

## RESOLUTION NO. 5678

### RESOLUTION OF THE CITY COUNCIL OF BOULDER CITY, NEVADA, SUPPORTING THE AMENDMENT OF THE CLARK COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN

**WHEREAS,** on September 19, 1989, Clark County and the cities of Boulder City, Henderson, Las Vegas, Mesquite, and North Las Vegas ("Permittees") entered into an interlocal agreement to fund development of a Short-Term Habitat Conservation Plan ("HCP") for the desert tortoise, designated the County as the lead agency for the preparation of the HCP and application for a Section 10(a)(1)(B) incidental take permit, and agreed to adopt ordinances to implement a development fee to support the development and implementation of the HCP; and

**WHEREAS,** on July 18, 1995, the Permittees entered into an interlocal agreement to implement the Desert Conservation Plan ("DCP"), including the establishment of a Desert Conservation Plan Special Reserve Fund (now referred to as the Habitat Conservation Fund, Section 10 #236-8270 and hereinafter as "Fund") and designated the County as the Administrator of the DCP. On August 5, 1995, the U.S. Fish and Wildlife Service issued Permit No. 801045 to allow the incidental take of desert tortoises for a term of 30 years; and

**WHEREAS,** the Permittees agreed to amend the DCP to develop a multiple species ecosystem-based, habitat conservation plan to include conservation measures in order to avoid the listing of additional species and/or secure additional permits from the Service in the event that additional species are listed as threatened or endangered under the Endangered Species Act; and

**WHEREAS,** effective February 2001, the Permittees completed the Clark County Multiple Species Habitat Conservation Plan ("MSHCP") to address the conservation needs of the entire range of biological resources within Clark County and were issued Permit No. TE-034927-0 ("Peremit") by the Service; and

**WHEREAS,** the MSHCP has resulted in a number of benefits to species including the installation of more than 250 miles of desert tortoise fencing, removal of 700,000 acres of habitat from cattle grazing, purchase of an 83,000 acre conservation easement and implementation of a public education program that reaches approximately 13,000 students per year through the Mojave Max Emergence Contest; and

**WHEREAS,** in 2005, the Southern Nevada Growth Task Force identified the Permit acreage cap as a significant issue during its deliberations and recommend that the County and the Permittees establish a process to discuss,

coordinate and finalize options to address this issue; and

**WHEREAS,** in February 2006, the County convened a Desert Conservation Program Advisory Committee which recommended that the Permittees reassess the overall purpose and structure of the MSHCP and Permit including advantages and disadvantages of regional compliance; the most effective location of mitigation activities; overall size and scope of the MSHCP, including a review of all covered species and associated ecosystems, discrepancies between the acreage cap and disposal boundaries; permitted activities; and the role of adaptive management in the long-term implementation of the MSHCP; and

**WHEREAS,** on June 19, 2007, the Board of County Commissioners directed County Staff to initiate a permit and plan amendment process in cooperation with the Permittees; and

**WHEREAS,** on February 3, 2009 the Board of County Commissioners convened and chartered the Desert Conservation Program Community Advisory Committee ("CAC") consisting of 21 interests including: off-highway vehicle users, environmental and conservation interests, banking and finance, gaming, rural communities, developers and homebuilders, seniors, Nevada Taxpayers Association and the public at-large; and

**WHEREAS,** the Board of County Commissioners charged the CAC with providing input on the major policy issues related to the amendment of the MSHCP, including addressing the acreage gap between permitted and available land for development in Clark County, reviewing the covered species list, re-evaluating the conservation strategy and reviewing the implementation of the MSHCP; and

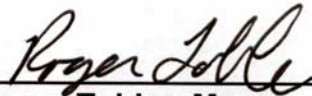
**WHEREAS,** the CAC met for more than 50 hours over 18 months to develop a set of guiding principles and recommendations related to amendment of the MSHCP.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF BOULDER CITY, THROUGH PASSAGE OF THIS RESOLUTION:**

1. Accept the recommendations of the Community Advisory Committee (see attached exhibit "A", Final Report)
2. Fully support the efforts to amend the Clark County MSHCP, including:
  - a. The development of a reserve system to be managed by the Permittees for the purposes of conservation and mitigation of covered species to be included in the amendment and incidental take permit.
  - b. The implementation of conservation measures such as clearance surveys designed to minimize the impacts of development on the desert tortoise and other covered species.

- c. The request for incidental take coverage of up to 215,000 additional acres for a period of up to 50 years.
- d. Reducing the covered species list to more effectively address those species most impacted by development activities in Clark County.
- e. Improving the overall efficiency, effectiveness and accountability of the implementation of the amended MSHCP.

DATED and APPROVED this 11<sup>th</sup> day of January, 2011.

  
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Roger Tobler, Mayor

ATTEST:

  
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Lorene Krumm, City Clerk

