,252 acres. Since the Section 10(a)(1)(B) permit was issued, approximately 77,730 acres of non-federal land disturbance has been reported to the Desert Conservation Program (DCP). This means that more than 53 percent of all take authorized under the plan was expended in only eight years (or approximately one quarter of the term of the permit).



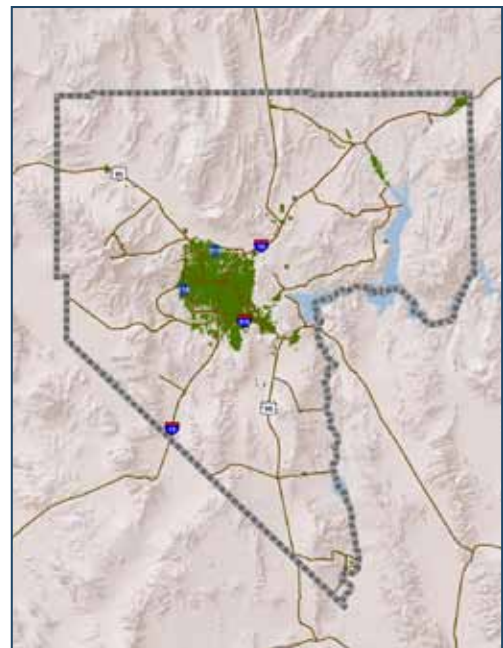
Clark County Development in 1950  
 Acres Developed: 6,126  
 Population: 48,589



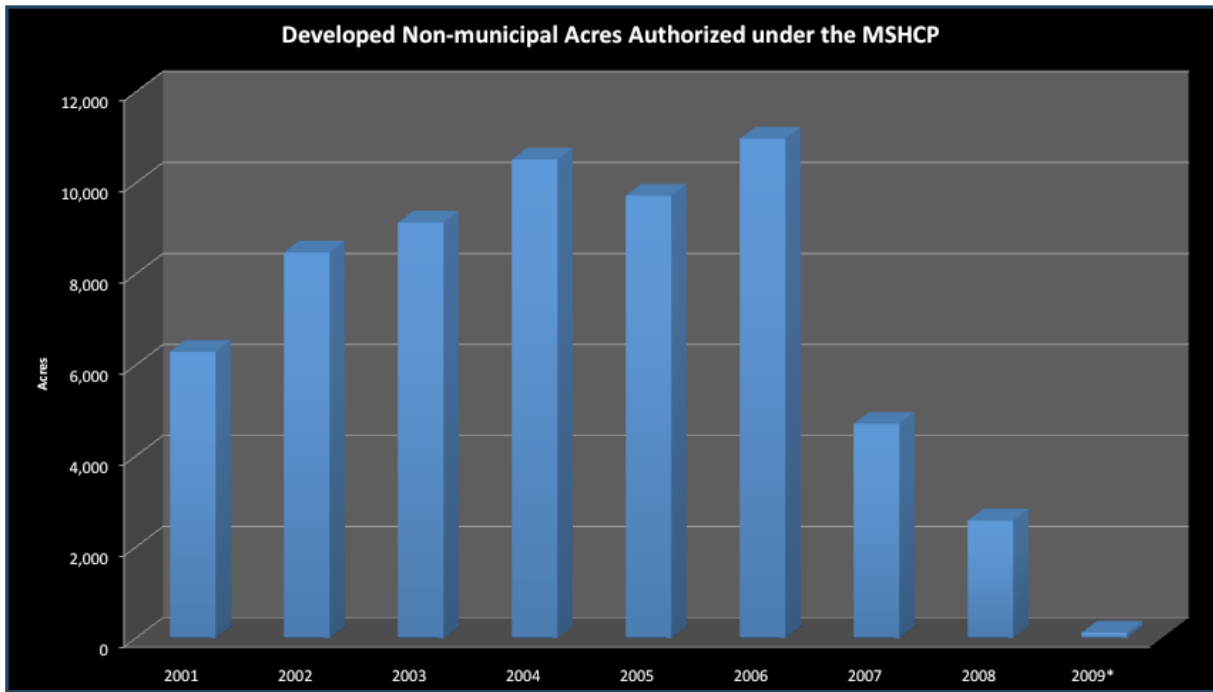
Clark County Development in 1990  
 Acres Developed: 68,798  
 Population: 797,099



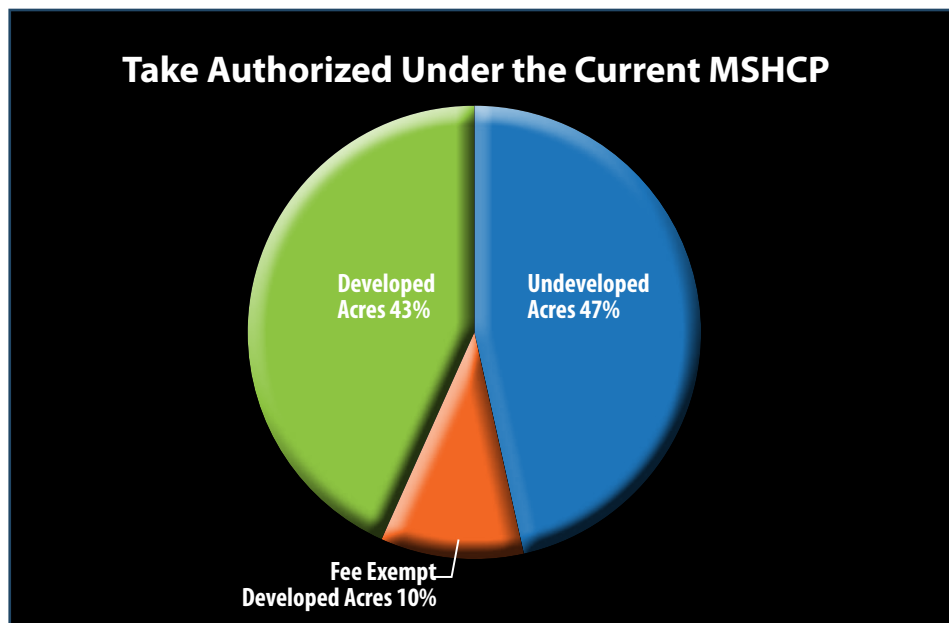
Clark County Development in 2001  
 Acres Developed: 204,252  
 Population: 1,509,169



Clark County Development in 2008  
 Acres Developed: 279,085  
 Population: 1,986,146

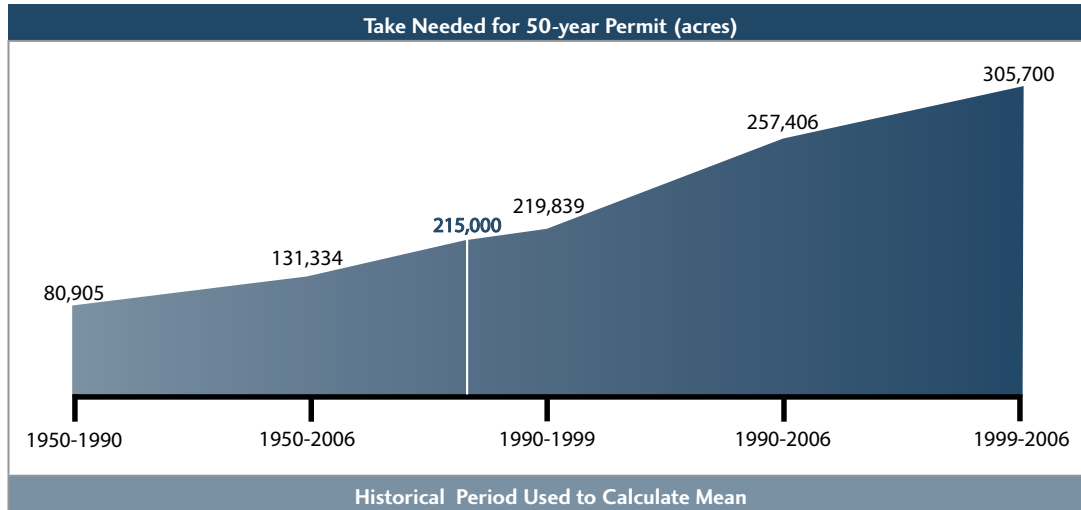


\*Partial data



## Projecting Future Take

Future development is very difficult to predict with any degree of accuracy. Through time, Clark County has experienced several cycles of rapid development and slow development. When projecting the mean growth rate for the County during different time ranges, the projected acres of development for a 50-year time period can be highly variable, as shown in the figure below.



For projecting the acres of development that might occur over the proposed 50-year term of an amended MSHCP and Section 10(a)(1)(B) permit, planners from each jurisdiction within Clark County were asked to predict the acres of land that were likely to be developed during this period. Based on the analysis, the permittees will be requesting authorization for the take of an additional 215,000 acres in the amended Incidental Take Permit.

## Why is additional take authorization needed?

Incidental take under the current permit dramatically outpaced projections through the first eight years of implementation. As a result, more than 50 percent of the take authorized for the 30-year permit was exhausted in less than eight years. The Permittees are requesting additional take authorization to fully cover the amount of vacant land in Clark County that is potentially available for development in the next 50 years but not covered under the current permit.

## Requested Take Relative to Conserved Lands and Potential Desert Tortoise Habitat

Based on a recently published model developed by the U.S. Geological Survey, the Permittees estimate that 215,000 acres represents roughly one percent of potential desert tortoise habitat across its range and roughly four percent of land in Clark County. It is important to note that the U.S. Geological Survey model does not assume that all of this habitat is actually occupied and it does not factor in anthropogenic impacts to the habitat from such things as fire, OHV use and urbanization. As part of the impacts analysis, the USFWS will consider the quality of the habitat and how well it functions in conserving the tortoise, as well as the quantity of habitat available to the tortoise.

Within Clark County, there are approximately 2.9 million acres of conserved lands managed primarily for natural resource conservation by the federal government. While not all of this conserved land is desert tortoise habitat, roughly 1.2 million acres is critical habitat designated specifically for desert tortoise in Clark County. Critical habitat designations are mandated by the ESA to ensure the conservation of listed species. The impacts analysis to be completed in the EIS will address not only the impacts to desert tortoise and other covered species from the disturbance of 215,000 acres in Clark County, but it will also evaluate the indirect and cumulative impacts of the take for the range of environmental factors that may be impacted by the proposed take, including impacts to narrow endemic species as well as the potential impacts of climate change over the life of the permit.