

CLARK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

Petitioner: Marci Henson, Director, Department of Environment and Sustainability

Recommendation:

Receive a presentation on the completed Multiple Species Habitat Conservation Plan (MSHCP) amendment application package and the MSHCP Amendment Updated Funding Analysis Report; approve submittal of the MSHCP amendment application package to the U.S. Fish and Wildlife Service, including the proposed per-acre habitat disturbance fee adjustment analyzed in the MSHCP Amendment Updated Funding Analysis Report, for purposes of federal review, negotiation, and environmental analysis; direct staff to return to the BCC for any final action necessary to adjust, adopt, or implement the per-acre habitat disturbance fee after completion of the federal review process; and direct staff accordingly. (For possible action)

FISCAL IMPACT:

Fund #:	2360.000	Fund Name:	Habitat Conservation Program
Fund Center:	1300210000	Funded PGM/Grant:	N/A
Amount:	Approximately \$458.8 million (50-year program total in 2026 constant dollars)		
Description:	N/A		
Additional Comments:	N/A		

BACKGROUND:

On June 19, 2007, the Clark County Board of County Commissioners (Board) directed staff to initiate an amendment process for the Multiple Species Habitat Conservation Plan (MSHCP) and incidental take permit. On September 3, 2024, the Board directed staff to initiate a public engagement and stakeholder outreach process to solicit feedback on the MSHCP amendment application package. On April 1, 2025, the Board directed staff to convene a work group to review and refine the proposed Avoidance and Minimization Measures (AMMs) for the MSHCP amendment application package. On March 17, 2026, the Board approved the final AMMs, including retention of the burrowing owl as a Covered Species. The draft MSHCP amendment application package is now complete.

The amended MSHCP would continue the streamlined Section 10(a)(1)(B) incidental take permitting process for non-federal development in Clark County for an additional 50-year permit term, expected to begin in approximately February 2031, and would authorize up to 215,000 acres of additional non-federal development.

Implementation of the amended Plan is funded primarily through a per-acre habitat disturbance fee assessed on covered development activities. The MSHCP Amendment Updated Funding Analysis Report estimates total Plan implementation costs of approximately \$458.8 million over the 50-year permit term in constant 2026 dollars. To fully fund these costs under the 215,000-acre development scenario, the analysis estimates a required mitigation fee of \$2,134 per acre in constant 2026 dollars, compared to the current fee of \$550 per acre. The analysis recommends that the fee be indexed for inflation and reviewed periodically.

Cleared for Agenda

07/21/2026

File ID#

26-1912

The Board's authority to establish and adjust the fee is provided by Chapter 244.386 of the Nevada Revised Statutes (NRS). Under Subsection 3, the Board may impose by ordinance a reasonable fee on the construction of a structure or the grading of land in the county to fund the conservation program, and that fee must be based upon an economic analysis of the cost to carry out the program. The MSHCP Amendment Updated Funding Analysis Report constitutes that economic analysis.

Staff seeks Board approval to submit 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 MSHCP Amendment Updated Funding Analysis Report, for purposes of federal review, negotiation, and environmental analysis. The Board is not being asked at this time to adjust, adopt, or implement the fee. Any final action necessary to adjust, adopt, or implement the per-acre habitat disturbance fee, including adoption of the fee by ordinance under NRS 244.386, would return to the Board for separate action following completion of the federal review process, with the adjusted fee anticipated to take effect upon the effective date of the amended incidental take permit (estimated February 2031) and to be adjusted for inflation in accordance with that effective date.