

LINCOLN COUNTY HABITAT CONSERVATION PROGRAM BACKGROUND AND OBJECTIVES

LINCOLN COUNTY RESPONSIBILITIES. Lincoln County is responsible for compliance with the federal Endangered Species Act (ESA), and for implementing the *South East Lincoln County Habitat Conservation Plan* (SLCHCP). Specifically, Lincoln County must adhere to Section 10(a)(1)(B) of the ESA (The Incidental Take Permit provision).

THE SLCHP: The SLCHCP is designed to ensure the survivability of vulnerable species in Lincoln County. Actions pursued include research, habitat restoration, public information and education, and species protection.

The SLCHCP was developed to achieve a balance between:

- The long-term conservation and recovery of the diversity of natural habitats and native species of plants and animals (known as "Covered Species") present in the southeastern of Lincoln County; and
- The orderly growth and development in southeastern Lincoln County, while protecting species specified in the Endangered Species Act (ESA).

The land in Lincoln County covered by the SLCHCP includes all non-Federal lands (private, municipal, State) south of the 38th parallel and below 5,000 feet in elevation. (See the Maps link).

The SLCHCP ensures that the effects of a "taking," (the shooting, killing, capturing, collecting among others) of ESA-listed species will be minimal and any impacts mitigated. A collateral objective is to ensure that the *incidental take* (the "take" of protected species accompanying, but not the purpose of, otherwise lawful activities) of protected species will not reduce the likelihood of the survival and recovery of the listed species.

COVERED SPECIES AND HABITAT: Species covered in Lincoln County under the ESA include the **Desert Tortoise** (*Gopherus agassizii*) and the **Southwestern Willow Flycatcher** (*Empidonax traillii extimus*).

Habitat for covered species are incorporated within a number of ecosystem categories including: alpine, bristlecone pine, mixed conifer, piñon-juniper, sagebrush, black brush, salt desert scrub, Mojave desert scrub, mesquite/catclaw, and desert aquatic/riparian. These are illustrated on Figure __.

COVERED AREA: The Covered Area includes 1,780,140 acres within the southeastern portion of Lincoln County, Nevada. Covered Species, it should be noted, may also be present on federal lands administered by the BLM outside the Covered Area. The non-federal lands on which "incidental take" (described below) may occur include lands listed on page 1-5 of Volume 2 of the SLCHCP (Figure __), as well as non-federal lands adjacent to Clover Creek, Meadow Valley Wash, and their tributaries.

INCIDENTAL TAKE PERMITS: An Incidental Take Permit (ITP or permit) is issued by the U.S. Fish and Wildlife Service. The SLCHCP has been developed as a mandatory component of the application package for three ITP's under Section 10(a)(1)(B) of the ESA. The applicants are Lincoln County (permittee), City of Caliente (permittee), and Union Pacific Railroad (permittee).

An ITP exempts a permittee from the "take prohibition" of Section 9 of the Endangered Species Act. This would authorize the "take" of Desert Tortoise (*Gopherus agassizii*) and Southwestern Willow Flycatcher (*Empidonax traillii extimus*), the Covered Species noted, by each of the above permittees.

Developers of residential, commercial, and industrial property would be covered under Lincoln County's permit. Private landowners along the Meadow Valley Wash and Clover Creek who want to participate in the SLCHCP could "opt in" by signing a participation agreement provided by Lincoln County. Private landowners who "opt in" would also be covered under the permit issued to Lincoln County.

Prior to development on private property in Lincoln County, a developer must obtain a grading or building permit from the Planning Department. The Department of Building and Planning will collect a mitigation fee of either \$250 or \$550 per acre from the developer (location specific), if one has not previously been paid. This is a one-time fee and funds the Lincoln County Habitat Conservation Program. (there are also provisions for refund of funds, if applicable).

ACTIONS REQUIRING THE NEED FOR A PERMIT. The actions that trigger a need to apply for separate incidental take permits are an applicant's proposal to either develop land within Southeastern Lincoln County. The permits would authorize the take of Desert Tortoise (*Gopherus agassizii*) and the Southwestern Willow Flycatcher (*Empidonax trailii extimus*).

EXAMPLES OF ACTIVITIES REQUIRING PERMITS: Activities requiring permits could include land use conversion from agriculture or grazing to urban development, flood control activities (within the City of Caliente), the maintenance of Lincoln County roads and right-of-ways, UPRR activities, and/or the conversion of grazing land to irrigated/cultivated agricultural land. These, of course, are exemplary. A developer should contact Lincoln County officials to determine requirements. The proposed length of time for the permit would be 30 years.

Permits are required, it should be noted, because the incidental take of a listed species, noted previously, could occur during proposed land development activities.

THE WEBSITE: The website includes the following:

- **Documents** including the Southeastern Lincoln County Habitat Conservation Plan (SLCHCP) Environmental Impact Statements (EIS) and the SLCHCP.
- **Forms** including the _____ and ancillary information such as Frequently Asked Questions (FAQ) and refund forms. The applications may be completed on the Internet.
- **Maps** including fee mitigation areas, Desert Tortoise and Southwestern Willow Flycatcher habitat areas and the "Covered" area.

OTHER RELEVANT INFORMATION:

DESERT TORTOISE HANDLING PROCEDURES: The proper handling of Desert Tortoises encountered should also be described. As long as developers secure proper permits prior to development, they are not required to remove tortoises prior to disturbing land. Tortoise removal is voluntary. However, a tortoise must never be intentionally killed or harmed. If developers wish to remove tortoises prior to

disturbing land, they should call 775-xxx-xxxx for information on agencies authorized to remove tortoises from development sites.

If a tortoise is removed from a development site, it must be handled in a humane manner. This includes preventing death from overheating by immediately placing it in a cool place. A dark box with a ventilated lid is suitable. The tortoise must then be turned over to the Tortoise Pick-up service. Call 775-xxx-xxxx and a representative will pick up the tortoise. No tortoise may be removed for personal use.

THE ENDANGERED SPECIES ACT - Since August 4, 1989, wild Desert Tortoises have been protected under the Endangered Species Act. No taking is allowed without a special permit. Take means to harass, harm, pursue, hunt, shoot, wound, kill, capture, or collect an animal. The United States Fish and Wildlife Service listed the species following a lawsuit filed by environmental groups. Some factors responsible for the decline of tortoise populations are: illegal collection, vandalism, disease, release of captive tortoises and spread of disease, agricultural development, urban growth, landfills, livestock grazing, road construction, and irresponsible off-road travel.

PUBLIC INFORMATION AND EDUCATION - An essential component of the SLCHCP is a Public Information program. Public information efforts will focus on three themes: 1. Informing people of the terms of the Lincoln County permit, 2. Encouraging people to respect, protect, and enjoy the desert, and 3. Increasing public understanding of the value of Lincoln County's natural ecosystems.