desert conservation
PROGRAM
respect, protect and enjoy our desert!

Community Advisory Committee

Regional Transportation Commission Building, Room 108
600 South Grand Central Parkway, Las Vegas, Nevada 89155

Meeting Summary for March 16, 2009

Meeting Summary

Community Advisory Committee Meeting Two, March 16, 2009, 2:30 p.m.
Regional Transportation Commission Building, Room #108

The following pages contain a summary of the presentations and discussions from the Desert Conservation Program Community Advisory Committee (CAC) Meeting of March 16, 2009. These pages, together with the presentation slides and handouts, constitute the meeting record.

Meeting Two Agenda

1. Welcome and Introductions
2. Introduction to the MSHCP and the Permit Amendment Project
3. Program Management Analysis
4. Public Comment
5. Wrap Up and Closing
6. Adjourn

Appendix A-Meeting One Agenda
Appendix B-MSHCP Overview Presentation
Appendix C-Program Management Analysis Presentation

2. Welcome and Introductions

The meeting of the DCP Community Advisory Committee was called to order at 2:30 p.m. in the Regional Transportation Commission building, Room 108, Clark County, Nevada. Staff confirmed the meeting had been noticed in accordance with the Nevada Open Meeting Law and was able to proceed.

Committee Members Present

1. Gary Clinard, Off Highway Vehicles
2. Jane Feldman, Environmental/Conservation
3. Allan Spooner, Business/Small Business
4. Mike Ford, Mesquite
5. Stan Hardy, Rural Community
6. Paul Larsen, Business/Small Business
7. Terry Murphy, Developer/Homebuilder
8. Joe Pantuso, Developer/Homebuilder
9. Ann Schreiber, Senior
10. Marcia Turner, Education
11. Mindy Unger-Wadkins, Henderson
12. Tom Warden, Las Vegas

Committee Members Absent or Excused

1. Dave Garbarino, Union
2. Jim Rathbun, Education
3. Victor Caron, North Las Vegas
4. Patrick Foley, Banking/Finance
5. Bryan Nix, Bouler City
6. Darren Wilson, Nevada Taxpayers Assoc.
7. Matt Heinhold, Gaming
8. Scott Rutledge, Environmental/Conservation
9. Tribal Representative

Staff in Attendance

1. Jodi Bechtel
2. Marci Henson
3. Catherine Jorgenson
4. Ann Magliere
5. John Tennert

Others in Attendance

1. Brok Armantrout
2. Stephanie Bruning
3. Nancy Hall
4. Michael Johnson
5. Jeri Krueger
6. Elise McAllister
7. Carrie Ronning
8. Roddy Shepard
9. Cheng Shih
10. Ruth Nicholson, Facilitator
11. Eric Hawkins, Facilitator
12. Doug Huston, Meeting Documentation

2. Opening and Introductions

Ruth Nicholson, Lead Facilitator, called the meeting to order at 2:37 p.m. Ruth circulated the sign-in sheet and asked committee members to introduce themselves. Eric Hawkins, Co-Facilitator, circulated the public sign-in sheet and asked members of the public to introduce themselves. Following introductions, Ruth reviewed the agenda and goals for the meeting and asked committee members if they had any questions from the previous meeting.

3. Introduction to the MSHCP and Permit Amendment Project

John Tennert, Clark County Desert Conservation Program (DCP) Permit Amendment Project Manager, continued his presentation from February 26, 2009 reviewing key highlights from the previous meeting. Based on questions raised during the last meeting, John provided additional information regarding program expenditures. He reminded the group that the program was required to spend approximately $26 million at this point in implementation based on the formula outlined in the MSHCP. However, because of the rapid rate of growth during the early years of implementation and the unanticipated amount of funding available from the Southern Nevada Public Lands Management Act (SNPLMA), the DCP had actually been able to spend/budgeted for expenditure more than $77 million through 2011. John then provided information regarding how these expenditures and budgets were not uniform over time, but rather closely mirrored the growth pattern in the Las Vegas Valley. As growth in the Clark County has declined so have overall program budgets.

Jane Feldman, Environmental/Conservation, asked for a breakdown of SNPLMA and Section 10 (mitigation fee) funding over the previous two biennial budgets. Marci Henson, DCP Plan Administrator, reported that the 2007-2009 budget contained $1.9 million in SNPLMA funds and $4.6 million in Section 10 funds, and that the 2009-2011 budget was funded entirely through Section 10.

Gary Clinard asked about the relationship between expenditures and revenue during the previous meeting. Specifically, he wanted to know if spending would decrease now as a result of the decrease in revenue. John described how the planned program expenditures correlated with the decrease in overall development in the community. However, since the program has been able to access SNPLMA funds, it has been able to maintain the endowment, noting that the current balance was roughly $57 million, not counting the funds remaining to be collected for the 67,000 acres remaining under the existing permit. Mindy Unger-Wadkins, Henderson, commented that even if there will be virtually no development in the upcoming years, the current balance of the endowment appears sufficient to sustain the program for the next few years.

John continued his presentation by providing a brief overview of the Program Management Analysis (PMA). One of the principle findings of the PMA was that as the DCP shifted from development of the MSHCP to implementation, the structure of the program did not allow for an adaptation. In addition, the PMA identified substantial conflict of interest associated with implementation of the MSHCP and expenditure of public funding, violations of the Nevada Open Meeting law and a lack of clarity regarding chains of authority and responsibilities of the former advisory committee. John noted that a number of the recommendations made by the PMA could only be addressed by a permit amendment.

Based in part on the findings of the PMA, in addition to recommendations from the 2005 Growth Task Force and the 2006 DCP Advisory Committee, in June of 2007 the Clark County Board of County Commissioners (BCC) directed staff to initiate permit amendment in cooperation with the permittees.

John provided an overview of the four key goals for permit amendment:

- Address the acreage cap
- Re-evaluate the list of covered species to focus attention on those species most at risk and most directly impacted by take
- Re-evaluate covered activities and overall conservation/mitigation strategy
- Re-evaluate structure and implementation of the permit and plan.

Mindy asked if there were other programs where the individual landowners/developers were responsible for compliance activities, as opposed to being coordinated by local government. John responded that most HCPs operate on the idea that a group of permittees are responsible for mitigating for development/take on behalf of private property owners.

Stan Hardy, Rural Community, wanted to know who decides how many acres need to be mitigated for each acre of take. John replied that in principle, the decision would be based on the biological analysis of the impacts of the take. Stan then asked how many acres had been "set aside" under the current permit. John replied that the current reserve system consists of roughly 1.9 million acres of land categorized as "intensively managed areas". Jane Feldman commented that most of that land was public land and not available for development anyway. Mike Ford, Mesquite, added that in many other HCPs around the country, you are responsible for setting aside some of the land you want to develop for mitigation. In Clark County, the current mitigation strategy is based on the premise that mitigation takes place primarily on public lands and private landowners pay the mitigation fee to support those mitigation activities. Marci concurred and added that the fee was intended to fund conservation actions above and beyond what would normally be required on public lands. She explained that one of the problems with this approach was that there was no good way to determine what was minimally required and what was augmented, and as a result, no good way to identify what was mitigation on the part of the permittees and what was agency responsibility.

There was a general discussion of the various possibilities for MSHCP structure. John commented that there are a whole range of options for HCP structures, and one of the things this committee will do is explore those options.

Jane asked if non-compliance with the permit would result in a jeopardy finding by the U.S. Fish and Wildlife Service (FWS). Marci responded that not necessarily. It is possible to be out of compliance

with an incidental take permit and not put a species in imminent risk of becoming extinct. A jeopardy determination is tied to the status of the species, not the status of individual HCPs.

4. Program Management Analysis

Bill Kirchoff, Kirchoff and Associates, provided an overview of the Program Management Analysis (see Attachment C), noting that his assessment was based on a high-level overview involving document review and information provided only by staff. Bill noted overall that he was impressed with the efforts of the DCP staff. He stated that not only did Clark County implement all 61 recommendations from the analysis in some manner, the staff had implemented a number of additional improvements on its own. He noted that he thought the administrative costs of the program were within acceptably parameters, that the DCP was not an over weighted program and was one of the most business-like government entities he had seen.

Jane stated that it was meaningful for an outside consultant to compliment this program. Mike commented that he would be curious to see the feedback from people that were not interviewed such as federal agency personnel, permittees, or advisory committee members. Mindy commented that she was interested in how Clark County handled the conflicts inherent in the fact that Clark County is both a permittee and the Plan Administrator. Marci commented that there is definitely some concern about maintaining objectivity between Clark County interests and permittee interests. She also stated that making the changes called for by the Program Management Analysis was very difficult at first and the federal agencies find Clark County's business practices difficult to accommodate, although Clark County continues to work with these agencies to find better ways to meet their needs. Mike commented that it will be important to determine what role if any the federal agencies will play in the amendment process moving forward.

Allan Spooner, Business/Small Business, commented that the committee was going to need to address more fundamental questions such as how much land the program was going to need for mitigation purposes and whether it all needs to be in Clark County. Mindy agreed and the committee began a general conversation about the committee's function and purpose. Some highlights of that conversation are:

Marci commented that with respect to having the federal agencies on board, things have changed significantly since 2004. There are now performance measures in place to keep track of activities. In addition, the program ensures that the permittees and federal agencies have a good idea of where the program needs to go so that nothing will come to the CAC that the federal agencies and Clark County cannot live with.

Marcia Turner, Education, stated that her understanding of the situation was that a disposal boundary was set in the 1990s and growth has been faster than anticipated so a permit amendment is needed to expand the permit to account for this rapid growth. Clark County staff will bring various options to the committee

for their input and perspective.

John further clarified by stating that the situation boiled down to the fact that more take was needed. Mindy stated that it looked like there were also some policy changes that needed to be made as part of permit amendment. Marci stated that the committee is designed to get everyone up to a common level of understanding regarding the habitat conservation planning process, explain why an amendment was needed, have FWS explain the issuance criteria, and then the committee will work through various elements of the HCP and provide their outside perspective and recommendations for moving forward.

Alan Spooner, Business/Small Business, asked why the lands currently being managed by the federal agencies could not be counted for mitigation purposes. Marci replied that was how the current plan was managed, but the problem is that it is difficult to tell if the money paid to the agencies for conservation actions above and beyond what is normally required to manage the public lands is being used for those additional actions. Mike commented that in some cases it was not.

Terry Murphy, Developer/Homebuilder, commented that since 1.9 million acres had already been conserved, there was no need for more mitigation. Stan commented that while he recognized the need to provide mitigation for take in the Las Vegas Valley, mitigation should not be managed in a way that prohibits access for rural communities.

5. Public Comment

Nancy Hall commented that she wished Mr. Hardy were still present to hear her comment about intensively managed areas. She stated that she went on a hike on Saturday in an intensively managed area and ran into some people who had hiked the Red Rocks area and then talked to some friends who were camping in another area. She commented that it was important to ensure that intensively managed areas are still accessible to people.

6. Meeting Wrap Up and Closing

Eric reviewed the guiding principals from last meeting and asked if the committee had any questions. There were none. He asked the group if it had any additions to make to the list of guiding principals. Mindy asked if there were additional acres available in the valley for take; for example, along the strip where there was no impact from development. She suggested that anyone developing these acres would still be required to pay the mitigation fee, but no acres would need to be set aside for mitigation. Marci replied that had been discussed and this idea should be captured and discussed further. Several committee members commented that it was important to collect and codify lessons learned from this HCP. Marcia

asked if the amendment process was going to look at corridor analysis.

Gary Clinard, Off-Highway Vehicles, suggested that an analysis of past mitigation activities may need to be done to determine if they had been effective and help the committee decide whether to continue that model. Marci commented that evaluating the effectiveness of mitigation actions was one of the program's biggest challenges. Ruth informed the committee that there was a pie chart in the binder related to effectiveness data. Paul commented that it was important to maintain ease of use of the permit and the current system was very effective in this respect.

Ruth reminded the committee that the next meeting was April 15, 2009, and she reviewed the items currently scheduled for that meeting. Alan and Jane commented that they would not be at the April meeting. Eric asked the group for feedback on the meeting and there was none at that time. Ruth reviewed the process for updating the binders again.

The meeting was adjourned at 4:29 p.m.

Meeting 2 Flipcharts

16 March, 2009

Notes:

Agenda

1

- Opening and Intros
- Intro to MSHCP and Permit Amendment Project (Continued)
- Program Management Analysis
- Guiding Principles and Wrap Up
- Public Comment

Objectives

2

- Continue CAC orientation on MSHCP and Permit Amendment process
- Review the 2005 Program Management Analysis and progress to date
- Continue discussions on guiding principals

Group Discusssion

3

- How much of last two biennial budgets from SNPLMA/Section 10?
- Will future funding/spending match declining economy?
- Endowment fund will sustain despite slow growth/econonmy
- Continue to spend at least $2.4 Million
- How are we trying to mirror other HCPs?
- Who decides how much mitigation reqd per acre of take?

Group Discussion

4

- In Clark Co. owner can develop all land for which fees paid - differs from other 300-500 HCPs out there
- Amendment would help clarify which mitigation is because of take, which because of other projects (which would be done anyway)
- Clark Co. historically chose to mitigate in other areas vs. requiring developers to dedicate portion of property for mitigation
- Jeopardy about species status, not necessarily permit compliance

Meeting 2 Flipcharts

16 March, 2009

Notes:

Group Discussion 5

- Can you protect a species and provide mitigation on same piece of ground? - Not currently
- DCP entrusted w/ a lot of public funds, must (and does) operate efficiently and manage well
- Interest in seeing what senior management feels about PMA and implementation
- Changes in DCP ops/practices difficult for state/fed agencies to accept.
- Concerns by outside agencies about DCP objectivity re program.

Group Discussion 6

- We are here to fix the "race to the bottom" challenge of current HCP
- Water, habitate also to be considered
- Role of state, fed agencies & willingness "to play" critical to HCP success
- More bio info, land use limitations infor needed
- Effort to work w/ agencies in difficult mtgs, bring acceptable results to CAC
- Look for ways to both manage and mitigate the same land and do it effectively

Group Discussion 7

- CAC to look at and provide recommendations to address in MSHCP:
  - Challenges
  - Boundaries
  - Limitations
  - Available info
  - Future plans
  - Policies

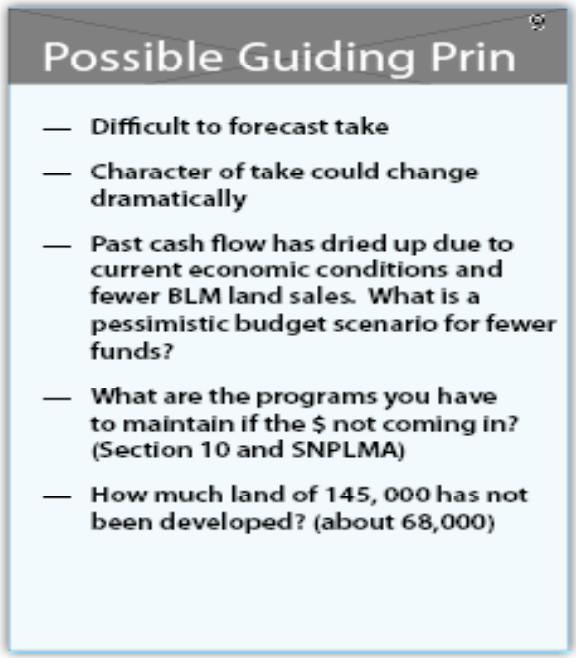
Possible Guiding Prin 8

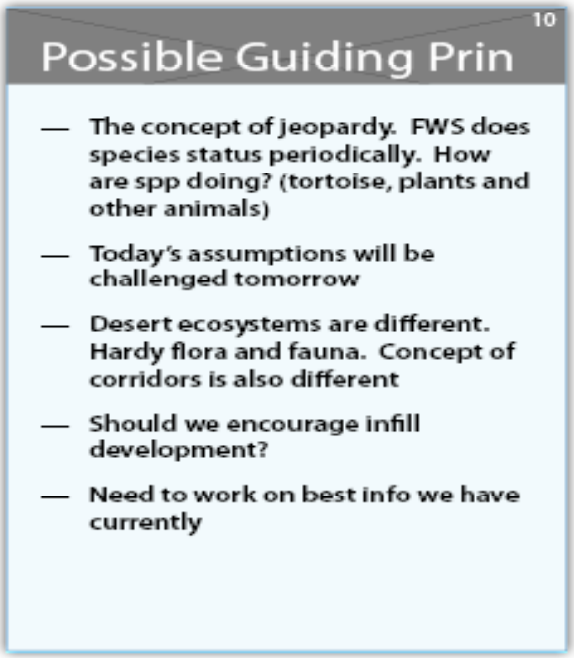
- What about mitigating for isolated, urban infill areas?
  - Pay the fee?
  - Is it really habitat now
  - Does it need to count against take acreage?
- How does NEPA process work for an HCP? - @ landscape level
- What have we learned from MSHCP about conservation of species? What do we know we didn't before?
- Current economic slowdown (less take at the moment?)
- Take has been faster than originally projected

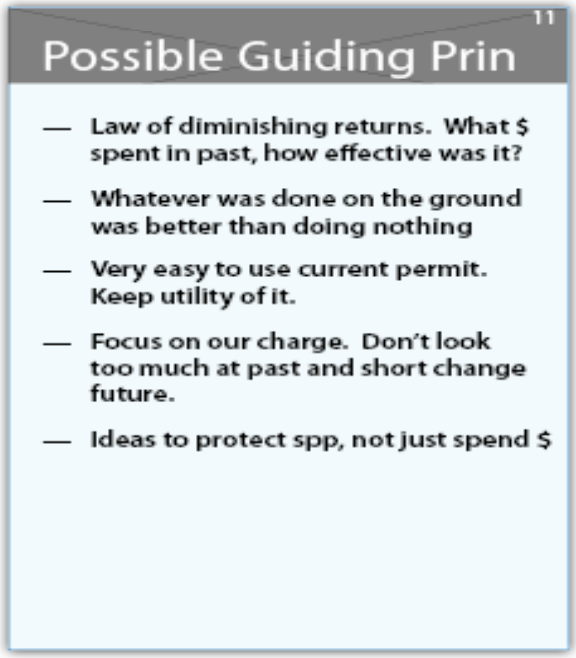
Meeting 2 Flipcharts

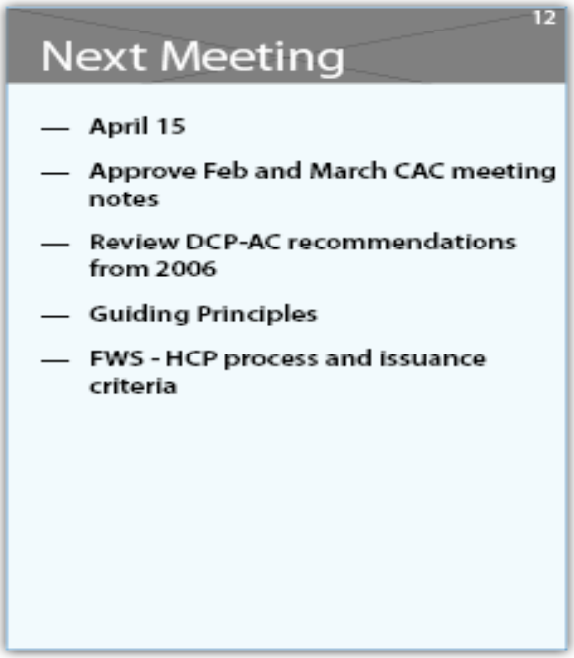
16 March, 2009

Notes:









Appendix A

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AGENDA

Desert Conservation Program Community Advisory Committee Meeting
County Of Clark, State Of Nevada

NOTICE IS HEREBY GIVEN that a meeting of the Clark County Multiple Species Habitat Conservation Plan (MSHCP) Desert Conservation Program Community Advisory Committee (DCP-CAC) has been called and will be held on: Monday, March 16, 2009, beginning at 2:30 p.m. at the Regional Transportation Commission Building, 600 Grand Central Pkwy, Room 108, Las Vegas, Nevada. Below is an agenda of all items scheduled to be considered. Unless otherwise stated, items may be taken out of the order presented on the agenda at the discretion of the chairperson.

1. **Opening and Introductions**

   Goals:
   - To introduce meeting participants
   - To review the purpose and goals of the CAC
   - To answer any follow-up questions related to the CAC charter, open meetings law, and other orientation presentations from the February CAC meeting

2. **Introduction to the MSHCP and the Permit Amendment Project**

   Goals:
   - To provide an overview of the MSHCP and its implementation
   - To provide an overview of the permit amendment process

3. **Program Management Analysis**

   Goals:
   - To provide an overview of the 2005 Program Management Analysis
   - To provide an assessment of DCP's response to the Program Management Analysis findings and recommendations

4. **Meeting Wrap-Up and Closing**

   Goals:
   - To recap meeting results and identify follow-up activities
   - To review "Guiding Principles" for future meetings
   - To outline the agenda topics and desired results for the April 15, 2009, CAC meeting
   - To invite participant feedback on the meeting

5. **Public Comment**

6. **Adjourn**

continued on next page

Members are asked to remain at the meeting until adjournment so that items requiring action are able to be heard as needed. Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call Ann Magliere at (702) 455-3536 in advance so that arrangements may be conveniently made.

MDH:am

Dated: March 10, 2009 9:14 AM

AFFIDAVIT OF POSTING

The above notice/agenda of a meeting of the Multiple Species Habitat Conservation Plan Desert Conservation Program Advisory Committee scheduled for Monday, March 16, 2009, at 2:30 p.m. was posted on or before the third working day before the meeting per Open Meeting Law requirements at the following locations:

Clark County Government Center Lobby
Clark County 3rd Street Building Lobby
Clark County Courthouse Annex
Laughlin Government Center
Sahara West Library
Las Vegas Library
Paradise Community Center
Winchester Community Center
Searchlight Community Center

Appendix B

desert conservation PROGRAM
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Community Advisory Committee

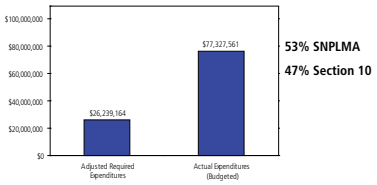
Meeting #2

March 16, 2009

desert conservation Review

- Desert Conservation Program provides regional compliance with the Endangered Species Act
- Permittees have been engaged in adaptive habitat conservation planning for two decades
- Accomplishments have allowed development to continue without compromising species and habitat conservation

desert conservation Required vs. Actual Expenditures

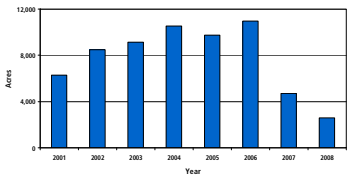


53% SNPLMA

47% Section 10

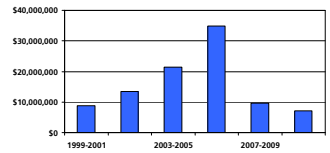
desert conservation Disturbance

Total Disturbance Since 2001: 77,410 acres (67,590 remaining)

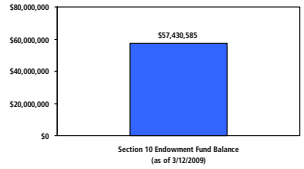


desert conservation Biennial Budgets Since 1999

Total Approved Budget per Biennium



desert conservation S. 10 Endowment



desert conservation Program Management Analysis

- Program's mission has dramatically changed
  - Development vs. implementation
  - Scale, size and complexity
- Conflicts of interest existed throughout the program
- Confusion among staff and stakeholders about roles and responsibilities, policies and procedures
- Need for business process re-engineering
- Staffing analysis and management plan implementation

desert conservation Program Management Analysis

The Program Management Analysis recommended that Clark County and the Permittees:

- Reconstitute the advisory committee process
- Develop more transparent business processes
- Develop and implement a staffing analysis and management plan

The Program Management Analysis also made recommendations that can only be fully addressed through permit amendment.

desert conservation

MSHCP Amendment

desert conservation PROGRAM — Permit Amendment

On June 19, 2007, the Board of County Commissioners directed staff to initiate permit and plan amendment process based on:

- A recommendation from the 2005 Southern Nevada Growth Task Force to address the acreage cap
- The 2006 DCP Advisory Committee recommendation to pursue permit amendment as a high priority
- Nationwide, large, regional, multi-party, MSHCPs are being reassessed

desert conservation PROGRAM — Permit Amendment

- Address acreage cap
- Re-evaluate the list of covered species to refocus attention on those species most at risk and most directly impacted by take
- Re-evaluate covered activities and overall conservation/ mitigation strategy
- Re-evaluate structure and implementation of the permit and plan

desert conservation PROGRAM — Permit Amendment

- Address acreage cap
- Re-evaluate the list of covered species to refocus attention on those species most at risk and most directly impacted by take
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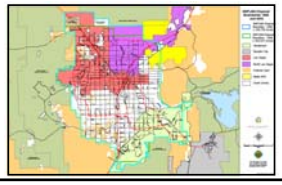
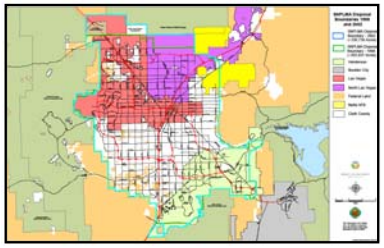
desert conservation PROGRAM — Permit Acreage Cap

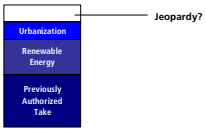
There are approximately 95,000 acres of undeveloped land in Clark County that are not currently covered for take.





desert conservation PROGRAM — Permit Acreage Cap

- There is a finite amount of take available
  - Not just Nevada
  - Not just urban development

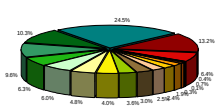


desert conservation PROGRAM — Permit Amendment

- Address acreage cap
- Re-evaluate the list of covered species to refocus attention on those species most at risk and most directly impacted by take
- Re-evaluate covered activities and overall conservation/ mitigation strategy
- Re-evaluate structure and implementation of the permit and plan

desert conservation PROGRAM — Revisit Covered Species

- Many at-risk species are short-changed as a result of the large number of species currently covered in the MSHCP
- Refocus mitigation on those species most at-risk



desert conservation PROGRAM — Permit Amendment

- Address acreage cap
- Re-evaluate the list of covered species to refocus attention on those species most at risk and most directly impacted by take
- Re-evaluate covered activities and overall conservation/ mitigation strategy
- Re-evaluate structure and implementation of the permit and plan

Revise Conservation Strategy

- Provide greater transparency and accountability for mitigation accomplishments
- Re-structure MSHCP to more closely mirror traditional HCPs
- Review options for reducing permittees' dependence on federal land for mitigation

Permit Amendment

- Address acreage cap
- Re-evaluate the list of covered species to refocus attention on those species most at risk and most directly impacted by take
- Re-evaluate covered activities and overall conservation/ mitigation strategy
- Re-evaluate structure and implementation of the permit and plan

"No Action" Alternative

Failure to amend the MSHCP and Permit may result in one or more of the following results:

- "Race to the bottom"
- Project-by-project compliance
- Non-compliance with Permit
- Ineffective mitigation
- Unsustainable land-use planning

Permit Amendment

Who is involved?

- Permittees (applicant)
- U.S. Fish and Wildlife Service (regulator)
- Community Advisory Committee (stakeholders)
- Bureau of Land Management
- Consultants
  - Nicholson Facilitation & Associates, LLC (facilitation)
  - Ebbin, Moser + Skaggs, LLP (outside counsel)
  - PBS&J (biological/environmental analysis)

Advisory Committee

Stakeholder Groups

- Environmental (2)
- Developer/Homebuilder (2)
- Education (2)
- Gaming (1)
- Off-Highway Vehicle (1)
- Banking/Finance (1)
- Nevada Taxpayers Association (1)
- Business/Small Business (2)
- Rural community (1)
- Senior (1)
- Tribal representative (1)
- Union (1)
- Southern Nevada residents (5)

Project Milestones

February 2009 – First CAC meeting

May 2009 – NEPA Scoping

May 2010 – Final CAC recommendations report

June 2010 – Draft MSHCP/EIS

January 2011 – Amended MSHCP and Incidental Take Permit

Questions?

Appendix C

Desert Conservation Program Review and Assessment

Circa 2004

Today

The Future

Study Team Relevant Experience

General
- 1,000 M&O studies

Supervisory, staff support and consulting experience with 100s public boards and commissions.

Southern Nevada
- Clark County
- Clark County Health District
- City of Las Vegas
- Henderson
- SNWIB

Endangered Species Act Projects
- None

AQEMD Director's Concerns - 2004

- Inappropriate conflict of interest relationships
- Contract management overwhelming staff

- The lack of formal leadership and standard protocols were inhibiting DCP

Director's Gut Feelings

- The legal consequences of conflict of interest
- Inappropriate IMC member behavior (isolated)
- Power sharing between IMC and staff out-of-sync.
- Out-of-control work load
- Inexperienced staff
- Proprietary advice from IMC members who were attorneys

Study Objectives (Formal)

- Organizational structure
- Staffing level
- Program management
- Expenditure control
- Notification practices
- Funding priorities; and,
- The decision-making process

Consultant's Recommendations

- 61
- Significant help and assistance from DCP staff
- IMC input and cooperation
- Legal input from District Attorney's Office

Range of Recommendations

- The 61 recommendations ranged from **legal** i.e. conflict of interest management program…
- To the **practical** i.e. reasonable term limits…
- To **better management practices** i.e. workload analysis to determine staffing needs.

The Over-Arching Recommendation

Change the charter so that the DCP might conduct its business more efficiently and within the parameters of Nevada's laws.

The three reasons driving this recommendation were:

1. A mission shift from plan ***development*** to plan ***implementation***;
2. Biennium expenditures exceed $40 million of ***public funds***; and
3. State law required ***compliance*** with Nevada Open Meeting Law.

Kirchhoff & Associates Implementation Review

- Discussions with staff (past & present)
- Metrics analysis and performance measures
- Information gathering questions
- Work product audit
- Document Review
  - Weekly status reports
  - 2006 Charter & Draft Charter
  - 2001 – 07 Mitigation Accomplishments
- No federal agency, permittee or AC contact

Implementation Summary

- 11 Examples of Implemented Recommendations
- 2 Categories

Category I – Policy Changes

Recommendations
1,16, 17, 18 and 43

Category II – Operation Changes

Recommendations
27, 29, 37, 39, 41, 56 & 57

Recommendation #1

No. 1 – The Desert Conservation Program staff should work with Department of Administrative Services and the District Attorney's Office to develop a comprehensive conflict of interest understanding and management program.

- County amends ethics requirements to include DCP-AC members.
- Ethics training implemented
- 2006 Charter and Operating Guidelines require compliance with state ethics and open meeting law requirements.

Recommendation #16

No. 16 – Amend the language of the Program's guiding documents including the Resolution to Confirm the Implementation and Monitoring Committee of the Clark County Desert Conservation Program to clearly define the role of the IMC as being advisory to the BCC. In addition, clarify that the role of the Administrator is to convey advice from the advisory committee to the BCC along with staff recommendations, and that the Administrator reports to the Director of Air Quality and Environmental Management.

- All formal charter and convening documents associated with the Program have included clear and specific direction as to the purpose and expectations of participation on an advisory committee for the DCP.

Recommendation #17

No. 17 – Put in place a comprehensive set of written policies, procedures and rules for the advisory committee.

- All advisory committees for the DCP are formally chartered and facilitated with clear guidelines and objectives outlined.

Recommendation #18

No. 18 – Advisory committee members should be required to exhaust the administrative chain of command before "going political" to resolve problems or concerns.

- Charter and operating guidelines established for DCP advisory committees outline member training and conduct policies
- Members encouraged to "police" each other in this regard.
- The County administrative chain of command has consistently required the chain of command be exhausted before engaging in issues being elevated by advisory committee members.

Recommendation #43

No. 43 – The County Manager should request that the City Managers of the permittee cities assign senior staff (department director or assistant city manager) to the advisory committee.

- DCP-AC Charter and Operating Guidelines recommended that ex-officio members are senior staff.
- Established a Process Management Group to assist the DCP in the amendment and implementation process.
- Executive Committee consisting of City Managers from all the permittees and a senior executive from the Nevada Department of Transportation.

Recommendation #27

No. 27 – Conduct a complete workload analysis, implement more efficient ways of conducting daily tasks, and staff appropriately or adjust workload.

- A Staffing Analysis and Management Plan was completed in April 2006.
- Development of a comprehensive set of business processes and procedures.
- Extensive project management training,
- Rigorous contracting best practices and an automated contract management and project tracking system

Recommendation #29

No. 29 – Assign a staff project manager to all moderate, significant and major projects.

- Every project is assigned both a Project Manager (PM) and Contract Manager (CM).
- Both the PM and CM are involved in the project from planning to completion and closeout.

Recommendation #37

No. 37 – Develop performance indicators that will measure output as it pertains to the MSHCP.

- Programmatic metrics were developed.
- Invoice, deliverable and milestone acceptance rates, rejection rates and processing times are documented and tracked.
- Science Advisor (DRI) is creating a new MSHCP implementation database that focuses on quantitative outcomes of projects (miles of tortoise fencing installed, number of acres of habitat restored, number of acres of habitat acquired, etc).
- Dashboards (green, yellow, red) the status of all projects Staff also prepares a monthly Executive Report to the Department of Air Quality and
- Monthly Plan Administrator Update to the permittees

Recommendation #39

No. 39 – Create a Standard Operating Procedures manual for developing contracts and scopes of work, closing out contracts, and invoice tracking.

- SOPs for developing contracts and scopes of work, closing out contracts, and invoice tracking have been created and incorporated in the Business Processes & Associated Documents & Forms "binder" (BPB).

Recommendation #41

No. 41 – Request that the District Attorney's Office assign an environmental law attorney to the Desert Conservation Program.

- An Deputy District Attorney has been formally assigned to DCP.

Recommendation #56

No. 56 – Require every project to participate in "mini-symposiums" where the contractors would present information on their projects to their peers and other interested parties, including the general public and media.

- Symposium presentations are now a standard requirement for projects.
- DCP held symposia in 2006 and 2008 with expert panelists.

Recommendation #57

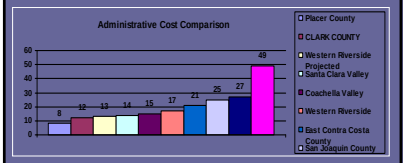
No. 57 – Modify the MSHCP database and develop a new "report" section that would help to guide the contractors in providing a better quarterly report product.

- Available in MSHCP section of the DAQEM website.

Staff Initiatives Beyond the Original Recommendations

- Operational
- Administrative
- Other Agencies
- Policy

Administrative Cost Comparison



Operational Initiatives

- Mitigation fee & land disturbance procedures and improvement in accuracy
- Transferred operation of the Desert Tortoise Conservation Center to the US Fish and Wildlife Service
- Developed a media and outreach plan for public information and education
- Reorganization of all project data into an understandable and comprehensive format which includes metadata (descriptive documentation)
- Develop protocols for delivery of sensitive data with Federal contractors

Administrative Initiatives

- Developed staff training manuals and sessions for new employees, Case 360 and SMPLMA reporting
- Created administrative desk manuals that incorporate SOPs
- Created standardized templates when it made sense; rejection letters, acceptance letters.
- Library/Document management
- Compressed business office functions to primarily be handled in the DCP

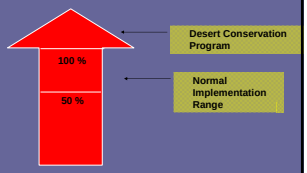
Other Agency Relationships

- Working with various Clark County departments on planned developments within Clark County to analyze environmental impacts for non-DCP projects
- Enhanced relationships with:
  - Purchasing
  - Legal
  - Budget & Finance
  - BLM

Policy

- Pet Tortoise Committee

Recommendations vs. Implementation



Barriers to Implementation

- Consultant is wrong
- Lack of confidence in consultant
- Politics
- Organizational push back
- Lack of senior management support
- Timing
- Workload
- Insufficient implementation leadership/direction

Keys to the Implementation of a Consultant's Recommendations

- Strong hands-on managerial leadership
- Sense of urgency
- Chain of command support
- Responsive staff
- Willingness to change organizational culture (how things get done)
- Advisory Committee's desire to do the "right things" and make change
- Non-bureaucratic and business practices approach

Future Permit Amendment Challenges

- Simplify administration requirements to more easily adhere to standard County policies & procedures
- Greater clarity and accountability
- Consideration of the operational infrastructure required to support amended plan (staffing, databases, tracking, etc.)