

# What is the Multiple Species Habitat Conservation Plan?

## The Federal Endangered Species Act

When threatened or endangered species are present on land scheduled for development or other disturbance activities, the landowner must comply with the Federal Endangered Species Act by applying for an incidental take permit.

Application for an incidental take permit is subject to certain requirements, including preparation by the permit applicant of a conservation plan, generally known as a "Habitat Conservation Plan" or "HCP." The HCP is a planning document that ensures impacts to species and habitat are adequately minimized and mitigated.

HCPs can be developed on a project by project basis, or can be developed regionally.



Figure 1 A view of development in the Las Vegas Valley and location maps showing the State of Nevada and Clark County.

### Some important terms:

**Take** – To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. It includes significant habitat modification.

**Incidental take** – Take that results from, but is not the purpose of, carrying out an otherwise lawful activity.

**Incidental Take Permit (ITP)** – A permit issued under Section 10 of the Federal Endangered Species Act to private parties undertaking otherwise lawful projects that might result in the take of an endangered or threatened species.

**Listed species** - A species, subspecies, or distinct vertebrate population segment that has been added to the Federal lists of Endangered and Threatened Wildlife and Plants as they appear in sections 17.11 and 17.12 of Title 50 of the Code of Federal Regulations (50 CFR 17.11 and 17.12).

## The Multiple Species Habitat Conservation Plan

The Multiple Species Habitat Conservation Plan, or MSHCP, is the regional habitat conservation plan associated with the current incidental take permit for land disturbance in Clark County, Nevada.

The MSHCP contains:

- A list of species covered by the plan
- Impacts analysis
- Minimization and mitigation requirements
- Funding mechanisms
- Implementation guidelines



The MSHCP covers all non-Federal (private, municipal, state) lands within Clark County and Nevada Department of Transportation activities within Clark, Nye, Lincoln, Mineral and Esmeralda counties south of the 38<sup>th</sup> parallel and below 5,000 feet.

The plan has a 30 year permit term, which started in February 2001, and covers 78 species.



Figure 2 and 3 Two species covered by the MSHCP are federally listed, the Desert Tortoise and the Southwestern Willow flycatcher.

The plan allows for the disturbance of up to 145,000 acres of non-federal land in Clark County.

To fund the MSHCP, a \$550 per acre disturbance fee is collected to minimize and mitigate the impacts of take and to assist in the implementation of conservation actions on federal land.

### Permittees

The Desert Conservation Program serves as the Administrator of the MSHCP and Incidental Take Permit on behalf of the "Permittees":

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

| Permittee                       | Acres            | Fees                    | Percent |
|---------------------------------|------------------|-------------------------|---------|
| Boulder City                    | 1,838.32         | \$ 1,010,201.00         | 2.8%    |
| Clark County                    | 27,698.96        | \$ 15,202,362.05        | 42.6%   |
| Henderson                       | 13,281.37        | \$ 7,176,452.31         | 20.4%   |
| Las Vegas                       | 8,484.67         | \$ 5,093,124.37         | 13.1%   |
| Mesquite                        | 3,445.91         | \$ 1,763,614.81         | 5.3%    |
| NV Department of Transportation | 157.87           | \$ 86,828.50            | 0.2%    |
| North Las Vegas                 | 10,095.33        | \$ 5,527,553.55         | 15.5%   |
| <b>Total</b>                    | <b>65,002.43</b> | <b>\$ 35,860,136.59</b> |         |

Figure 4 Total number of acres disturbed and the total amount of fees collected 2001 to 2012 (does not include the 15,000 fee exempt acres).

### Implementation

The MSHCP identifies 604 possible conservation actions that mitigate and monitor the impacts of take on covered species and their habitats.

Conservation actions include:

- Public information and education
- Research
- Inventory
- Monitoring
- Protective Measures
- Restoration and enhancement of habitat
- Land use policies and actions

Minimization activities include the operation of the Wild Desert Tortoise Assistance Line and Pick Up Service to collect wild tortoises found on construction sites.

Mitigation activities rely on a reserve system consisting of primarily federal lands that are categorized by levels of management to conduct mitigation and conservation actions.

The Program is required to expend a minimum of approximately \$4 million per biennium to implement conservation actions.

Since its inception, the Program has:

- Authorized 327 conservation projects totaling more than \$76 million
- Made roughly \$1,180 per acre disturbed available for conservation projects to offset impacts to covered species
- Implemented 459 of the 604 conservation actions identified in the MSHCP
- Implemented or completed all 22 permit conditions



Figure 5 Riparian property on the Muddy River is managed for the purposes of implementing the MSHCP.



Figure 6 The Las Vegas Bearpoppy is a Nevada state listed plant covered by the MSHCP.



Figure 7 Mojave Max is a character created for public outreach and education purposes.



Figure 8 Sticky ringstem is a plant covered by the MSHCP.

### Reporting and Accountability

The Desert Conservation Program produces a variety of reports and documents to relay the Program's progress and efforts. Reporting efforts include:

- Biennium Progress Reports – These reports are produced in October of each odd-numbered year, and include progress reports on all contracted projects, updated financial reports and projections, final biennial expense reports, land disturbance reports, and tortoise disposition reports.
- Biennial Adaptive Management Reports – These reports are produced in March of every even-numbered year, and detail adaptive management efforts and significant findings.
- Quarterly Plan Administrator Reports – These reports highlight Program activities occurring each quarter and include financial, mitigation fee and land disturbance reports.
- Quarterly Project Reports – These reports are required deliverables for most contracted projects and the provide information on project progress, challenges, and issues.



Figure 9 Example reports for the MSHCP



### For further information

Please contact [dcp@ClarkCountyNV.gov](mailto:dcp@ClarkCountyNV.gov) or go to <http://www.clarkcountynv.gov/depts/dcp/Pages/default.aspx>