

# FRONT PAGE

# Tortoise delays building one year

□ Construction stopped by the endangered animal will stay on hold until January of 1991 at the soonest.

By Caryn Shetterly  
Review-Journal

Construction on Las Vegas projects halted in August by the endangered desert tortoise will not resume for at least another year — and that deadline is optimistic, a committee learned Monday.

According to a schedule presented by an ecologist to the Clark County desert

tortoise steering committee, the federal permit needed to allow construction to begin again cannot be obtained until January 1991.

The permit would provide for removal of tortoises for research from some urban areas of the Las Vegas Valley in exchange for continued development.

The date could slip depending on how long the U.S. Fish and Wildlife Service takes to grant the permit — if at all. The service has 90 days to respond to a permit application, which Clark County intends to file in April. But the service can extend the response time another 90 days if it sees fit.

"We need to be creative in how we interpret these deadlines," said Paul Fromer, an ecologist with Regional Environmental Consultants, the San Diego firm that will write an Environmental Impact Statement on the proposed plan.

Recent discussions have indicated that Fish and Wildlife is willing to cede some desert tortoise habitat to development. The federal agency has already started discussions with some local developers, including Summa Corp., to allow continued building before the permit process is completed in order to settle a lawsuit filed by builders against the Department of the Interior.

The 1991 date, a seemingly distant one, is earlier than originally anticipated by private developers and government officials, who had thought they would be waiting at least two years for construction of housing, flood control and water distribution projects.

Terry Murphy, representative for the 750-member Southern Nevada Homebuilders Association, was pleased with, but wary of, the new deadline.

"I would be thrilled to death if we were granted an incidental take permit by January 1991, but the preliminary discussions I've had indicate it would be 12

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## Tortoise

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months after that," Murphy said. "I'm not trying to push the issue, but I represent a large group of people."

Paul Selzer, a Palm Springs, Calif., attorney hired by Clark County to pull together the habitat conservation plan, told the 25-member steering committee that without the permit, developers could be waiting as long as five years to get projects going again.

Part of the new plan includes designating desert tortoise preserves in Clark County where dense populations of the reptile already exist, and asking the U.S. Fish and Wildlife Service to allow construction in all areas outside the preserves.

Research into the effects on desert tortoises of urbanization, grazing and off-road vehicle use would continue for several years beyond the permit process, and the steering committee would work for at least three more years on a tortoise habitat conservation plan for the county.

Construction in the Las Vegas Valley was essentially stopped Aug. 4 after the Fish and Wildlife Service placed the Mojave desert tortoise on the Endangered Species List. Some projects under way before the designation were allowed to continue.

Homebuilders have said the delays in resuming construction could increase the cost of housing considerably.

Federal law prohibits moving, harassing or killing an endangered species without special permits.

The steering committee also discussed including threatened species in the habitat conservation plan. Preparing for future endangered species listings will preclude the need to write separate conservation plans, committee members agreed.

The Fish and Wildlife Service has compiled a list of 47 threatened plants and animals in Southern Nevada, and the state Department of Wildlife will push next year for protection of the phainopepla, a native Nevada black bird that lives among the mesquite bushes of the state, said Bob Turner, chief biologist for the agency.

The threatened status is a step below endangered.