

The Current MSHCP

History of the Multiple Species Habitat Conservation Plan

The Short-term Habitat Conservation Plan

In March of 1990, the desert tortoise (Mojave population) was listed as a threatened species pursuant to the provisions of the Endangered Species Act (ESA) of 1973. This listing was based on threats to the continued existence of the species, including loss of habitat to urban development and agriculture, potential degradation of habitat by grazing and off-highway vehicle (OHV) use, illegal collection, spread of an upper respiratory tract disease, excessive predation of juvenile tortoises by common ravens, and other factors.

Clark County and the cities of Las Vegas, North Las Vegas, Henderson, Boulder City, and Mesquite (collectively, the cities) entered into an Inter-local Agreement wherein the County and the cities agreed to fund the preparation of a Habitat Conservation Plan (HCP) to provide conservation measures for the desert tortoise and which would support an application for an Incidental Take Permit for the desert tortoise. That plan was designated the Short-Term HCP for the Desert Tortoise.

The Short-Term HCP was approved and an Incidental Take Permit was issued on August 24, 1991 (PRT 756260) for an initial term of three years, during which time the County and the cities agreed to continue working to develop appropriate additional conservation measures for the desert tortoise and to thereafter apply for a long-term permit with a term of 30 years.

The Clark County Desert Conservation Plan

Over the next several years, the County, cities and other stakeholders continued to work on the long-term HCP for the desert tortoise. This plan was designated the Clark County Desert Conservation Plan. This plan was approved in August 1995 and a new Incidental Take Permit (PRT 801045) was issued to allow the incidental take of desert tortoises for a term of 30 years. In addition to providing funds to implement conservation measures for the desert tortoise, the plan made funding available for inventories and research on other species of concern in Clark County for the purpose of developing a county-wide multiple species HCP. However, the permit (PRT 801045) only covered incidental take of desert tortoises.

The Clark County Multiple Species Habitat Conservation Plan

In May 1996, the County and cities began discussing the possibility of preparing another HCP which would provide adequate conservation to support an Incidental Take Permit for the desert tortoise as well as a broad range of species and all habitats located within Clark County. In August of 1996, the County and the cities authorized the preparation of the Clark County Multiple Species Habitat Conservation Plan (MSHCP). In November 1999, the County, the cities and Nevada Department of Transportation (NDOT) submitted an application for an Incidental Take Permit, including the MSHCP. The MSHCP was approved and the new permit (TE034927-0) was issued for 78 species in early 2001.

History of the MSHCP

August 4, 1989
Mojave population of desert tortoise (*Gopherus agassizii*) is emergency listed under the Endangered Species Act

January 1991
Short-term Habitat Conservation Plan is approved

April 2, 1990
Desert tortoise is formally listed as threatened

August 5, 1995
Long-term Habitat Conservation Plan is approved

August 1996
Permittees initiate development of the Multiple Species Habitat Conservation Plan (MSHCP)

September 2000
MSHCP is completed

November 2000
The Implementing Agreement is approved by permittees and state and federal land management agencies

February 2001
U.S. Fish and Wildlife Service (USFWS) issues an Incidental Take Permit for the MSHCP

December 2004
Clark County commissions a Program Management Analysis (PMA) to assess MSHCP implementation

June 2006
Clark County convenes a short-term advisory committee in response to the PMA

December 2006
The short-term advisory committee recommends that the permittees amend the MSHCP Permit

June 2007
The Clark County Board of County Commissioners directs staff to initiate the permit amendment process

September 2009
USFWS publishes the Notice of Intent to prepare an Environmental Impact Statement to analyze the potential impacts from the issuance of an amended Incidental Take Permit

Purpose of the Multiple Species Habitat Conservation Plan

The Clark County MSHCP and Incidental Take Permit allow private landowners to develop land in Clark County without the need for individual project-by-project consultations and negotiation with the U.S. Fish and Wildlife Service (USFWS) to comply with the ESA. This permit provides a streamlined process for compliance with the ESA by private landowners.

The Clark County MSHCP provides incidental take coverage for 78 species of plants and animals and their habitats, including the desert tortoise. Protecting these species and their habitats reduces the chance that these species may become listed as threatened or endangered in the future.

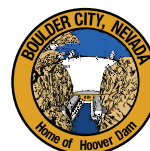
The key purposes of the MSHCP are to:

- Achieve a balance between long-term conservation and recovery of the diversity of natural habitats and native species of plants and animals that make up an important part of the natural heritage of Clark County;
- Maintain an orderly and beneficial use of land in order to promote the economy, health, well-being, and custom and culture of the growing population of Clark County;
- Provide substantial recovery and conservation benefits to species and ecosystems in Clark County;
- Maximize flexibility and available options in developing mitigation and conservation programs;
- Reduce the economic and logistical burden of these programs on individual landowners and state and Federal land managers by distributing their impacts in a fair and effective manner;
- Reduce uncoordinated decision making, which can result in incremental habitat loss and inefficient project review;
- Provide the community with long-term planning assurances and increase the number of species for which assurances can be given; and
- Bring a broad range of activities under the permit's legal protection.

Permittees and Regulation

The MSHCP and associated Incidental Take Permit provide coverage for a variety of development activities for seven governmental entities (Permittees):

- Clark County
- City of Las Vegas
- City of North Las Vegas
- City of Henderson
- City of Mesquite
- City of Boulder City
- Nevada Department of Transportation (NDOT)



The USFWS is responsible for the administration of the ESA, issuing Section 10(a)(1)(B) permits, and approving HCPs. Implementation of the conservation measures in the MSHCP is a cooperative effort among the permittees and many of the participants, including but not limited to, the USFWS, the U.S. Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the National Park Service (NPS), the Nevada Department of Wildlife (NDOW), the Nevada Division of Forestry (NDF), and other federal and state land managers and regulators. However, the MSHCP participants agreed in the Implementing Agreement for the MSHCP executed in January 2001 that Clark County shall be responsible for the overall administration, planning, budgeting, and reporting process with the cooperation of the participants.

The Desert Conservation Program (DCP) is the division of the Clark County, Nevada, Department of Air Quality and Environmental Management (DAQEM) that administers the MSHCP on behalf of the other permittees. The DCP coordinates with other programs and agencies with jurisdiction and expertise in mitigation, and species and habitat conservation. The DCP coordinates with the other Implementing Agreement agencies to monitor activities that potentially impact the MSHCP mitigation reserve system areas. These activities can have positive, neutral, and/or negative impacts on these areas, thereby influencing the apparent effectiveness of the mitigation strategy outlined in the MSHCP.

The Plan Area and Covered Activities

The MSHCP covers all non-federal (private, municipal, state) lands within Clark County and NDOT rights-of-way in Clark, Nye, Lincoln, Mineral and Esmeralda counties south of the 38th parallel and below 5,000 feet in elevation.

Development activities covered under the MSHCP and Section 10(a)(1)(B) permit include agriculture, flood control, livestock grazing, mineral extraction, OHV activities, parks and recreation, residential and commercial development, solid waste facilities, transportation, utilities, and water and sewage facilities.

Funding for the Plan

The MSHCP requires that permittees collect a \$550 per acre disturbance fee that is to be paid for each non-municipal acre (up to 130,000 acres) disturbed under the MSHCP Section 10(a)(1)(B) permit. These fees are collected by the permittees (County, NDOT, cities of Boulder City, Henderson, Las Vegas, Mesquite, and North Las Vegas) and collectively administered by the County in an endowment fund. These funds are then used to implement the MSHCP. In addition, external funding sources are used to augment the Section 10 funds including the Southern Nevada Public Lands Management Act funds designated for the Clark County MSHCP.

