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Community Advisory Committee

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

Meeting Summary for April 15, 2009



Meeting Summary

Community Advisory Committee Meeting Three, April 15, 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 April 15, 2009. These pages, together with the presentation slides and handouts, constitute the meeting record.

Meeting Three Agenda

1. Welcome and Introductions
2. 2006 Desert Conservation Program Advisory Committee
3. Elements of a Habitat Conservation Plan
4. Public Comment
5. Wrap Up and Closing
6. Adjourn

Appendix A-Meeting Three Agenda

Appendix B-2006 Desert Conservation Program Advisory Committee Presentation

Appendix C-Elements of a Habitat Conservation Plan Presentation

1. 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

Gary Clinard, Off Highway Vehicles
Mike Ford, Mesquite
Stan Hardy, Rural Community
Matt Heinhold, Gaming
Paul Larsen, Business/Small Business
Terry Murphy, Developer/Homebuilder
Joe Pantuso, Developer/Homebuilder
Jim Rathbun, Education
Mindy Unger-Wadkins, Henderson
Tom Warden, Las Vegas



Committee Members Absent or Excused

Victor Caron, North Las Vegas
Jane Feldman, Environmental/Conservation
Patrick Foley, Banking/Finance
Dave Garbarino, Union
Bryan Nix, Boulder City
Scott Rutledge, Environmental/Conservation
Ann Schreiber, Senior
Allan Spooner, Business/Small Business
Marcia Turner, Education
Darren Wilson, Nevada Taxpayers Assoc.
Tribal Representative

Staff in Attendance

Marci Henson
Catherine Jorgenson
Ann Magliere
John Tennert

Others in Attendance

Stephanie Bruning
Hermi Hiatt
Tom O'Farrell
Michael Johnson
Par Rasmussen
Carrie Ronning
Cheng Shih
Chris Tomlinson
Ruth Nicholson, Facilitator
Eric Hawkins, Facilitator
Doug Huston, Meeting Documentation

Ruth Nicholson, Lead Facilitator, opened the meeting at 2:37 p.m. and asked the CAC members to introduce themselves. She asked committee members if they had any questions from previous meetings and there were none. She reviewed the agenda and the purpose of the meeting with the group.

2. Approval of Meeting Summaries from February and March CAC Meetings

A quorum was not present at that time the meeting began and the group deferred action on approving the February and March meeting summaries until later in the meeting.



3. 2006 Desert Conservation Program Advisory Committee

John Tennert, Clark County DCP MSHCP Permit Amendment Project Manager, handed out copies of an old 2005 editorial to the committee and briefly discussed some of the history of the program. Marci Henson, Clark County DCP Plan Administrator, commented that at the same time they were pulling out the editorial earlier that day, she received the final report on a pocket mouse project via e-mail, a decade after starting the project.

John asked Mike Ford, City of Mesquite, and former chair of the 2006 Desert Conservation Program Advisory Committee, to review the history of the program and the 2006 Advisory Committee's recommendations with the group. Mike commented that the current committee is a continuation of the previous program. He stated that the Advisory Committee was formed in February of 2006 and charged with providing input on implementation of the MSHCP and the budget for the 2007-2009 biennium. He commented that the committee's hardest work involved developing the recommendations on implementation. He also emphasized the importance of the group's charter and discussed the consensus process used by the group. The principal recommendation was that Clark County and the Permittees re-evaluate the existing Section 10 permit to ensure that the ability to incidentally take desert tortoises is not jeopardized by budget shortfalls for achieving compliance with legally binding terms and conditions.

In addition, 11 issues were identified for closer evaluation:

1. Should Endangered Species Act (ESA) compliance continue to be done on a regional basis?
2. Should mitigation of take continue to be done primarily on federal lands?
3. Clarify what are considered to be mandatory compliance measures and how compliance is measured.
4. Should the current permit be suspended and the DCP permit be reinstated while permit amendment issues are addressed?
5. Modify the existing acreage cap to reflect the disposal boundary.
6. Reassess covered species list.
7. Reassess current 11 ecosystems and action area.
8. Redefine what activities are permitted.
9. Reassess direct, indirect and cumulative impacts.
10. Eliminate/reduce overlap or redundancy with other conservation and compliance activities.
11. Based on the outcome of actions 1 through 6, reassess the Adaptive Management Program (AMP) as necessary.

Mike explained these recommendations came out of the fear of the Permittees finding themselves in non-compliance with the permit. He stated that the committee wanted to make sure that where there were



shortfalls, they were fixed.

Jim Rathbun, Education, asked if Mike was referring to Clark County budget shortfalls. Marci replied that the Advisory Committee had been referring to the implementation of the MSHCP permit and plan. There was a concern that some people could interpret the permit to imply that all 604 actions mentioned in the plan should be in progress all the time. This would be far too expensive to implement. There were actually only 21 high priority requirements in the permit.

Mindy Unger-Wadkins, City of Henderson, commented that the focus needed to be on the desert tortoise. Mike replied when the permit was issued in 2001, there were 78 species of concern. The committee wrestled with how to deal with this many species.

Matt Heinhold, Gaming Industry, asked if Mike thought everyone should familiarize themselves with the permit. Mike replied yes, and John committed to providing a copy to the CAC members.

Mike concluded his presentation by discussing the 2006 Advisory Committee's budget recommendations – 12 projects for a total of \$7.1 Million. Marci commented that this was a big improvement over the previous biennium which had 68 projects and a budget of \$38 Million.

Matt commented that Mike had mentioned concerns with third parties stopping permitted activities. He wanted to know how they could do that. Mike replied that these groups could file suit in court under the provisions of the Endangered Species Act (ESA).

Tom Warden, City of Las Vegas, asked if prioritization was going to be one of the issues addressed by the current committee with respect to the covered species list. Mike replied yes.

4. Elements of a Habitat Conservation Plan

John brought out a copy of the current MSHCP and associated environmental impact statement (EIS) and placed them on the table for the committee and explained that he was going to review the elements that go into an HCP.

Mindy asked if this committee was going to need to look at both acreage and covered species as part of its work. John replied yes. Mindy asked what had changed from the 2006 committee's time to now. Marci replied that recommendations on specific actions on the permit went to the Clark County Board of County Commissioners (BCC) in 2007 and the BCC directed staff to initiate permit amendment, including reassessing the species list. John commented that Clark County staff was looking for feedback from this group on what to focus on.

John then reviewed the various elements that go into an HCP:

1. Introduction and Background



2. Project Description
3. Environmental Setting
4. Biological Impacts/Take Assessment
5. Conservation Strategy
6. Plan Implementation
7. Funding
8. Alternatives

John defined the project area for the current MSHCP as all of Clark County and Nevada Department of Transportation (NDOT) rights of way below 5,000 feet elevation in surrounding counties. He explained that the current permit relies on federal lands for mitigation and this is partly why the permit covers things outside the Las Vegas Valley. He emphasized the importance of the critical habitat designation. This designation is made solely on a biological basis and critical habitat can be on private or public lands.

Mindy asked how the US Fish and Wildlife Service (FWS) makes a critical habitat designation; do they actually walk over the habitat? John and Marci commented that the decision is made based on the best available scientific information at the time and does not have to be based on actual field surveys.

During the discussion of the Conservation Strategy section of the HCP, John reviewed the definition of "practicable" with the group. He also reminded the group that all species listed in the MSHCP must be treated as if they were formally listed under the ESA. Marci stated that in the definition of "practicable," the idea of "reasonably capable of being accomplished" is very important and must be kept in mind during the development of this permit amendment.

Mike commented that it was not reasonable to accomplish mitigation for 78 species. He stated that the old permit tried to cover all contingencies and in so doing went beyond what was reasonably capable of being accomplished. He stated that current HCPs have the same problem and it is not reasonably possible to try to envision and cover every scenario.

Stan Hardy, Rural Communities, asked who decided the desert tortoise was endangered if we translocated 14,000 of them and euthanized 20,000. Marci replied that the overwhelming number of tortoises transported were domestic animals and therefore were not counted in determining the status of the species in the wild. She stated that the FWS oversees a range wide monitoring program. There is some disagreement over the effectiveness of this program, but the FWS estimates there are about 118,000 tortoises in the wild and that this is still a threatened population.

Terry stated that it might be helpful to understand when the population could be considered recovered. Marci replied that FWS is in the process of re-doing its 1994 recovery plan and that has a recovery



standard. There is a lot of controversy about the criteria though.

John cautioned the committee that many programs seem to lose focus when they finish the Environmental Setting, Biological Impacts/Take Assessment and Conservation Strategy sections of their HCPs. It will be important to continue to provide the same level of engagement when developing the subsequent sections of the HCP that address implementation and funding.

Ruth noted that a quorum now existed and asked the committee if it had any comments or questions on the February and March summaries. There were no comments.

Joe Pantuso, Homebuilders, made a motion to adopt the February and March summaries as they currently exist. This motion was seconded by Tom Warden, City of Las Vegas. The motion was unanimously passed and the February and March summaries were adopted.

Eric Hawkins, Co-Facilitator, reminded the group of the proposed guiding principles the group had developed thus far and asked if anyone had anything they wanted to add. There were no responses. Eric commented that the group would get this opportunity again in June.

5. Public Comment

Hermi Hyatt commented that she would like the committee to consider adding species above 5,000 feet elevation to the covered species list. She specifically mentioned adding the Angelica species.

Tom O'Farrell cautioned the group not to lose sight of the principle goal of the permit. Clark County assigned staff the goal of developing a permit to allow development to continue and be in compliance with the ESA. He stated the goal was not to develop a massive mitigation program for all species. He stated there was no reason to consider any species other than the desert tortoise and no reason not to have a numerical take requirement. He also commented that there was no reason to mitigate on federal property for actions you take on private land. He suggested that people get a copy of the 2008 Adaptive Management Plan report and look at a table in there that shows where 99% of the development took place. This table indicates it was in one ecosystem, therefore you can leave the other 10 ecosystems out. He commented that it was important to have the money to implement the permit, and it was this committee's job to ensure we have a permit that complies with the ESA.

Chris Tomlinson, Nevada Department of Wildlife, stated that in addition to looking at the higher elevation species as Hermi stated, he wanted the committee to look at the impacts of land use at higher elevations. He also stated that indirect effects are often not adequately addressed.



6. Meeting Wrap Up and Closing

Eric asked if there were any other items that needed to be addressed. Mindy asked if the committee would receive presentations on other programs or could the committee get this information some other way. Getting this information to the committee was added to the staff commitments list.

Mike commented that he was concerned that some members of the committee had never shown up and some are spotty attenders. Marci commented that these people had been contacted. Terry suggested that a letter be sent to these people.

Ruth reviewed the list of staff commitments:

- Get a copy of the current permit to CAC members
- Provide CAC members with definitions of threatened and recovered
- Provide CAC members with a copy of DCP comments on FWS proposed changes to the 1994 Recovery Plan
- Provide CAC members with information on other HCPs and conservation programs in Clark County
- Write memos to CAC members who are not participating

John reviewed the itinerary for the May 16, 2009, field trip. Ruth asked the group to let County Staff know by May 11 if they had any special needs and if they would be attending the field trip. She asked the group for a show of hands of those who were planning on attending. The following people confirmed they would attend:

- Mike Ford
- Stan Hardy
- Matt Heinhold
- Paul Larsen
- Terry Murphy
- Joe Pantuso
- Jim Rathbun
- Mindy Unger-Wadkins
- Tom Warden

The meeting was adjourned at 4:30 p.m.



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Meeting 2 Flipcharts

16 March, 2009

Notes:

Agenda

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

Objectives

- 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 Discussion

- 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/economy
- 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

- 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



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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



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Meeting 2 Flipcharts

16 March, 2009

Notes:

Possible Guiding Prin 9

- Difficult to forecast take
- Character of take could change dramatically
- Past cash flow has dried up due to current economic conditions and fewer BLM land sales. What is a pessimistic budget scenario for fewer funds?
- What are the programs you have to maintain if the \$ not coming in? (Section 10 and SNPLMA)
- How much land of 145, 000 has not been developed? (about 68,000)

Possible Guiding Prin 10

- The concept of jeopardy. FWS does species status periodically. How are spp doing? (tortoise, plants and other animals)
- Today's assumptions will be challenged tomorrow
- Desert ecosystems are different. Hardy flora and fauna. Concept of corridors is also different
- Should we encourage infill development?
- Need to work on best info we have currently

Possible Guiding Prin 11

- Law of diminishing returns. What \$ spent in past, how effective was it?
- Whatever was done on the ground was better than doing nothing
- Very easy to use current permit. Keep utility of it.
- Focus on our charge. Don't look too much at past and short change future.
- Ideas to protect spp, not just spend \$

Next Meeting 12

- April 15
- Approve Feb and March CAC meeting notes
- Review DCP-AC recommendations from 2006
- Guiding Principles
- FWS - HCP process and issuance criteria



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Appendix A



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: Wednesday, April 15, 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 the previous CAC meeting
2. **Approval of Meeting Summaries from February and March CAC Meetings**
Goals:
 - To approve meeting summaries from the February 26, 2009 and March 16, 2009 CAC meetings
3. **2006 Desert Conservation Program Advisory Committee**
Goals:
 - To provide an overview of the 2006 Advisory Committee permit amendment recommendations
4. **Elements of a Habitat Conservation Plan**
Goals:
 - To provide an overview of major components of a habitat conservation plan and how they are developed and implemented
5. **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 May 16, 2009 field trip
 - To invite participant feedback on the meeting
6. **Public Comment**
7. **Adjourn**

continued on next page



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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: April 8, 2009 7:35 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 Wednesday, April 15, 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



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Appendix B



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Overview of 2006 Advisory Committee

April 15, 2009




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2006 Advisory Committee

Based on the findings presented in the Program Management Analysis, the Board of County Commissioners:

- Established a Desert Conservation Program Advisory Committee February 2006
- Charged the committee with providing input on the implementation plan and budget and overall program administration




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2006 Advisory Committee

The Advisory Committee had four primary purposes:

- To provide input on the 2007-2008 work plan and budget.
- To increase overall program accountability.
- To provide input on new proposed conservation actions in support of MSHCP implementation.
- To provide input on the development of a long-term advisory committee and implementation structure.



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2006 Advisory Committee

Membership:

- 12 BCC Appointed Stakeholder Interests
 - Community and business
 - Environmental
 - Local government agency
 - User group
 - Public-at-large
- 16 Ex Officio members representing permittees, federal agencies, and state agencies who are collaboratively responsible for implementing the MSHCP




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Permit Amendment Recommendation Process

Issue Manager & Workgroup

- Developed a draft recommendation
- Committee members and staff commented
- Edits were incorporated and recommendation was finalized
- Recommendations received broad support among the committee




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Permit Amendment Recommendation

Principal Recommendation:
Clark County and the permittees should re-evaluate the existing Section 10 permit to insure that the ability to incidentally take desert tortoises is not jeopardized by budget shortfalls for achieving compliance with legally-binding terms and conditions.


11 issues were identified for closer evaluation



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Permit Amendment Issues

- Should ESA compliance continue to be implemented on a regional basis?
- Should mitigation of take continue to be done primarily on federal lands?
- Clarify what are considered to be mandatory compliance measures and how compliance is measured.
- Should the current permit be suspended and the DCP permit be reinstated while permit amendment issues are addressed?
- Modify the existing acreage cap to reflect the disposal boundary.



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Permit Amendment Issues

- Reassess covered species list.
- Reassess current 11 ecosystems and action area.
- Redefine what activities are permitted.
- Reassess direct, indirect and cumulative impacts.
- Eliminate/reduce overlap or redundancy with other conservation and compliance activities.
- Based on the outcome of 1.6 reassess the Adaptive Management Program (AMP) is necessary.



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Questions?



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Appendix C



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Community Advisory Committee
Meeting #3

April 15, 2009




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Overview of 2006 Advisory Committee



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Questions?

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Elements of a Habitat Conservation Plan

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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

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Review

- 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



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Elements of a HCP

1. Introduction and Background
2. Project Description
3. Environmental Setting
4. Biological Impacts/Take Assessment
5. Conservation Strategy
6. Plan Implementation
7. Funding
8. NEPA Analysis

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Elements of a HCP

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Project Description

The Project Description provides an overview of

- Covered Activities-the activities that will result in incidental take
- Project Area-the area where the incidental take and conservation actions will take place
- Projected Take-the amount of take projected to occur (no. of species, acres of habitat etc.)

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Elements of a HCP

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Environmental Setting

The Environmental Setting provides an overview of

- Climate, geography, hydrology, etc. and existing land uses of the plan area
- Biological Resources of Plan Area
 - Fish and Wildlife Species
 - Plant Species
- Identifies species to be proposed for incidental take coverage

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Elements of a HCP

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Biological Impacts Assessment

Definition of Take:

- To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.

Definition of Harm:

- An act which actually kills or injures wildlife.

Definition of Harass:

- An intentional or negligent act or omission which creates the likelihood of injury to wildlife 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.

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Biological Impacts Assessment

Applicants must identify impacts of proposed take, including:

1. Direct and indirect affects
2. Anticipated take of each covered species
3. Anticipated impacts of the taking
4. Effects to critical habitat* (if applicable)
5. Cumulative impacts

*Def'n: Specific geographic areas, whether occupied by listed species or not, that are determined to be essential for the conservation and management of listed species, and that have been formally described in the Federal Register.

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Biological Impacts Assessment

Identifying project impacts requires a delineation of the HCP boundaries or plan area:

- Should encompass all areas within the applicant's land use area or jurisdiction within which any permit or planned activities will likely result in take
- Should be as exact as possible to avoid uncertainty about where the permit applies
- Applicants are encouraged to consider as large and comprehensive a plan area as is feasible and consistent with land use authorities and planned activities

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Biological Impacts Assessment

HCPs must quantify impacts to covered species:

- Must define how incidental take will be calculated:
 - 1) The number of animals killed, or if this cannot be determined,
 - 2) The acres of habitat to be affected *and* as all individuals occupying a given area of habitat.
- The extent to which habitat modification or destruction will occur must be detailed in the HCP and authorized by the permit.

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Elements of a HCP

1. Introduction and Background
2. Project Description
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Conservation Strategy

A conservation strategy should include the following:

1. Biological goals and objectives
2. Avoidance, minimization and mitigation measures
3. Monitoring of avoidance, minimization and mitigation
4. Performance/success criteria
5. Adaptive management strategy
6. Reporting to FWS

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Conservation Strategy

Section 10(a)(2)(A) of the ESA:

- HCP must specify steps to minimize and mitigate the impact of the taking

Section 10(a)(2)(B) of the ESA:

- FWS will approve HCPs if the impacts of the take are minimized and mitigated to the maximum extent practicable

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Conservation Strategy

What constitutes "maximum extent practicable"?

- Is the mitigation scientifically and rationally related to the level and impact of taking?
- Is the minimization and mitigation commensurate with the taking?
- Does the mitigation address all covered species?
- Practicable as "reasonably capable of being accomplished"

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Conservation Strategy

Biological goals and objectives:

- Define the expected biological outcome for covered species
 - Framework for measuring success of the HCP not compliance with the permit
- Must be consistent with recovery of covered species
 - HCPs are not required to result in recovery of covered species, only neutral

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Conservation Strategy

Current biological goals:

- Allow no net unmitigated loss or fragmentation of habitat in IMAs and LIMAs;
- Maintain stable or increasing population numbers; and
- Develop, through the AMP, appropriate detailed and quantifiable population or habitat goals for each Covered Species or, if possible, associated with the quantifiable goals for an appropriate indicator (ecosystem measure or key, umbrella, flagship species)

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Conservation Strategy

The MSHCP classifies lands county-wide by 4 categories of management:

- Intensively Managed Areas
- Less Intensively Managed Areas
- Multiple Use Management Areas
- Unmanaged Areas (non-federal)

Federal agencies have tremendous influence over implementation of the MSHCP



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Conservation Strategy

Types of minimization/mitigation:

- Revegetation/restoration of habitat
- Re-establishment of native species
- Invasive species management
- Avoid take during breeding season
- Protect/set aside habitat commensurate with disturbance
- Purchase credits in a mitigation bank
- Acquisition of habitat for conservation

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Elements of a HCP

- Introduction and Background
- Project Description
- Environmental Setting
- Biological Impacts/Take Assessment
- Conservation Strategy
- Plan Implementation
- Funding
- NEPA Analysis

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Implementation

- Permittees and FWS must track incidental take and implementation of minimization and mitigation measures
- Requires execution of an Implementing Agreement (IA):
 - Defines the roles and responsibilities of participants in the HCP and provides a common understanding of the actions that will be undertaken to implement the HCP
- Ability to effectively and efficiently implement a habitat conservation plan is dependent upon the clarity and feasibility of the plan itself
 - If the plan is not clear and manageable, implementation will not be either

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Funding Assurances

- Applicants must demonstrate that adequate funding for the plan will be provided
 - Cannot be "undependable or speculative"
- Funding analysis is based on cost of implementation of mitigation and minimization
- Must consider entire scope of implementation issues and not just costs of specific measures
 - Monitoring and reporting
 - Administration


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Funding Assurances




```

graph TD
    A[Proposed Take] --> B[Impacts of Take]
    B --> C[Avoidance, Minimization and Mitigation of Take]
    C --> D[Cost to implement]
    D --> E[Funding sources identified for implementation]
  
```

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Elements of a HCP

1. Introduction and Background
2. Project Description
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7. Funding
8. NEPA Analysis

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Alternatives

- Issuance of an incidental take permit requires analysis consistent with the National Environmental Policy Act (NEPA)
 - Often requires an Environmental Impact Statement (EIS)
 - Requires analysis all environmental factors, not just covered species
 - Federal document
- EIS must include analysis of a "No Action" alternative
- Includes an analysis of "cumulative effects"
 - Result from individually minor, but collectively significant actions taking place over time

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Questions?