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MSHCP Amendment:
Application Package & Funding
Analysis
7/21/2026



Overview



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- The Board first directed staff to amend the MSHCP and incidental take permit in 2007. The effort has since advanced through public engagement (2024), a stakeholder Work Group on Avoidance and Minimization Measures (2025), and Board approval of the final AMMs, including retention of the burrowing owl, in March 2026.
- The draft MSHCP amendment application package is now complete.
- Staff also prepared the MSHCP Amendment Updated Funding Analysis Report, an updated economic analysis of the cost to implement the amended Plan over its 50-year term.
- Today, staff seeks Board approval to submit the completed package, including a proposed per-acre habitat disturbance fee adjustment, to the U.S. Fish and Wildlife Service (USFWS) for federal review.



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Where We Are Today:

- The current MSHCP and Section 10(a)(1)(B) permit took effect in 2001 and covers 167,650 acres of non-federal development; the permit term ends in 2031.
- As of March 2026, about 80% of permitted development has been used, with roughly 35,269 acres remaining.
- Without an amended permit, ESA-streamlined development authorization in Clark County would stop when the current permit ends.
- The amendment renews this authorization and expands capacity for the next 50-year term.



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Funding the Plan



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How the Plan Is Funded:

- Implementation of the amended Plan is funded primarily through a per-acre habitat disturbance fee assessed on covered development activities.
- Total implementation costs are estimated at approximately \$458.8 million over the 50-year permit term (constant 2026 dollars), averaging about \$9.2 million per year.



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The Proposed Fee Adjustment:

- Current fee: The MSHCP currently assesses a habitat disturbance fee of \$550 per acre.
- Proposed fee: To fully fund implementation under the 215,000-acre development scenario, the report estimates a required fee of \$2,134 per acre, in constant 2026 dollars.
- Indexed annually for inflation and reviewed at least every 10 years to keep the fee calibrated to program costs.



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Why the New Fee Is Needed:

- The current fee was put into place in the early 1990s and has not kept pace with inflation or the actual costs of implementing the program.
- The \$550 fee held for years largely because federal SNPLMA funds carried major program costs, and rapid early development allowed us to bank fee revenue faster than the program spent it during a time of high interest rates.
- SNPLMA funds are not allowed to be considered in the MSHCP amendment application; we must demonstrate that funding sources are secure.



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The Request



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What Staff Is Requesting:

- Approve submittal of the completed MSHCP amendment application package to the USFWS, including the proposed per-acre habitat disturbance fee adjustment from \$550 to \$2,134.
- The fee is included for the purpose of federal review, negotiation, and environmental analysis.
- Direct staff to return to the Board for any final action needed to adjust, adopt, or implement the fee after the federal review process is complete.



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What Is Not Being Decided Today:

- The Board is not being asked to adjust, adopt, or implement the fee at this time. Any fee action would follow completion of the federal review process.
- The adjusted fee is anticipated to take effect upon the effective date of the amended permit (estimated February 2031) and to be adjusted for inflation.



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Staff Recommendation



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Staff Recommendation

- Approve submittal of the completed MSHCP amendment application package to the U.S. Fish and Wildlife Service, including the proposed per-acre habitat disturbance fee adjustment from \$550 to \$2,134 analyzed in the Updated Funding Analysis Report.
- Direct staff to return to the Board for any final action necessary to adjust, adopt, or implement the fee after completion of the federal review process.



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Questions?



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