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## Community Advisory Committee

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

Draft Meeting Summary for August 13, 2009



## Meeting Summary

### Community Advisory Committee Meeting Seven, August 13, 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 August 13, 2009. These pages, together with the presentation slides and handouts, constitute the meeting record.

#### Meeting Seven Agenda

1. Opening and Introductions
2. Approval of Meeting Notes from the July 2009 CAC Meeting
3. Guiding Principles for the Work of the CAC
4. Notice of Intent to Prepare an Environmental Impact Statement
5. Pet Tortoise Task Force
6. Public Comment
7. Meeting Wrap Up and Closing

#### Appendix A-Meeting Seven Agenda

#### Appendix B-Guiding Principles Handout

#### Appendix C-Draft Guiding Principles

#### Appendix D-Notice of Intent Presentation

#### Appendix E-Pet Tortoise Task Force Presentation

### 1. Opening and Introductions

Ruth Nicholson, Lead Facilitator, opened the meeting at 2:32 p.m. She verified the presence of a quorum and invited the participants to introduce themselves, informed the committee that the meeting was being recorded in accordance with the Nevada Open Meetings Law and started the committee sign-in sheet around the room. She welcomed the members of the public attending the meeting and reminded them of the public sign-in sheet and the sign-up sheet for public comment. Following this, she reviewed the agenda with the committee.

### 2. Approval of Meeting Summary from the July 16, 2009, CAC Meeting

Ruth asked if the group had any comments, changes or questions concerning the July meeting summary. Marci Henson, Clark County MSHCP Plan Administrator, commented that "Mora Mesa" on page four should be "Mormon Mesa." Brian Nix, Boulder City, asked if Tom Warden, City of Las Vegas, represented the City of Las Vegas. Terry Murphy, Developer/Homebuilder, responded that Tom was the city's selection



to serve as a citizen at-large. Ruth asked if there were any other comments or questions. There were none. Given the correction mentioned above, the committee approved the minutes by consensus.

### **3. Guiding Principles for the Work of the CAC**

Ruth introduced Eric Hawkins, Co-Facilitator. Eric distributed the Guiding Principles handout to the committee (see Appendix B). He then reviewed the July CAC meeting activities associated with guiding principles and explained to the committee the process used by the facilitation team to develop draft guiding principles from this information. The committee's responses to the questions asked at the July meeting were organized as follows:

1. Acreage Cap (Take)
2. Covered Species
3. Mitigation Activities
4. Structure and Implementation
5. Other

Once these categorizations were completed, the facilitation team reviewed the responses by category to identify common themes and overarching principles from which it developed the following draft guiding principles:

1. Acreage Cap
  - a. The acres of take need to have a logical, purposeful basis that seeks to balance the following factors:
    - i. Economics
    - ii. Equity
    - iii. Species and habitat conservation
    - iv. Quality of life
2. Covered Species
  - a. The list of covered species should focus on those species most likely to be impacted by take within the MSHCP boundary.
  - b. Conserving and protecting species and habitats should be based upon the best scientific knowledge available.
3. Mitigation Activities
  - a. Activities related to the mitigation of take should seek to:
    - i. Have a measurable impact on species and habitat conservation
    - ii. Promote efforts that demonstrate efficiency and value
    - iii. Improve our knowledge of local conditions



- iv. Balance burdens among stakeholders and Permittees
  - v. Allow for/recognize the value of multiple uses of land resources
4. Structure and Implementation
- a. The MSHCP amendment should seek to maximize simplicity and usability and minimize the burden on permit beneficiaries of achieving Endangered Species Act (ESA) compliance.
  - b. The amendment structure should ensure the wise use of resources and control costs of the program to maximize the permit's value to the community.
  - c. Implementation of the permit amendment should seek to provide a link between the community and permit stakeholders in order to be responsive to permit beneficiaries and have an open process.
5. Foundation (Other)
- a. We recognize that the current MSHCP has limitations and implementation challenges that need to be addressed by a plan and permit amendment.
  - b. Each member of the CAC has the right and responsibility to communicate the interests of the organization or demographic they represent in the permit amendment process.
  - c. Due to the complexity of the issues addressed by the MSHCP, the plan and permit should contain mechanisms to adapt to environmental, economic and social changes that arise during the permit life.

Following a review of the draft guiding principles, Eric reviewed the strategy for future meetings, noting that the proposal moving forward is to have two working meetings for each of the four main goals for permit amendment. The first meeting will be to discuss issues and concerns and start developing recommendations. The second meeting on that topic will be to refine the recommendations.

Ann Schreiber, Seniors, commented that she was comfortable with the "quality of life" component of the guiding principle provided it also included human quality of life. Eric responded that entry included both human and animal quality of life. Ann then asked if by "economics" the guiding principle was specifically referencing growth. Eric explained that the intent was to emphasize the importance of considering all aspects of economics including who pays, growth and other economic concerns. He stated that the facilitation team considered a lot of different words for this activity. Ruth noted that there were a number of responses on the previous month's exercise that involved ensuring balance between economic and environmental values, and the facilitation team felt it was important to capture that sentiment in the draft guiding principles.

Marcia Turner, Education, asked if the committee thought these guiding principles captured the essence of what the committee was charged to accomplish. Ann commented that the principle looked good but the



bullet points were too broad. Eric asked the committee if they thought definitions were needed for the bulleted terms. Marcia stated that she understood, based on Eric's comments about the strategy for the next two meetings, the committee would be further defining these terms during the next two meetings. Ann asked why it could not be done now. Eric suggested that the facilitation team could go back through the individual responses and attempt to determine what the committee's definitions for the terms were. Eric requested that the committee briefly review all of the proposed guiding principles before focusing on one.

Marci commented that, as she understood it, terms like "economics," were based on individual responses under the various categories such as "Protect species without killing the economy," adding that she thought the comments provided by the committee defined the terms. Ruth agreed with Marci stating that when the facilitation team got confused, it went back to the individual committee responses to determine what words were used. Jim Rathbun, Education, wanted to know if economics included the different impacts on different stakeholder entities such as schools. Mindy Unger-Wadkins, City of Henderson, commented that the committee's goal was to figure out how many acres may be needed for take, and if the group started looking at the impacts on individual entities such as schools, it would get bogged down.

Eric reviewed for the committee the different levels of analysis discussed during the July meeting emphasizing the need to avoid getting into the weeds associated with the detailed aspects of the permit amendment process. Eric clarified for the group that the goal for the committee was to develop recommendations on the process of developing the take number. Mindy commented that she saw her goal as defining the future take.

Ann commented that there is no certainty; adding another endangered species listing under the Endangered Species Act (ESA) could change the entire process. Eric responded that Ann was correct and as a result, the deliberation by the committee should focus on the process for identifying covered species not about individual species. Ann asked as a point of clarification whether the committee was tasked with identifying or recommending the take number or the process that needs to be followed to develop a take number? Marci stated that, from a Permittee and Plan Administrator perspective, she was looking for this committee to focus on criteria and principles.

Mindy stated that if the committee starts getting into specifics such as effects on schools, it is getting too detailed. Jim commented that he was not concerned about specifics, he was concerned about the rate of take being too high for these other entities to cope with. Terry commented that the committee was not the place to have discussions about land-use and growth. The people who make decisions about rate of growth are the county commission and city councils. This committee's members are not elected officials or policy makers.



Ruth and Eric briefly reviewed the “savings account” analogy with regards to estimating take, noting that as they understood the concept, there is no regulatory requirement to exhaust all take that is permitted. Marcia commented that the committee needed to consider a balance and address the issues surrounding estimating take from a higher-level, policy standpoint. Allison Stephens, City of North Las Vegas, commented that she did not think listing schools as an impacted entity was getting too far off track – it was part of defining what is meant by economics.

Jane Feldman, Environmental/Conservation, commented that this was a take permit, not a land-use document. She expressed concern over the 50-year duration of the permit. Marci responded that Clark County had discussed this with legal counsel, adding that the primary benefit to a take permit was to obtain regulatory assurances for the longest possible period. Jane commented that there actually might be environmental benefits to a long permit period. Marci agreed and stated there might also be species benefits. Jane cautioned that the availability of natural resources, such as water, might be a limiting factor, and she wanted to know if that was included in economics, adding that the take permit could be structured to incentivize infill development.

Mike Ford, City of Mesquite, commented that the nature of development in southern Nevada was going to change. Large-scale renewable energy projects will be developed on large parcels of land. This will shift the economy away from traditional urban development. These large developments will require looking at the acreage cap. This is a perfect time to be doing that.

Patrick Foley, Banking/Finance, asked if the Southern Nevada Public Lands Management Act (SNPLMA) limited land available for take. John replied that this was one of the factors considered in developing the take number. Marci commented that there was constant talk about expanding the disposal boundary. She stated that if you added all the disposal areas that are currently in place as well as available private land, the community will need take authorization for roughly 215,000 acres. What this permit offers is a regional approach to cover all those acres. Patrick asked about access to Bureau of Land Management (BLM) lands. Marci responded that those acres within the disposal boundary were available and included in the analysis.

Patrick noted that further defining the terms in the proposed take guiding principle may actually be doing the committee a disservice. A broad definition actually gives the committee more flexibility for its input. Eric commented that one of the committee’s recommendations might very well be on economics and would include a definition of the term. He stated that he wanted to make sure to introduce the committee to the other guiding principles, and he reviewed them with the committee.

Jim commented that he attended the Desert Conservation Program Annual Project Symposium and that there was a lot of data and research that needed to be pulled together. Marci explained that Jim was talk-





ing about the project symposium that had been held earlier in the week which further highlighted all the projects on which MSHCP money had been spent.

Mindy noted that she also attended and commented that she was present for a discussion regarding the Ivanpah airport and discovered that the plant that was once considered a potential problem with this development was not a problem after all. Jane stated that was not known earlier adding that even though we may use the best scientific knowledge available at the time, there will still be things we do not know. That is part of the risk of this process. She stated that one guiding principle in the past was to prevent the listing of another species and wanted to know if that was one of the guiding principles the committee wanted again.

Mike stated he did not understand Jane's question. Jane gave an example: development is not pushing plants and animals to a higher level on Mt. Charleston, but are we going to cover the blue butterfly anyway? Mike referenced the language in the covered species guiding principle emphasizing "most affected by take." Mike stated that the committee needs to pay attention to the species most affected by take. Marci added that in the past one of the criteria for covered species had been that the species was currently listed or likely to be listed or be impacted. She stated that she did not want to miss species that have a high likelihood of being listed.

Eric asked the committee if these types of issues would better fit into the category of recommendations. Mike commented that with regards to being affected by take, there is a difference between direct take and indirect impacts. The challenge is prioritization among species. Ruth commented that the committee's recommendations could help guide the prioritization process. Marci commented that this was a great example of what the committee could provide – what are the criteria for species we need to look at?

Allan Spooner, Business/Small Business, commented that he was not sure how to manage for a future uncertainty and that the plan would need to deal with disruptions as they occur. Allan added that the guiding principle probably captures accurately what was said, but there is still some uncertainty. He suggested dealing with any disruptions as they occur. Marcia commented that maybe the MSHCP should focus only on listed species. Eric asked the committee if it wanted to capture this idea as a guiding principle or a recommendation. Allan suggested that it be captured as a guiding principle. Ruth commented that an agenda item for the November meeting when covered species will be discussed might deal with how the U.S Fish and Wildlife Service (FWS) deals with species at different levels in the listing process. The group agreed to defer the discussion in more detail until November.

Mindy asked how many of the original 78 species are endangered or threatened. Marci explained that one species (southwestern willow flycatcher) was endangered and one was threatened (desert tortoise). Allison



asked if the focus on endangered species coverage should be as broad as possible to ensure no possible species is uncovered. Marci replied that economics and broadness of coverage needed to be balanced.

Mike added that the habitat conservation process has gone through an evolution with respect to coverage – from single species, to a large number and now back to something more reasonable. Eric stated that the facilitation team would make a note to ask the FWS to provide information on definitions of different categories of listing species. Allan suggested that the committee develop a process based on FWS's process for putting species on the covered species list. Marcia agreed and suggested there be some triggers for adding species to the list. Ann supported using FWS's list as a basis for the permit's covered species list.

Eric reviewed the draft guiding principles related to covered activities and mitigation strategy. Jane asked what it meant to promote efforts that demonstrate efficiency and value. Ruth reviewed the comments that led to that proposed principle and summarized it as an attempt to capture the concept of cost-benefit analysis. Terry commented that we do not know much more than we knew 20 years ago, and this should be factored into priorities for future conservation and mitigation. Eric stated that this draft principle addressed committee concerns regarding what the program funds. Marci commented that she was concerned that the term "multiple uses" in this guiding principle actually has a legal definition for federal agencies. Terry suggested that the term be changed to "variety of uses." Marci stated she did not want to resolve the issue at this moment as she was certain Stan Hardy, Rural Community, would have significant input to this discussion. Eric stated that he would make a note to re-evaluate this, but for now it will be changed to say "a variety of uses." Jane suggested that the phrase "activities that promote efficiency and value" should be changed to "activities that are efficient and useful." Allison stated that the word value was important. Terry suggested that the words be "promote efforts that are efficient and have value." The committee agreed.

Eric reviewed the draft guiding principles under structure and implementation. Ruth stated that there were two kinds of comments associated with these principles: make the best use of available funds and make the administrative process efficient. Jim asked if these principles were associated solely with money. Ruth replied that they were broader than just financial. Eric added that the facilitation team chose the word resources when developing these suggested principles to emphasize all types of resources, not just fiscal resources. Jane commented that the draft guiding principle concerning the wise use of resources was mainly about efficiency, and the word efficiency did not appear in the principle. Eric suggested changing the principle to read "should ensure the efficient use of resources." The committee supported this change.

Eric reviewed the draft guiding principles under the category of Other. Allan asked for an example of what it means to "adapt to changing conditions." Ruth reviewed the feedback provided by the committee under this category (see Appendix B). John commented that the principle could actually fit under all the categories. Eric replied that the facilitation team interpreted it to be an overarching principle. Ruth added that it





appeared to speak to many of the committee's concerns about permit duration and flexibility.

Eric stated that this completed the review of the proposed guiding principles and thanked the committee for its efforts. The facilitation team will provide the committee with a revised set of Draft Guiding Principles next meeting incorporating their comments (see Appendix C).

#### **4. Notice of Intent (NOI) to Prepare an Environmental Impact Statement**

John presented information on the NOI to the committee. He reviewed the definition and purpose of scoping with the group and went over the schedule for scoping meetings:

- September 8, Henderson Convention Center
- September 9, Searchlight Community Center
- September 10, Moapa Valley Community Center
- September 14, Clark County Library, Jewel Box Theater

Mindy asked what the role of committee members was in the scoping process. John replied that it would be good for CAC members to attend at least one of the scoping meetings, especially one in the rural communities if that was feasible. Jane asked why aquatic species were not on the preliminary list of covered species. Marci commented that it was based on the existing Covered Species list which did not include aquatic species.

John briefly reviewed the process the Permittees went through to project take data, noting that the analysis will vary considerably depending upon which time frame you use as a standard for projecting take. He commented that the take figures for 2003 to 2006 are unlikely to be repeated, but the growth for 1990 to 1999 could very well happen again. John reviewed the assumptions behind the analysis for the committee:

1. The analysis will be at a landscape level based on ecosystem and habitats since development patterns can not be predicted more precisely.
2. Acres will be held in a common pool.
3. Take is pay as you go.

Allan asked John to clarify his comment about the predictability of development patterns. John replied that development can be predicted in a very general sense, but the precise parcels that will be developed, when they will be developed those parcels and what will be there, cannot be predicted very well. Allan asked if at some point, it would make sense to recommend how development should occur. John replied that it was important to stay focused on the purpose for this amendment – ESA compliance. Terry commented that it was the purview of elected officials to determine how development would proceed in their jurisdictions. Jim asked if the land disturbance report had been used in developing jurisdictional boundaries. John replied that existing vacant land jurisdictions had been reviewed accounting for lands within existing jurisdictions



that were not currently privately held but could become privately held in the future. Jim stated that the reason he asked was, as a public school teacher, he needed to display things for children to understand. He asked John if it was possible to chart out proposed development from the original plan, the development that actually occurred, and proposed development from the current plan. John replied that was not possible since the original plan never included a map of proposed development, all it did was identify an acreage cap. Marci pointed out that this is the format for all HCPs.

Ruth asked if the big picture process regarding this number could be reviewed at the September meeting. The committee agreed.

### **5. Pet Tortoise Task Force**

Jodi Bechtel, DCP Desert Tortoise Task Force Lead, reminded the committee about the Desert Tortoise Task Force related activities from their July 16, 2009 meeting. In particular, she reminded the committee that Terry, Mindy and Paul Larsen, Business/Small Business, had volunteered and been recommended by the committee to participate on the Task Force. She noted that these individuals will represent typical stakeholder interests while keeping in mind the CAC's larger discussions and interests.

Eric reviewed the task force meeting schedule:

- September 16
- October 13
- November 17 (if needed)

Eric explained to the committee that the first meeting would be devoted to learning and understanding the issues around domestic desert tortoises. The CAC members on the Task Force would report back to the committee. He stated that the idea was to give these individuals some information on what they should be paying attention to at the September Task Force meeting.

Jane was interested in the effects on the desert tortoise gene pool of domestic desert tortoises. She was curious if these tortoises could be used to help the survival of the species. Jim commented that returning pet desert tortoises to the wild will result in contamination of the wild population. Allison was interested in the consensus of the current science on domestic desert tortoises.

Jane commented that during the draft guiding principle discussion, she noticed that additional meetings had been proposed on the handout. Eric replied that, given the work left to do, they will likely be needed. Eric asked the committee if it would support a three-hour meeting moving forward. Ruth explained that in a two-hour meeting there was actually only about an hour-and-a-half to do actual work due to the various administrative activities required for each meeting. Eric stated that for some of these topics, an hour-and-a-half would be challenging. Bryan Nix, Boulder City suggested there be more meetings, not longer meetings.



There was general agreement on this among the committee members. Mindy suggested that the committee may need to re-address this in the future.

Bryan suggested that it would help if the handouts were available prior to the meeting. Allison pointed out that this information was on line. Eric commented that the handout on draft guiding principles was an exception to this for this meeting. John commented that this information will continue to be on line and that he will e-mail handouts with the agenda also. Patrick requested that the draft minutes be e-mailed also.

## **6. Public Comment**

Jeri Krueger, FWS, asked John to explain the slide that stated, "It does not include an analysis of those species that may become listed over the term of the permit." John replied that he was referring to the NOI itself and that the list of species in the NOI is not the exhasutive list of species that may be prposed for inclusion in the amended MSHCP. Jeri then asked whether the anlysis will be done on a landscape scale. John replied no, those were assumptions for the analysis of the impact of take. Jeri commented that the EIS will be a FWS document, and FWS has not discussed with the Permittees how the analysis will be done; therefore, the assumptions may not be valid. She also reminded the committee members that there are mechanisms to deal with uncertainty in the MSHCP. She mentioned a strong adaptive management program, changed circumstances planning requirements and unforeseen circumstances requirements. She also mentioned that the longer a permit period was, the more uncertainty there would be.

Rob Mrowka, Center for Biological Diversity, commented that there were species that were not directly impacted by the take but had been indirectly affected by recreational impacts, the number of off-road vehicles and people demanding developed facilities, as examples. He mentioned that under the existing plan, the developers got the sweetheart deal of the millennium. He stated that it was important for agencies to get money for development since indirect take occurs almost exclusively on public land. He commented that was why all the money had been spent at Lake Mead. He suggested that the committee have staff prepare a report on other HCPs. There are others that charge much larger fees for developers. He also mentioned that in other HCPs, mitigation does not occur on federal lands, it occurs on private lands, and developers are forced to purchase and conduct mitigation on these lands. He stated that there will be a lot of biting questions the committee will need to answer, and it should encourage staff to bring this information to them.

## **7. Meeting Wrap Up and Closing**

The meeting was adjourned at 4:33 p.m.



## Attendance

### Committee Members Present

Jane Feldman, Environmental/Conservation  
Patrick Foley, Bank/Finance  
Mike Ford, Mesquite  
Terry Murphy, Developer/Homebuilder  
Brian Nix, Boulder City  
Jim Rathbun, Education  
Ann Schrieber, Senior  
Allan Spooner, Business/Small Business  
Allison Stephens, North Las Vegas  
Marcia Turner, Education  
Mindy Unger-Wadkins, Henderson

### Clark County Staff

Jodi Bechtel  
Matt Hamilton  
Marci Henson  
Ann Magliere  
John Tennert

### Others In Attendance

Bob Hoyes  
Michael N. Johnson  
Jeri Krueger  
Ellie McAllister  
Rob Mrowka  
Cris Tomlinson  
John Willis  
Eric Hawkins, Facilitator  
Doug Huston, Meeting Documentation  
Ruth Nicholson, Facilitator



## Flipcharts

### Notes:

See Appendix C for the final version of the draft guiding principles including committee input.

### Agenda

1. Opening and Introductions
2. Adopt July Notes
3. Guiding Principles
4. Notice of Intent for EIS Scoping
5. Tortoise Task Force
6. Public Comment
7. Wrap Up and Adjourn

### Goals

1. To Adopt July CAC Meeting Notes
2. To Refine Guiding Principles
4. To Discuss the Notice of Intent
5. To Discuss the Tortoise Task Force

### Mission

The Desert Conservation Program (DCP) Community Advisory Committee (CAC) will provide recommendations to the Permittees on amendment of the Clark County Multiple Species Habitat Conservation Plan.

### Guiding Principles

#### Acreage Cap (Take)

Guiding Principle One: The acres of take need to have a logical, purposeful basis that seeks to balance the following factors:

- Economics (Define) (Stakeholder groups)
- Equity (Define)
- Species and habitat conservation (Define)
- Quality of life (Define)



## Flipcharts

### Notes:

See Appendix C for the final version of the draft guiding principles including committee input.

### Guiding Principles

#### Covered Species

Guiding Principle Two: The list of covered species should focus on those species most likely to be impacted by take within the MSHCP boundary.

Guiding Principle Three: Conserving and protecting species and habitats should be based upon the best scientific knowledge available. (Process to address FWS listing and priorities for species)

### Guiding Principles

#### Activities/Mitigation Strategy

Guiding Principle Four: Activities related to the mitigation of take should seek to:

- Have a measurable impact on species and habitat conservation
- Promote efforts that are efficient and have value
- Improve our knowledge of local conditions

### Guiding Principles

#### Activities/Mitigation Strategy

Guiding Principle Four (Continued): Activities related to the mitigation of take should seek to:

- Balance burdens among stakeholders and permittees
- Allow for/recognize the value of a variety of uses of land and resources

### Guiding Principles

#### Structure and Implementation

Guiding Principle Five: The MSHCP amendment should seek to maximize simplicity and usability and minimize the burden on permit beneficiaries of achieving ESA compliance





## Flipcharts

### Notes:

See Appendix C for the final version of the draft guiding principles including committee input.

### Guiding Principles

#### Structure and Implementation

Guiding Principle Six: The amendment structure should ensure the efficient use of resources and control costs of the program to maximize the permit's value to the community

### Guiding Principles

#### Structure and Implementation

Guiding Principle Seven: Implementation of the permit should seek to provide a link between the community and permit stakeholders in order to be responsive to permit beneficiaries and have an open process.

### Guiding Principles

#### Other

Guiding Principle Eight: We recognize that the current MSHCP has limitations and implementation challenges that need to be addressed by a plan and permit amendment.

### Guiding Principles

#### Other

Guiding Principle Nine: Each member of the Community Advisory Committee has the right and responsibility to communicate the interests of the organization or demographic they represent in the permit amendment process.



## Flipcharts

### Notes:

See Appendix C for the final version of the draft guiding principles including committee input.

### Guiding Principles

#### Other

Guiding Principle Ten: Due to the complexity of issues addressed by the MSHCP, the plan and permit should contain mechanisms to adapt to environmental, economic and social changes that arise during the permit life.

### Next Meeting

September 17  
Acreage Cap  
Take  
Covered Activities  
Draft Recommendations



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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 Desert Conservation Program Community Advisory Committee (CAC) has been called and will be held on: Thursday, August 13, 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.

1. **Opening and Introductions**

2. **Approval of Meeting Notes from July 2009 CAC meeting**

3. **Guiding Principles for the Work of the CAC**

**Goals:** • To refine the Guiding Principles for the CAC's work

4. **Notice of Intent (NOI) to Prepare an Environmental Impact Statement**

**Goals:** • To discuss key elements of the NOI for permit amendment

5. **Pet Tortoise Task Force**

**Goals:** • To discuss key issues and concerns for the CAC representatives to take forward to the Pet Tortoise Task Force

6. **Public Comment**

No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Speakers are asked to sign-in to speak. Speakers are asked to introduce themselves with their name and affiliation, if any, before speaking. Each speaker will be limited to three minutes.

7. **Meeting Wrap Up and Closing**

**Goals:** • To recap meeting results and identify follow-up activities  
• To outline the agenda topics and desired results for the September 17, 2009 meeting  
• To invite participant feedback on the meeting

*continued on next page*



Committee 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: TBD

### **AFFIDAVIT OF POSTING**

The above notice/agenda of a meeting of the Multiple Species Habitat Conservation Plan Desert Conservation Program Advisory Committee scheduled for Thursday, August 13, 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





## Permit Amendment Purpose

### 1. Acreage Cap:(Define)

- Take
- Number of acres available for development under the permit
- Affected ecosystem/habitat

### 2. Covered Species: (Define)

- Animals and plants covered by the permit

### 3. Mitigation Activities: (Do)

- Mitigation fee amount
- Mitigation projects
- Public outreach
- Research and monitoring
- Who pays the fees

### 4. Structure and Implementation: (Do)

- Fee collection process
- Permit administration and management
- Relationships between permittees, agencies and stakeholders
- Permit enforcement and compliance
- Budget and contracting
- Effects on ease of development

### 5. Foundation (Other)

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### Permit Amendment Purpose

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

# Acreage Cap (Take)

- Guiding Principle **One**: The acres of take need to have a logical, purposeful basis that seeks to balance the following factors:
  - Economics
  - Equity
  - Species and habitat conservation
  - Quality of life

## Responses

- 1. Protect Rural Areas
- Remove the acreage cap
- Save the desert
- Protect Species w/out Killing the Economy
- Economic Impacts/Habitat Impacts
- Bring Closure to Open Issues Re: Amendment
- Adjust MSHCP Based on Changing Conditions
- What Impact on Future Development
- Make Sure Our Plan Adapts to the Changing Lay of the Land (Enviro/Economic/Social)
- Vast Complexity of the Issues
- Our Community's Misperception of What A Desert Community Is and Refusal to Accept Those Limitations
- Focus More On Building Than Species
- Extremely Complex Issues
- Price For Expansion of Cap May Be Too High
- A Lack of Long Term Planning That Recognizes Natural Constraints
- Limited Land For Development
- Keep Acreage Small, Incentivize Development
- We Must Consider the Difference Between "Growth As Development" vs. "Growth as Expansion." Is Increasing Cap Necessary?
- Try to Limit Actions That Could Reduce Acreage For Future Development
- Question the Need to Expand Acreage Cap
- Balance With Quality of Life

# Covered Species

- Guiding Principle **Two**: The list of covered species should focus on those species most likely to be impacted by take within the MSHCP boundary.
- Guiding Principle **Three**: Conserving and protecting species and habitats should be based upon the best scientific knowledge available.

## Responses

- Improve ability of the community to protect sensitive species & habitat
- Protect Species w/out Killing the Economy
- Economic Impacts/Habitat Impacts
- Bring Closure to Open Issues Re: Amendment
- Improve Ability of the Community To Protect Sensitive Species and Habitat
- Adjust MSHCP Based on Changing Conditions
- Save the Tortoises
- Make Sure the Protection Covers Humans As Well as Animals
- Make Sure Our Plan Adapts to the Changing Lay of the Land (Enviro/Economic/Social)
- Vast Complexity of the Issues
- The Inaccurate Perception that People Lose if Animals Win
- Lack of Species Knowledge! Accuracy of Current Plan
- Focus More On Building Than Species
- Extremely Complex Issues
- Too Broad of a Mandate Species Wise
- Narrow the Scope of Covered Species
- Keep Number of Covered Species Small; Scientists Need Help
- Focus on Species that are Most Impacted By Our Actions
- Do Not Neglect Species That Are Endangered So Vegas Can Grow
- Exclude Species Not In Tortoise Areas
- Balance With Quality of Life
- As We Require Species To Adapt We Must Look To Ourselves, Our Industries, And Our Community To Adapt.

## Activities/Mitigation Strategy

- Guiding Principle **Four**: Activities related to the mitigation of take should seek to:
  - Have a measurable impact on species and habitat conservation
  - Promote efforts that demonstrate efficiency and value
  - Improve our knowledge of local conditions
  - Balance burdens among stakeholders and permittees
  - Allow for/recognize the value of multiple uses of land and resources

### Responses

- Avoid Any Increase in Fees
- Save the desert
- Multiple use of land
- Economic Impacts/Habitat Impacts
- Protect Species Without Killing the Economy
- Bring Closure to Open Issues Re: Amendment
- Improve Ability of the Community To Protect Sensitive Species and Habitat
- To Create Guidance on Opportunity to Enhance Our Surrounding Environment
- Be Certain That What We're Doing (Spending) is Having Measurable Impact
- Adjust MSHCP Based on Changing Conditions
- Using Resource Dollars Wisely! Dollars Spent vs. Gain
- Make Sure Our Plan Adapts to the Changing Lay of the Land (Enviro/Economic/Social)
- Vast Complexity of the Issues
- Lack of "Just" Funding Mechanisms
- Have Seen No Evidence That We Know More Today, 20 Years and \$130 Million Later Than We Did on 8/4/89
- Difficulty Measuring Results
- Lack of Hands On Work to Protect The Environment
- Extremely Complex Issues
- Not Good Info (Data)
- \$
- Price For Expansion of Cap May Be Too High
- Cost of Program vs. Value To Community
- Open Up Areas of BLM Ground For Sale Not Affected With True Habitat Initiatives Under HCP
- Try to Limit Actions That Could Reduce Acreage For Future Development
- Eat the Elephant One Bite At a Time
- Focus On Activities That Best Mitigate for Our Impact On Species
- Balance Burdens Across All Affected Stakeholders
- Focus on the Critical Areas and Avoid Trying To Appease All
- Growth Costs: Money, Resources, Services
- More Hands On Conservation On Protected Areas
- Make Sure Return On Conservation
- Facts Are the Enemy of Truth
- Understand Cost \$ And Ensure Accountability
- Focus On Solutions That Are Efficient and Effective
- Pay Close Attention To Changes in Increasing Fees
- Does It Make A Difference
- Follow the Money \$
- Understand the Fiscal Impact of Plan On Community

## Structure & Implementation

- Guiding Principle **Five**: The MSHCP amendment should seek to maximize simplicity and usability and minimize the burden on permit beneficiaries of achieving ESA compliance.
- Guiding Principle **Six**: The amendment structure should ensure the wise use of resources and control costs of the program to maximize the permit's value to the community.
- Guiding Principle **Seven**: Implementation of the permit amendment should seek to provide a link between the community and permit stakeholders in order to be responsive to permit beneficiaries and have an open process.

### Responses

- Avoid Any Increase in Fees
- Ensure That Any Changes/Updates Are Defensible and Truly Represent Our Community's Values
- Help and Advice From the Community On How to Shape the Amended Habitat Plan
- Be Certain That What We're Doing (Spending) is Having Measurable Impact
- Adjust MSHCP Based on Changing Conditions
- Help From the Surrounding Community on Prioritizing and Focusing the Permittee's Efforts and Expenditures Going Forward
- What Impact on Future Development
- Using Resource Dollars Wisely! Dollars Spent vs. Gain
- Make Sure Our Plan Adapts to the Changing Lay of the Land (Enviro/Economic/Social)
- Vast Complexity of the Issues
- Potential For Complete Unraveling
- Extremely Complex Issues
- Stakeholder Diversity
- \$
- Disparate Expectations Will Preclude Real Progress
- Price For Expansion of Cap May Be Too High
- Balancing Disparate Interests Among Stakeholders While Maintaining a Razor Sharp
- Focus On What We're To Do
- Cost of Program vs. Value To Community
- Open Up Areas of BLM Ground For Sale Not Affected With True Habitat Initiatives Under HCP
- Eat the Elephant One Bite At a Time
- Growth Costs: Money, Resources, Services
- Make Sure Return On Conservation
- Be Willing To Compromise
- Understand Cost \$ And Ensure Accountability
- Focus On Solutions That Are Efficient and Effective
- Keep Focus on HCP Being Simple/Usable
- Are We Getting Value for \$
- Effective - Efficient
- Realistic Expectations
- Follow the Money \$
- Understand the Fiscal Impact of Plan On Community
- Make Sure We Aren't Back Here in 2019

## Other

- Guiding Principle **Eight**: We recognize that the current MSHCP has limitations and implementation challenges that need to be addressed by a plan and permit amendment.
- Guiding Principle **Nine**: Each member of the Citizens Advisory Committee has the right and responsibility to communicate the interests of the organization or demographic they represent in the permit amendment process.
- Guiding Principle **Ten**: Due to the complexity of the issues addressed by the MSHCP, the plan and permit should contain mechanisms to adapt to environmental, economic and social changes that arise during the permit life.

### Responses

- Help unions
- How Education is Affected
- Protect Interests of the Home Building Industry
- Growth Does Not Pay For Itself
- Lack of Available Water Resources
- Ability to Meet Everybody's Objectives In Protecting Their Interest
- Is There Any Urgency?
- Regardless of Outcome 3rd Parties Will Challenge
- Question the Need to Expand Acreage Cap
- Balance Burdens Across All Affected Stakeholders
- Focus on the Critical Areas and Avoid Trying To Appease All
- Growth Costs: Money, Resources, Services
- Need For Sustained Growth



## Guiding Principles Summary

### 1. Acreage Cap:(Define)

- Guiding Principle **One**: The acres of take need to have a logical, purposeful basis that seeks to balance the following factors:
  - Economics
  - Equity
  - Species and habitat conservation
  - Quality of life

### 2. Covered Species: (Define)

- Guiding Principle **Two**: The list of covered species should focus on those species most likely to be impacted by take within the MSHCP boundary.
- Guiding Principle **Three**: Conserving and protecting species and habitats should be based upon the best scientific knowledge available.

### 3. Mitigation Activities: (Do)

- Guiding Principle **Four**: Activities related to the mitigation of take should seek to:
  - Have a measurable impact on species and habitat conservation
  - Promote efforts that demonstrate efficiency and value
  - Improve our knowledge of local conditions
  - Balance burdens among stakeholders and permittees
  - Allow for/recognize the value of multiple uses of land and resources

### 4. Structure and Implementation: (Do)

- Guiding Principle **Five**: The MSHCP amendment should seek to maximize simplicity and usability and minimize the burden on permit beneficiaries of achieving ESA compliance.
- Guiding Principle **Six**: The amendment structure should ensure the wise use of resources and control costs of the program to maximize the permit's value to the community.
- Guiding Principle **Seven**: Implementation of the permit amendment should seek to provide a link between the community and permit stakeholders in order to be responsive to permit beneficiaries and have an open process.

### 5. Foundation (Other):

- Guiding Principle **Eight**: We recognize that the current MSHCP has limitations and implementation challenges that need to be addressed by a plan and permit amendment.
- Guiding Principle **Nine**: Each member of the Citizens Advisory Committee has the right and responsibility to communicate the interests of the organization or demographic they represent in the permit amendment process.
- Guiding Principle **Ten**: Due to the complexity of the issues addressed by the MSHCP, the plan and permit should contain mechanisms to adapt to environmental, economic and social changes that arise during the permit life.



## The Road Ahead

The meeting topics and dates listed below are to help the Committee understand the intended focus for our future meetings. In general, the first meeting on a topic will be dedicated to the review of information, discussion and development of preliminary recommendations. The second meeting will be to review, refine and accept the proposed recommendations.

### **1. Acreage Cap**

- September 17<sup>th</sup>
- October 22<sup>nd</sup>

### **2. Covered Species**

- November 19<sup>th</sup>
- December 10<sup>th</sup>

### **3. Mitigation Activities**

- January 14<sup>th</sup>
- February 18<sup>th</sup>

### **4. Structure and Implementation**

- March 11<sup>th</sup>
- April 8<sup>th</sup>





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## Appendix C



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**Clark County Desert Conservation Program  
Community Advisory Committee**

Draft Guiding Principles  
August 13, 2009

**Acreage Cap (Take)**

*Guiding Principle One:* The acres of take need to have a logical, purposeful basis that seeks to balance the following factors:

1. Economics
2. Equity
3. Species and habitat conservation
4. Quality of life

**Covered Species**

*Guiding Principle Two:* The list of covered species should focus on those species most likely to be impacted by take within the MSHCP boundary.

*Guiding Principle Three:* Conserving and protecting species and habitats should be based upon the best scientific knowledge available.

**Activities/Mitigation Strategy**

*Guiding Principle Four:* Activities related to the mitigation of take should seek to:

1. Have a measurable impact on species and habitat conservation
2. Promote efforts that are efficient and have value
3. Improve our knowledge of local conditions
4. Balance burdens among stakeholders and permittees
5. Allow for/recognize the value of a variety of uses of land and resources

**Structure and Implementation**

*Guiding Principle Five:* The MSHCP amendment should seek to maximize simplicity and usability and minimize the burden on permit beneficiaries of achieving ESA compliance.

*Guiding Principle Six:* The amendment structure should ensure the efficient use of resources and control costs of the program to maximize the permit's value to the community.



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*Guiding Principle Seven:* Implementation of the permit should seek to provide a link between the community and permit stakeholders in order to be responsive to permit beneficiaries and have an open process.

**Foundation (Other)**

*Guiding Principle Eight:* We recognize the current MSHCP has limitations and implementation challenges that need to be addressed by a plan and permit amendment.

*Guiding Principle Nine:* Each member of the Community Advisory Committee has the right and responsibility to communicate the interests of the organization or demographic they represent in the permit amendment process.

*Guiding Principle Ten:* Due to the complexity of the issues addressed by the MSHCP, the plan and permit should contain mechanisms to adapt to environmental, economic and social changes that arise during the permit life.




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## Appendix D


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**Notice of Intent to Conduct Scoping**

August 13, 2009


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**Scoping under NEPA**


**What is "scoping" under the National Environmental Policy Act?**

- Gathering and analysis of information that the federal government (FWS) will use to establish the breadth, or scope, of environmental review of a proposed project.
- Scoping helps identify significant issues related to a proposed action and is a useful tool for discovering alternatives to a proposal or significant impacts that may be otherwise overlooked.
- Required by NEPA regulations


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**Scoping Meetings**

<b>September 8, 2009 6:00pm to 8:00pm</b> Henderson Convention Center 200 South Water Street Henderson, NV 89015	<b>September 9, 2009 6:00pm to 8:00pm</b> Searchlight Community Center 200 Michael Wendell Way Searchlight, NV 89046
<b>September 10, 2009 6:00pm to 8:00pm</b> Moapa Valley Community Center 320 North Moapa Valley Boulevard Overton, NV 89040	<b>September 14, 2009 6:00pm to 8:00pm</b> Clark County Library – Jewel Box Theater 1401 East Flamingo Road Las Vegas, NV 89119


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**Scoping Notice**

- Reflects a starting point for the environmental review process
- Describes the proposed action and possible alternatives
- Advises other federal and state agencies, affected tribes, and the public of FWS' intent to prepare an Environmental Impact Statement (EIS)
- Announces the initiation of a 30-day public scoping period
- Requests suggestions and information on the scope of issues and alternatives to be included in the EIS


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**Scoping Notice**

- Anticipates revisiting the overall conservation and mitigation strategy
  - Variations in the location, amount, and type of conservation
- Proposes requesting a 50-year permit (permits have been issued for as many as 99 years)
- Review of covered activities and projected take
- Review of covered species; identifies known state and federally listed species


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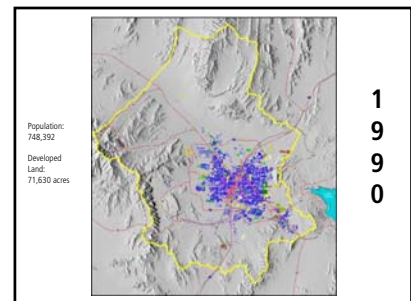
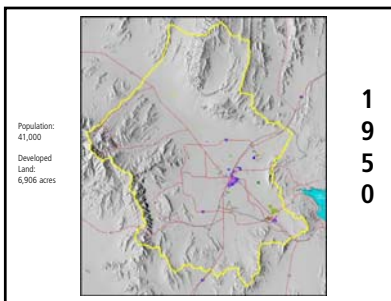
**Preliminary Covered Species**

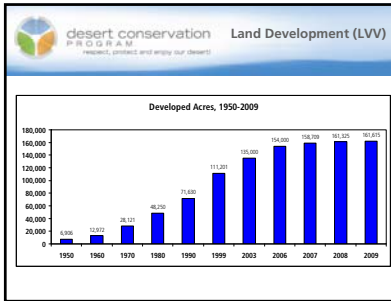
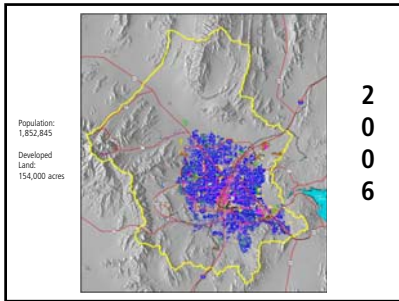
- Known federal and/or state listed species
  - desert tortoise
  - Southwestern willow flycatcher
  - Las Vegas buckwheat
  - Yuma clapper rail
  - Yellow-billed cuckoo
  - Las Vegas bearpoppy
- Does not include an analysis of those species that may become listed over the term of permit


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**Considerations in Projecting Take**

- Experience under the current permit
- Expansion of the disposal boundary(ies) by Congress
- Cost and risk of future amendments
- Population and demand projections
- Take and Jeopardy
- Long-Term Endangered Species Act Assurances

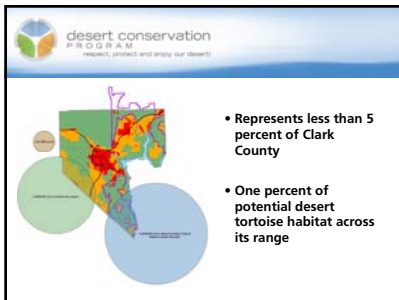




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### Projecting Take Based on Mean Annual Growth Rates (acres)

Period	Mean	50-year Permit
1950-1990	1,618	80,905
1950-2006	2,627	131,334
1990-1999	4,397	219,839
1990-2006	5,148	257,406
1999-2006	6,114	305,700



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- ### Assumptions
- Analysis will focus on number of acres on a landscape scale, not specific parcels or areas
    - Based on ecosystem/habitat types
  - Actual pattern of future development cannot be predicted
    - Area where take can occur will contract or expand as available land for development contracts or expands
  - Acres held in a common pool to be used as needed; not reserved to individual permittees
  - Mitigation will be pay-as-you-go; no take, no mitigation

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Questions?



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# Appendix E





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**Domestic Desert Tortoise Task Force**

August 2009



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**Desert Tortoise Task Force**

- Task Force goals:
  - To gather affected and interested stakeholders related to the issue of wild and domestic desert tortoises
  - To facilitate the discussion of current challenges and opportunities with a goal to more effectively address the management of this species in Clark County
- DCP is hosting and providing professional facilitation services



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**Desert Tortoise Task Force**

- Because the tortoise is a threatened species, authority for management lies with U.S. Fish and Wildlife Service and Nevada Department of Wildlife
- To address the issue of tortoise domestication as a community requires specific, expert deliberation by professionals directly involved in the management and care of animals



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**DCP and Domestic Desert Tortoises**

- The DCP has been acting as ad-hoc manager of unwanted and stray desert tortoises since 1996
  - Community-wide problem being solved by a Habitat Conservation Plan
  - DCP cannot set or enforce restrictions on wildlife
- The DCP pays for 100% of the collection and care for the tortoises collected in Clark County
  - 98% of these tortoises are unwanted or stray pets



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**DCP and Domestic Desert Tortoises**

- DCP funding can only be used for the purpose of mitigating for the take of threatened and endangered wildlife
  - CAC will be considering future mitigation efforts
  - DCP's responsibilities towards domestic desert tortoises needs to transition to proper authorities



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**Desert Tortoise Task Force**

- Two representatives from the CAC are participating in the Task Force
  - Commitment of ~2 full days in early Fall
  - Represent individual stakeholder interests while keeping in mind the CAC's feedback and perspective
    - Report back to full CAC on Task Force discussions



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