

**The Southeastern Lincoln County Habitat Conservation Plan  
Land Disturbance/Mitigation Fees**

**Frequently Asked Questions**

***Q What is the Southeastern Lincoln County Habitat Conservation Plan (SLCHCP)?***

**A.** The Southeastern Lincoln County Habitat Conservation Plan, commonly referred to as the SLCHCP, is a planning document which specifies steps to ensure that the habitat is maintained for endangered and threatened species.

***Q What species are covered by the SLCHCP?***

**A.** The threatened Desert Tortoise and the Endangered Southwestern Willow Flycatcher are species covered by the SLCHCP, are listed under Section 10(a) (1) (B), the *Incidental Take* provision, of the Endangered Species Act (ESA).

***Q What areas in Lincoln County require mitigation permits?***

**A** Section 10(a) (1) (B) incidental take permit covers all non-federal (private, municipal, State) lands within Lincoln County south of the 38th parallel and below 5,000 feet in elevation. (See Figures 1 through 5).

***Q Why does Lincoln County need to comply with the SLCHCP?***

**A.** Lincoln County must prepare a SLCHCP to comply with the federal Endangered Species Act (ESA). Two species are potentially impacted by development in Lincoln County: the *Threatened Desert Tortoise* and the *Endangered Southwestern Willow Flycatcher*.

***Q: How are the fees spent?***

**A.** The funds collected are used to implement the SLCHCP. It should be noted that external funding sources may also be employed to augment the section 10 funds. External sources currently include Section 7 funds and Southern Nevada Public Lands Management Act funds.

***Q How much are the fees for land disturbance mitigation?***

**A** For development in critical Desert Tortoise habitat a \$550 per acre fee, and any portion thereof, is assessed for any development south of the northernmost point of any critical habitat. \$250 is assessed per acre, or any portion thereof, for any development north of that point (See Figure 2).

For development in the endangered Southwestern Willow Flycatcher habitat any land disturbing activity associated with existing Flycatcher habitat, other than on-going agricultural practices, a habitat mitigation fee is assessed of \$12,000 per acre, or any portion.

***Q: Are there other fees that need to be paid?***

A. An administrative fee of \$50.00 will also be assessed for the processing of building/grading permits associated with the disturbance of desert tortoise or southwestern willow flycatcher habitat.

***Q: Where do I pay the fees?***

A. Fees are to be paid at the **Lincoln County Building Department, 181 North Main Street, Suite 111**. Our Mailing Address is:

**P.O. Box 307**

**Pioche, NV 89043**

**Fax: 775-962-5877**

**Telephone: 775-962-5167**

***Q How do I obtain a refund?***

In the event a project is cancelled or if fees were collected previously, a form can be completed to obtain funds already paid.

**Other Important Terms**

***Q What does the term “Take” mean?***

A. ‘Take’ means shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct” (16 U.S.C. 1532(19)).and is prohibited under Section 9 of the ESA.

***Q What is an “Incidental Take”Permit?***

A An *Incidental Take Permit*, however, is issued by the U.S. Fish and Wildlife Service pursuant to Section 10(a)(1)(B) of the FESA. The permit authorizes the “take” (see above) of protected species that may be incidental to, but not the purpose of, otherwise lawful activities. An *Incidental Take Permit* exempts a permittee from the “take prohibition” of Section 9 of the Endangered Species Act, the mandatory component of an incidental take permit application. The provisions of the SLCHCP ensure that an authorized take will be adequately minimized and mitigated.