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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 October 22 , 2009



Meeting Summary

**Community Advisory Committee Meeting Nine, October 22, 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 (DCP) Community Advisory Committee (CAC) Meeting of October 22, 2009. These pages, together with the presentation slides and handouts, constitute the meeting record.

Meeting Nine Agenda

1. Opening and Updates
2. Approval of Meeting Summary from the September 17, 2009 CAC Meeting
3. CAC Recommendations on Take
4. Public Comment
5. Meeting Wrap Up and Closing

Appendix A-Meeting Nine Agenda

Appendix B-HCP Comparison

Appendix C-Timeline of Consultation

1. Opening and Introductions

Ruth Nicholson, Lead Facilitator, opened the meeting at 2:39 p.m. Ruth reviewed the agenda with the committee and explained that based on the outcome of some discussions Marci Henson, DCP Plan Administrator, and John Tennert, DCP Permit Amendment Project Manager, had with some committee members, the plan for this meeting had been modified slightly. She stated that part of the meeting would be spent clarifying how the Permittees had calculated the take number in the Notice of Intent (NOI). Following that discussion, the committee would work on the draft recommendation on take. She cautioned the group that given the change in the meeting plan, it might take an additional meeting to finalize the recommendation on take.

John informed the committee that the National Environmental Policy Act (NEPA) scoping meetings for the MSHCP Environmental Impact Statement (EIS) were being conducted this week. He informed the committee that two meetings (Las Vegas and Searchlight) had already been conducted and the Henderson meeting was scheduled for that night (October 22, 2009). He stated the Moapa meeting was scheduled for the evening of Monday, October 26, 2009 and encouraged committee members to attend at least one of those



meetings.

Marci informed the committee members that they should have received a copy of the Biennium Progress Report (BPR). She informed the committee that if anyone had any questions they should send her an e-mail. Marci also reminded the committee that DCP staff had recommended to the Clark County Board of County Commissioners (BCC) that a task force on pet tortoises be convened. The BCC declined to take any action on the recommendation, instead asking Clark County staff to do a review of the minimum permit requirements with regards to tortoise pick ups and prepare a transition plan out of non-binding requirements. She reported to the committee that the resolution had been prepared and presented to the BCC. DCP will discontinue activities associated with pet tortoises by December 31, 2009. The DCP will continue to pick up wild tortoises and stray, domestic tortoises on the urban/wildland interface that have a high likelihood of entering the wild. She also informed the committee that Clark County staff had received a letter from the U.S. Fish and Wildlife Service (FWS) discussing its concerns with this action. She stated that DCP was looking forward to working with FWS on these concerns. Ruth noted that committee members that they had all written material on the scoping meetings and the pet tortoise resolution in the back of their binders.

Jim Rathbun, Education, asked if this resolution meant that Clark County was no longer in the business of collecting pet tortoises. Marci replied that it did. Jim asked if there was any group that was going to take over this duty. Marci commented that she expected there would be and that DCP staff would be meeting with FWS and the Nevada Department of Wildlife (NDOW) over the next few months to develop a transition plan to address these issues.

2. Approval of Meeting Notes from September 17, 2009 CAC Meeting

Ruth asked the committee if it had any comments, questions, or suggested revisions to the September CAC meeting summary. There were no comments or questions. The committee approved the September summary by consensus. Ann Magliere, DCP staff, informed the committee members that the updated August minutes were in their binders. John encouraged the committee members to take their binders home as they would be getting new binders at the next meeting. He informed the committee members that the notepads had been removed from the binders and if they had notes on them and wanted to leave their notepads behind, they should put their names on them to ensure they got placed in the correct binders for next meeting. John also informed the committee that he had put together a table containing information on various HCPs and put a copy in the binders. He cautioned the committee that some of the comparisons were difficult to make due to different circumstances.

Mindy Unger-Wadkins, City of Henderson, asked which of the other HCPs was most closely related to Clark County's HCP. John replied that probably the HCP closest to Clark County's HCP was the Lincoln County



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HCP. He stated that Clark County's HCP was unique in the extent to which it relies on federal land for mitigation. He stated that this uniqueness is partly reflected in the nature of the fees per acre. Many other plans are driven by the acquisition of land and therefore their fees are much higher.

Scott Rutledge, Environmental/Conservation, asked if any of the other HCPs had any different funding mechanisms. John replied that most of them used a variety of funding sources. Some have direct fees similar to Clark County's. Others vary significantly and include sales taxes, property taxes, and in some cases, bond funding. John commented that some funding arrangements had been overturned since one of the HCP issuance criteria is that funding sources have to be assured and some funding plans such as certain bond funding plans did not meet that criterion.

Jim asked whether there were any comparable HCPs in Arizona, such as Phoenix, Arizona. Marci commented that possibly Pima County, Arizona had a HCP similar to Clark County's since it also has a large federal land component. She committed to investigating that possibility. Mindy commented that she thought it was mostly state land in Pima County. Marci replied that there was a lot of state land there but also a large amount of federal land. Scot asked if there were any other HCPs that involved mitigation on federal land such as the Clark County HCP. John replied that Clark County's HCP was unique. There were other HCPs that involved a small amount of mitigation on federal land, but not to the extent that Clark County does.

Scot asked if Clark County resources were being used to leverage what was already being done on these federal lands. John replied that the system was initially set up such that funding through the HCP was intended to augment federal funding. The unfortunate reality is that the local representatives of the federal agencies do not have control over the funding process at the national level and what has happened is that as the MSHCP and Southern Nevada Public Lands Management Act (SNPLMA) funding has become available, there has been a decrease in federal appropriations for these programs.

Alan Spooner, Business/Small Business, asked if that was a concern. Marci replied that it was since federal managers have an inherent obligation under Section 7 of the Endangered Species Act (ESA) to protect endangered species, so they should already be doing as much as they can on their own. Funding from the MSHCP and SNPLMA is intended to augment those efforts and allow additional mitigation and conservation to be performed. In reality, that has not happened.

Alan commented that we are required to ensure we are complying with agency requirements, and the plan was that our funding would piggyback on theirs, but it actually turned into a swapout – our funding for their original funding. Marci commented that the HCP Permittees are supposed to work with the federal agencies and understand which dollars are going where, but it is very difficult in practice to do this. Alan



asked if the Permittees had accomplished what was intended for HCP money. Marci replied, yes. She commented that over the 30 year lifetime of the permit, Clark County was required to spend \$26 million. In the last eight years, the actual expenditure has been around \$88 million.

Mike Ford, City of Mesquite, commented that the critical question was, had the federal agencies done enough since 87 percent of the land in Clark County was federal land. Mindy added that when the committee began discussing mitigation strategy, she assumed there would be some kind of budget that the committee could walk through in terms of what the Permittees can or cannot do vs. what the federal government will be doing. Marci commented that was the reason the Permittees were interested in becoming as self sufficient as possible so it was not necessary to try to make the federal and county processes blend.

Ruth explained that the committee process was an iterative process. The committee would come to agreement on recommendations in each of the five areas in which it was developing guiding principles. At the end of the process, it will take a look back to see if all the recommendations were consistent with each other and with the guiding principles.

3. CAC Recommendations on Take

Eric Hawkins, Co-Facilitator, reviewed the results of the previous CAC meeting with the committee. He commented that at the end of the round-robin exercise there was still some concern about the development of the take number. That concern involved a perception of the nature of the development of the number as a kind of black-box process. To address this concern, Marci will discuss the “story” behind the development of the take number.

Eric then reviewed the draft recommendation on take and explained that following Marci’s comments, the committee would be asked to respond to the recommendation with one of two responses: “I agree, because...” or “I disagree because...”. These responses would be posted on the wall and any concerns will be discussed with the committee. He stated that the original plan had been to develop the take recommendation at today’s meeting, but given the additional information that will be presented, the goal was to collect the data on agreement and concerns today.

Marci began by explaining that the DCP has a 20-year history of successful public involvement and stakeholder input, and she is committed to continuing that record. She commented that at the end of the last meeting there were all but three or four people in agreement with the take number development process, but she was concerned about losing the support of those people. She reminded the committee members that if they had questions they should not hesitate to call her, John or one of the facilitators and ask for more information. She stated that she and John would be happy to meet with them and make sure



they received all the information they needed. She commented that based on feedback she had received, it was necessary to take a step further back into the take development process and lay out some of the history of the development. Some of the highlights of her discussion were:

1. In August of 1995, the long term HCP was approved by FWS.
2. In April of 1996, FWS issued a biological opinion for the Bureau of Land Management's (BLM) programmatic activities. She explained that BLM is required to consult with FWS on all of its activities, such as mining and off-highway vehicle (OHV) use, that have the potential to impact endangered and threatened species and that this consultation has a large impact on the development of the take estimate. The consultation determined that impacts to desert tortoise habitat and the take resulting from disposal of BLM land would be mitigated through the Section 10, HCP process.
3. In August of 1996, BLM asked FWS to eliminate any need to collect ESA Section 7 fees for disposal actions since the local HCPs will cover these actions.
4. In May of 1998, the BLM published its Final Las Vegas Resource Management Plan (RMP) which identified 16 disposal areas. Marci pointed out that Clark County had provided a map to the committee which included those acres. She informed the committee that these areas encompassed a total of 406,000 acres that are eligible for disposal and these acres have been available for development for a long time.
5. In October of 1998, SNPLMA was passed by Congress which identified additional BLM lands that should be considered for disposal. Marci commented that these acres are also indicated on the map provided to the committee. She pointed out that mitigation for both the original BLM disposal acres and the SNPLMA are all deferred to the MSHCP.
6. In November of 2000, the Clark County MSHCP was approved for incidental take up to 145,000 acres.
7. In February of 2001, an incidental take permit was issued for the Clark County MSHCP.
8. In January of 2002, another public lands act (Clark County Conservation of Public Land and Natural Resources Act of 2002), was passed further expanding the disposal boundary and identifying the Clark County MSHCP as providing mitigation for desert tortoise impacts.

Marci pointed out that the biggest reason for reviewing all this history is to dispel the perception that the MSHCP and incidental take program drive development. In actuality, the program has just been responding to actions taken by outside parties and agencies. Scot pointed out that if the MSHCP does not cover sufficient acres, development occurring on acres beyond the MSHCP limit would occur under its own, separate permit, and Clark County would lose out on any potential mitigation fee.



9. In December of 2004, the Las Vegas Valley Disposal Boundary Environmental Impact Statement was completed and again identified the Clark County MSHCP as providing mitigation for impacts on BLM land disposed for development. Marci pointed out that at that point in time there were many more acres available for development than were covered by the MSHCP permit.
10. In 2005, Clark County convened the Growth Task Force which realized that all the acres available for development and not currently covered by the take permit needed to be addressed. Clark County staff testified that a reasonable strategy for achieving that would be to mitigate for these actions under the regional MSHCP. In other words, close the gap in the MSHCP between the current number of acres covered under the permit and the number of acres available for development due to additional land disposal. When the Growth Task Force asked what that gap was, Clark County staff estimated that it was about 200,000 acres. Marci pointed out that the current perception that the 215,000 acre number was new was not correct.
11. Finally, in 2007, the BCC directed Clark County staff to work with the Permittees to initiate a permit amendment to address this acreage cap gap.

Marci stated that she had heard a lot of questions about why the committee did not discuss the take number before it was released. She stated that the number needed to be developed before the scoping meetings, which initially were scheduled for September. The Permittees had been working to develop the number and were interested in the CAC's input on the rationale behind the development. She stated that the Permittees were not interested in a rubber stamp of the number and, in fact, the Permittees were well aware that this committee would not just rubber stamp any number provided them.

Marci pointed out that reducing the number would not reduce development in Clark County. She explained that what it would mean is that individual projects would get their own, individual permits which could result in very hodge-podge, meaningless mitigation and a loss of development fees. For example, a draft 60-acre HCP was recently issued in Nye County which was done via an Environmental Assessment (EA) and without a public advisory committee. Mike asked what the total acreage of Clark County was. John replied about 5 million acres.

Marci pointed out that a description of the calculation of the 215,000 acre number was available on the back of the timeline handout and John reviewed this with the committee. Marci then reviewed how acres of land in the disposal area are made available for development. The acres are nominated to BLM by local municipalities (on behalf of individuals interested in bidding on the property) and the plans for this nominated land must be consistent with the municipality's land use plans. One way individuals who are opposed to the nomination of these lands can make their opposition known is to appear at a BCC meeting



or city council meeting and comment. Marci noted that the perception that the MSHCP somehow drives the growth planning process is inaccurate and that Clark County staff is completely neutral with respect to the use of all these acres.

Mike commented that he was frustrated that people forget the compromises that were made in the process to identify disposal areas and the subsequent additions of wilderness that were agreed to as part of the compromise. Scot commented that he was not around when those deals were made and a lot of things have changed since those deals were cut. In particular, he stated that natural resource issues will drive what happens in the Las Vegas Valley, not fossil bones. He stated that Marci and he had had a good conversation on the take issue. He stated that this committee was not driving growth, it was just responding to events. He commented that there is a sort of fox and henhouse issue in that the agencies that determine the take number also drive growth through their requests to the federal government for disposal acres. He commented that he could tentatively support where this committee needs to go, but he wanted to say for the record that the same folks who developed these numbers are the same ones who drive growth in another venue.

Mike commented that he was not arguing for or against the upper Las Vegas Wash. He stated that if you take acres that were previously agreed on to be disposed of for development and are now going to be protected, then you owe the same number of acres somewhere else. Scot asked how you owed these acres. Mike responded that you owe them because you made an agreement. Jane Feldman, Environment/Conservation, responded that she believed that was not the agreement. Mike responded that the decisions that were made were public decisions, subject to protest and litigation. Scot responded that he was not suggesting they were not public deals and suggested that he and Mike have a side-bar conversation on this matter.

Jane commented that the legislation that cut the deal Mike was referring to described a disposal boundary where land *could* be developed not *would* be developed. She stated that SNPLMA went on to say that when those public lands were auctioned and money was returned, that money would not go to the treasury in Washington, D.C., but would come back to BLM locally for mitigation. Mike responded that he respectfully disagreed.

Paul Larsen, Business/Small Business, commented that he was trying to see how the disturbed acres map and the figures on the handout overlap. He noticed that in Lee and Kyle canyons there is apparently some private property that could be developed. He asked if the numbers on the handout include those potential acres. John replied yes, those numbers include private land that could be developed. Also, private land that was not within a disposal boundary was included. Paul asked if that meant that if he had private land that was outside a disposal boundary and wanted to develop it, he could get coverage under the Clark County



MSHCP. Marci replied yes. Paul commented that echoing what has been said in the past, just because some acres are eligible for development, that does not mean they necessarily will be developed.

Jim commented that the discussion had been very enlightening. He commented that he had gone through the same exercise John did and came out with the disposal boundary as the take criterion. He asked who was a party to the 1996 biological opinion. Marci replied that biological opinions are issued by FWS. John commented that FWS does assessments of impacts on endangered species to develop a biological opinion.

Jim commented that he understood what Mike was saying; that if anyone wants to go to Congress and suggest it increase or decrease the disposal boundaries, it has a huge effect on the HCP. Marci replied that was the reason the Permittees went through the triangulation exercise and when they did, the proposed take number turned out not to be an outlier. John pointed out to the committee that the map provided to them was not definitive in any way with regard to where the take will actually occur. The boundaries are fluid until a grading permit is issued and a fee is paid. He stated that this map would not be included in the EIS. When the 215,000 acre number is analyzed, it will be by habitat type, not parcel or location.

Stan Hardy, Rural Community, asked if the committee should be more concerned with covered species than with the take number. He stated that the disposal boundary had been set and discussing the take number did not matter. Marci commented that was why the Permittees were concerned about bringing up the take number, but they felt it was important to get the CAC's input on the process for developing the take number. Stan commented that the committee should develop a take recommendation right then. John commented that for the Permittees, it was kind of a reality check process and to help bring folks up to speed on the amendment process.

Stan asked if the CAC could have more impact on the mitigation process and what species were covered. John agreed that he thought the committee would have more impact on mitigation and covered species. Terry Murphy, Developer/Homebuilder, agreed with Stan. Gary Clinard, Off-Highway Vehicles, commented that it seemed to him prudent to pick a large take number realizing that you only mitigate for what actually gets used. He stated that the danger of picking a small number is that you might end up having to amend the permit again. He stated that he was perfectly happy with the rationale behind the current take number. Brian Nix, Boulder City, asked if there was any one on the committee who actually had a desire to reduce the take number.

Ruth commented that the committee members would be asked for their reactions to the draft recommendation soon, and she hoped that if someone felt that way they would speak up at that point. Scot commented that he thought what Stan said made a lot of sense. He felt the real discussion should be about mitigation and fee structure in light of the new growth paradigm. Scot commented that he was



a little confused about the fact that there are ongoing mitigation activities that we are committed to regardless of whether there is additional take in a year. Marci replied that because of the way the current plan is written, Clark County has to spend so much per year for a total of \$26 million over the life of the permit. She explained that projects are chosen by requesting proposals from the implementing agencies and then prioritizing those proposals based on what species is most at risk and where the most impact would be. The program has actually spent about \$88 million in the last eight years, so you could make the argument that it has done all it needs to do in just the last eight years. However, there are programs that benefit covered species and habitats and will continue to be funded in good faith.

Paul stated that with all due respect to those who say the number does not matter, it is actually why the committee is here. He commented that one of the purposes of the MSHCP was to ensure orderly development processes. He commented that he felt the number was appropriate; it represents what other agencies have planned and to say it does not matter misses the point. Stan clarified that it was not that the number was unimportant, the point is that the committee has no impact on it. Allison Stephens, City of North Las Vegas, commented that her perception was that the issue was not the specific number, it was what went into developing the number. Focusing on the number is not the purpose of the committee.

Marci commented that the Permittees had received feedback that the committee was not being allowed to talk about the number. She stated that the committee could talk about the number if it wanted. She commented that originally the Permittees were worried that the committee could get bogged down discussing the number. The Permittees are interested in the process, but that does not preclude the committee from making recommendations to increase or decrease the number should it choose to do so. Allison commented that she was concerned that the committee had not gotten any background on how the number was developed, but aside from that, she was in agreement with Stan.

Ruth stated that a couple meetings ago, the committee worked on guiding principles. The facilitation team developed some draft guiding principles based on the discussions at the meeting and in doing so discovered that the first couple of issues, take and covered species, were about defining important MSHCP components. The actual doing and implementation activities such as mitigation followed these definitions. At this point, she turned the time over to Eric for work on the take recommendation. Eric observed that the committee had actually come full circle. It did not need to make a recommendation on the number because it liked the process, and the rest of the committee's recommendations would involve how to make the number work.

Ruth proposed that the committee provide its reaction to the draft recommendation and reviewed the process for doing so. Each member had been provided with green and yellow squares of paper. If a member agreed with the draft recommendation he/she would right down on a green slip of paper why he/



she agreed. If they disagreed, they would write that on a yellow slip of paper. The facilitation team would collect and post those slips of paper.

Eric reviewed the draft recommendation and the guiding principle for take with the committee, and the committee members proceeded to conduct the exercise. Following the posting of all the slips of paper, Eric reviewed the agreements and disagreements with the committee. See the flipcharts section of this summary, pages 16 and 17, for this information. Ruth stated that the plan was to wrap up the take recommendation at the next meeting and start discussing covered species if there was time. Jim stated that he wanted to thank Marci and John for their explanations at today's meeting.

Eric commented that if committee members had any ideas on the other areas the committee was going to discuss and develop recommendations for, including how to make the MSHCP work, there was a "helpful hints" board on the wall to capture these ideas. Committee members were invited to write down their ideas and give them to the facilitation team. The ideas would be posted on the board and carried forward for future committee meetings. Alan asked if the committee would be discussing how much the permits cost. Ruth replied that was coming.

4. Public Comment

There was no public comment at this meeting.

5. Meeting Wrap Up and Closing

Ruth reviewed the plan for the next meeting on November 19, 2009. She stated that the plan was to refine the recommendation on take and start discussing covered species.

The meeting adjourned at 4:17 p.m.



Attendance

Committee Members Present	Clark County Staff	Others In Attendance
Gary Clinard, Off-Highway Vehicles	Marci Henson	Mauricia Baca
Jane Feldman, Environmental/Conservation	Sonja Kokos	Terrance Capers
Mike Ford, City of Mesquite	Ann Magliere	Tracy Foutz
Stan Hardy, Rural Community	Mark Silverstein	Hermi Hiatt
Matt Heinhold, Gaming Industry	John Tennert	Michael Johnson
Paul Larsen, Business/Small Business		Elise McAllister
Bill Maher, Union		Ken MacDonald
Terry Murphy, Developer/Homebuilder		Allison Pruett
Bryan Nix, Boulder City		Par Rasmussen
Joe Pantuso, Developer/Homebuilder		Roddy Shepard
Jim Rathbun, Education		Cheng Shih
Scot Rutledge, Environmental/Conservation		S. Tavares
Mindy Unger-Wadkins, City of Henderson		John Willis
		Eric Hawkins
		Doug Huston
		Ruth Nicholson



Flipcharts

Notes:

Agenda

1. Opening and Updates
2. Adopt September CAC Meeting Notes
3. CAC Recommendation(s) On Take
4. Public Comment
5. Wrap Up and Adjourn

Goals

1. To adopt September CAC meeting notes
2. To develop and refine the CAC draft recommendation(s) on take

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.

Action Items

Who	What	When
DCP	Pima Co. (AZ) HCP	ASAP



Flipcharts

Notes:

Next Meeting

November 17, 2009
CAC recommendations on take
Covered species

Notes

- Anything not covered can still be done privately (outside permit)
- 200,000 acres estimate has been around a long time
- Shrinking take number has a flip side: development can still occur - done outside permit, no public process, little long-term commitment, no community wide coordination
- Number recognizes planning of jurisdictions, critical to why we have HCP

Notes

- Total acreage in CC? ~ 5 Million acres
- What is the cushion? Difference between disposal boundary and ultimate disposal boundary - roughly 17% to 22%
- Take/disposal boundaries represent a compilation of other planning processes: flood control, water resources, etc.
- DCP has no "goal" whether all 215,000 acres are used/developed

Notes

- Question is how 90% of total CC land is used heavily affects our use and planning for our 10% in the MSHCP
- "Controlling growth:" concern that same agencies resp. for HCP also appeal for land disposal
- Number includes land within disposal boundary or private land that could be developed: uses this MSHCP - still subject to our planning/approval process



Flipcharts

Notes:

Notes

- Who was responsible for 1996 biological opinion? Drives what we do - USFWS
- Map does not define where take will occur: won't show up in HCP
- Is it really our role (CAC) to pick a number/define take? Part of cross-check process
- Need to spend more time defining species/mitigation/implementation

Take Guiding Principle

Concerns

- If the number of acres is too big, the mitigation package will be too big, i.e., bigger, more complicated, more expensive
- The disposal boundary (and therefore the DCP) unnecessarily drives growth and development
- I have concerns that the agencies driving growth are the same tasked with habitat/species conservation

Take Guiding Principle

Concerns

- The disposal boundary was set legislatively or administratively without reference to any regional, county, or city growth plans. Willy Nilly, it just grew
- Not logical or reasonable - since permittees influence BLM movement of boundaries

Take Guiding Principle

I Agree, Because...

- 215,000 is fine
- Logical process that took a variety of relevant factors into consideration
- 215,000 acres is less than 1% of tortoise habitat
- It makes sense to cover (at least) the acres within the BLM's disposal boundary. Logical, purposeful and consistent with Guiding Principle



Flipcharts

Notes:

Take Guiding Principle

I Agree Because...

- 215,000 is a good number to bring perspective to the process
- I agree given that the acreage was ultimately decided prior to the CAC
- I agree with - not too low or high
- I agree with total current count of planned development and that of future take!
- Good number, good process, move on to the next step

Take Guiding Principle

I Agree Because...

- It's logical, it's reasonable
- I agree with the process...because it takes into account both the historical development and the projections and several involved agencies
- The four factors are comprehensive enough to capture the diverse concerns of this CAC

Take Guiding Principle

I Agree Because...

- This gives Las Vegas and surrounding areas room for development used or not used, no matter!
- It recognizes what development plans have already been developed by southern Nevada agencies. These plans are developed through multiple layers of vetting and discussion at public meetings and consider myriad planning issues. This committee simply recognizes the existence of these plans



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Appendix A



DRAFT 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, October 22, 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 the September 17, 2009 CAC meeting**
3. **CAC Recommendations on Take**
 - Goals:** • To finalize and adopt the Guiding Principle for the CAC's work on acreage cap and take
 - To refine and adopt draft recommendations regarding take for an amended MSHCP
4. **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.
5. **Meeting Wrap Up and Closing**
 - Goals:** • To provide the CAC with announcements of interest concerning DCP program activities
 - To recap meeting results and identify follow-up activities
 - To outline agenda topics for the next meeting on November 19, 2009
6. **Adjourn**

continued on next page



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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

The above notice/agenda of a meeting of the Multiple Species Habitat Conservation Plan Desert Conservation Program Advisory Committee scheduled for Thursday, October 22, 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

Comparison of Regional Habitat Conservation Plans 09/30/2009

Plan	Duration (years)	Plan Area	Reserve System	Take	Take as Percent of Plan Area	Ratio of Take to Reserve	Listed Species	Unlisted Species	Fees (per acre)*	Effective Date	Comments
City of San Diego MSCP	50	206,124	52,012	36,733	17.82	1.42	26	54	\$1,745-\$2,115 (avg.)	7/18/1997	
Clark County MSHCP	30	5,030,000	3,102,027	145,000	2.88	21.39	2	76	\$550	1/9/2001	includes tortoise
Coachella Valley Multi-Species HCP	75	1,206,578	240,000	207,205	17.17	1.16	10	17	\$9,838 (avg.)	10/1/2008	includes tortoise
County of San Diego MSCP	50	582,243	171,917	194,318	33.37	0.88	26	54	\$1,745-\$2,115 (avg.)	3/17/1998	
Coyote Springs Investment MSHCP	40	31,221	14,487	21,096	67.57	0.69	1	2	\$800	10/24/2008	includes tortoise
East Contra Costa County HCP/NCCP	30	175,435	30,300	12,979	7.40	2.33	8	18	\$26,967 (avg.)	7/25/2007	
Hyundai Motor America Test Track	30	7,913	3,387	4,526	57.20	0.75	1	0	\$1,370	1/21/2004	includes tortoise
Metropolitan Bakersfield	20	262,000	up to 88,600	43,000	16.41		4	0	\$1,250	8/24/1994	
Natomas Basin Revised HCP	50	53,342	8,750	17,500	32.81	0.50	8	12	\$10,027	6/27/2003	
Orange County Central/Coastal HCP	75	208,000	37,378	7,444	3.58	5.02	10	19	\$4,567 (avg.)	7/10/1996	
Orange County Southern Subregion HCP	75	132,000	32,818	41,600	31.52	0.79	7		\$7,829 (avg.)	1/10/2007	
San Joaquin County MSHCP	50	896,000	100,841	109,302	12.20	0.92	13	29	\$2,593 (avg.)	5/31/2001	
Santa Clara Valley HCP	50	520,000	48,000	25,350	4.88	1.89	11	19	\$4,600-\$18,500	TBD	
Southeastern Lincoln County HCP	30	1,780,140	769,428	30,674	1.72	25.08	2	0	\$550	TBD	includes tortoise
Washington County (Utah) HCP	20	338,000	61,022	338,000	100.00	0.18	1	0	\$250 and 0.2 percent of construction costs	2/23/1996	take is limited to 1,169 desert tortoises
Western Riverside MSHCP	75	1,260,000	505,910	466,000	36.98	1.09	25	140	\$2,170 (avg.)	6/22/2004	includes tortoise

* Fees are based on effective date and not adjusted for inflation.



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Appendix C



Timeline of Consultation and Environmental Reviews Pertaining to Disposal Boundaries in Clark County

- August 1989 - Mojave population of the desert tortoise emergency listed pursuant to the Endangered Species Act (ESA)
- January 1991 - Short-term Habitat Conservation Plan (HCP) approved by U.S. Fish and Wildlife Service (FWS)
- August 1995 - Long-term HCP approved by FWS
- April 1996 - Biological Opinion for Bureau of Land Management (BLM) 1991 Programmatic Biological Opinion reinitiation issued by FWS; identifies that impacts to desert tortoise habitat resulting from disposal actions will be mitigated through the Section 10/HCP process
- August 1996 - BLM requests an amendment to the 1996 Biological Opinion requesting that BLM not require fees for disposal actions which are typically covered under Section 10/HCP process
- May 1998 - BLM Final Las Vegas Resource Management Plan (RMP) published; includes 16 disposal boundaries (see Disturbed Acres Map)
- October 1998 - Southern Nevada Public Lands Management Act (SNPLMA) passed by Congress identifying BLM land in the Las Vegas Valley for disposal
- November 2000 - Clark County Multiple Species Habitat Conservation Plan (MSHCP) approved for incidental take coverage for up to 145,000 acres
- February 2001 - Incidental Take Permit issued for MSHCP
- January 2002 - Clark County Conservation of Public Land and Natural Resources Act of 2002 expanding 1998 disposal boundary; identifies Clark County MSHCP as providing mitigation for impacts to desert tortoise
- December 2004 - Las Vegas Valley Disposal Boundary Environmental Impact Statement completed; identifies Clark County MSHCP as providing mitigation for impacts to desert tortoise and compliance with the ESA as a result of disposal actions
- December 2004 - FWS issues Biological Opinion for BLM Programmatic Biological Opinion for the expansion to the Las Vegas Valley Disposal Boundary; FWS determined that the action will "not reduce appreciably the likelihood of survival and recovery" of desert tortoise because mitigation for impacts to desert tortoise and compliance with the ESA as a result of disposal actions will be provided through the Clark County MSHCP
- April 2005 - Southern Nevada Growth Task Force recommended that the Permittees develop a process to discuss, coordinate and finalize options/approaches to the acreage cap

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- December 2006 - Desert Conservation Program Advisory Committee identifies acreage cap as a significant issue and recommends addressing the acreage cap by obtaining coverage for remaining acres
- June 2007 - Clark County Board of County Commissioners directs staff to work with the Permittees to initiate permit amendment

Projected Take Needed for Amended Incidental Take Permit

	Undeveloped Land (acres)
Las Vegas Valley Disposal Boundary	102,977
Ultimate Development Boundary (includes Apex)	74,200
Other Disposal Boundary Areas	72,845
Boulder City	1,620
Mesquite (outside disposal boundary)	8,108
Unincorporated Clark County Outside All Disposal Boundary	21,934
<i>Sub-total</i>	<i>281,684</i>
<i>Less Remaining on Current Incidental Take Permit</i>	<i>-67,589</i>
Total Estimated Acres	214,095