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MSHCP Amendment
April 1, 2025

Objectives

1. Provide a summary of public engagement process and feedback received
2. Obtain direction on the MSHCP Amendment
 - Why amend and why now?
 - Engagement activities
 - Key highlights of feedback received
 - Next steps if directed to proceed



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Why Amend and Why Now?



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MSHCP and Incidental Take Permit

Habitat Conservation Plan

- A required component of an incidental take permit application; describes the anticipated effects of proposed activity and how these effects will be avoided, minimized, and mitigated to the maximum extent practicable.

Incidental Take Permit

- Is issued to non-federal entities (like Clark County) when it is believed that otherwise lawful activities (like development) may result in impacts to species protected by the Endangered Species Act.



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Why Amend and Why Now?

- 30-year permit effective February 2001
 - Will expire in less than 6 years on January 31, 2031
- Authorizes up to 145,000 acres of development
 - 128,874 acres reported disturbance (as of January 2025); 89% of permitted acres
 - Average 5,370 acres of disturbance/year (3,142 acres in 2024)
 - 16,126 acres remain under current permit

We are on track to run out of permitted acres in 3-5 years



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If the MSHCP Expires...

- Absent a regional permit, developers would have to pursue individual project-level permits
- Individual permits can take several months (very small projects) or can take several years (large, complex projects)
- The cost of an individual permit is also widely variable, from several hundred thousand dollars (small projects) to millions of dollars (large-scale developments)
- Impacts to the economy and housing prices by artificially increasing scarcity

Tortoise delays building one year

□ Construction stopped by the endangered animal will stay on hold until January of 1991 at the soonest.

By Caryn Shetterly
Herald-Journal

Construction on Las Vegas projects halted in August by the endangered desert tortoise will not resume for at least another year — and that deadline is optimistic, a committee learned Monday.

According to a schedule presented by an ecologist to the Clark County desert

tortoise steering committee, the federal permit needed to allow construction to begin again cannot be obtained until January 1991.

The permit would provide for removal of tortoises for research from some urban areas of the Las Vegas Valley in exchange for continued development.

The date could slip depending on how long the U.S. Fish and Wildlife Service takes to grant the permit — if at all. The service has 90 days to respond to a permit application, which Clark County intends to file in April. But the service can extend the response time another 90 days if it sees fit.

"We need to be creative in how we interpret these deadlines," said Paul Fromer, an ecologist with Regional Environmental Consultants, the San Diego firm that will write an Environmental Impact Statement on the proposed plan.

Recent discussions have indicated that Fish and Wildlife is willing to cede some desert tortoise habitat to development. The federal agency has already started discussions with some local developers, including Summa Corp., to allow continued building before the permit process is completed in order to settle a lawsuit filed by builders against the Department of the Interior.

The 1991 date, a seemingly distant one, is earlier than originally anticipated by private developers and government officials, who had thought they would be waiting at least two years for construction of housing, flood control and water distribution projects.

Terry Murphy, representative for the 750-member Southern Nevada Homebuilders Association, was pleased with, but wary of, the new deadline.

"I would be thrilled to death if we were granted an incidental take permit by January 1991, but the preliminary discussions I've had indicate it would be 12

Please see TORTOISE/4A

4A/Las Vegas Review-Journal/Tuesday, December 5, 1989

Developers lose verdict to tortoises

By Mary Manning
SUN Staff Writer 12/19/89

The U.S. Court of Appeals upheld the emergency listing of the Mojave Desert tortoise Wednesday, denying a preliminary injunction sought by Nevada, Las Vegas and developers.

The 18-page decision said Interior Secretary Manuel Lujan Jr. acted properly to protect the tortoises vanishing from their homelands in Southern California, Southern Nevada and parts of Southern Utah by issuing the emergency listing Aug. 4.

More troubling is appellant's contention that the secretary acted irrationally by including the Nevada portion of the Mojave population," the decision said.

Nevada, the city and developers claimed there was no proof that tortoises within the state suffered from an upper respiratory disease apparently cutting down populations in Southern California.

"Appellants face a heavy burden in establishing that the secretary acted irrationally by including Nevada but not including the Arizona Sonoran population in the listing," the decision said. "Since the agencies have great discretion to treat a problem partially, we would not strike down the listing if it were a first step toward a complete solution, even if we thought it should have covered both the Mojave and Sonoran populations."

A District Court decision already denied the Nevada governments and developers relief. The Appeals Court reaffirmed that decision.

"So the tortoise has won," said Michael Bean of the Environmental Defense Fund, one of the organizations that petitioned the federal government to issue the emergency declaration. That emergency listing expires April 2, but the government is expected to ask for a permanent listing.

See TORTOISES, Page 4A



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Status

Draft MSHCP Amendment application is nearing completion

- Final data analyses are underway
- Draft chapters are being reviewed by the U.S. Fish and Wildlife Service

Target date for application submittal – Spring 2026

- Continue to pursue designation of the Reserve System
 - *Legislative path (federal lands bill)*
 - *Administrative path (Bureau of Land Management)*
- Continue to pursue revenue to fund the plan
 - *Next opportunity to amend NRS is during the 2027 legislative session*
 - *Or through amendment to SNPLMA to receive land sale proceeds*



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Engagement Process



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Engagement Activities

On September 3, 2024, Board directed staff to initiate a public engagement process.

Interviews with key stakeholders (Nov - Jan)

- To better understand important issues and areas of concern

Introductory Information Sessions (Jan 14 and 15)

- Overview of the MSHCP and amendment process
- Initial feedback and input on desired information



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Engagement Activities

Focus Group Meetings (Feb)

- In-depth sessions with technical and subject matter experts to explore specific components of the draft plan
 - Development (2)
 - Recreation
 - Conservation (2)
 - Government Agencies
- Specific Plan Components Discussed in Detail
 - Covered Species
 - Biological Goals and Objectives
 - Avoidance and Minimization Measures
 - Reserve System
 - Monitoring and Adaptive Management
 - Permit Fee and Funding Analysis
 - Process, Timeline, and Critical Path Tasks



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Engagement Activities

Final Information Sessions (Feb 25 and 26)

- Share findings from interviews and focus groups
- Gather any additional feedback
- Provide information on next steps

Summary Report

- Summarizes all engagement activities, participants, and feedback
- Posted to website



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Feedback



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Feedback on Plan Components

Covered Species

- No concern about the shortened list
- Recommendations to consider additional species

Biological Goals and Objectives

- Goals and objectives should take climate change into account
- Incorporate new information that has been published



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Feedback on Plan Components

Avoidance and Minimization Measures

- Some project design measures were unclear and should be better defined
- Concern about the timing of species surveys and potential impact to development processes

Reserve System

- Suggestions to add areas to the Reserve System
- Suggestions to reduce the size of the Reserve System
- Concern about how the designation of the Reserve System may impact recreation opportunities



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Feedback on Plan Components

Monitoring and Adaptive Management

- Suggestions to consider specific monitoring techniques

Permit Fee and Funding Analysis

- Developers concerned about an increased fee
- Conservation groups are concerned the fee may not be high enough to accomplish goals and objectives



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Feedback on Plan Components

Amendment Process

- Concern about the feasibility of getting the Reserve System designated
- Concern about getting NRS amended to allow for increased fee
- Stakeholders would like to stay informed about the MSHCP Amendment process and have additional opportunity to provide feedback



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Overall Takeaways

- No one wants the current permit to expire without a replacement and to end up in a situation where developers must obtain individual permits.
- There is a need to provide public education about what the MSHCP is, why it is important, and what it has achieved.
- Stakeholders would like to stay informed about MSHCP activities, next steps, and additional opportunities to review future drafts of the plan.



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Next Steps, If Directed



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Next Steps, If Directed

- Refine the draft MSHCP based on stakeholder input where feasible and based on the best available science and regulatory requirements
- Convene a working group to further refine processes for carrying out avoidance and minimization measures and to draft code updates necessary to carry them out
- Continue to provide engagement opportunities for stakeholders and increase coordination with BLM as time and resources allow



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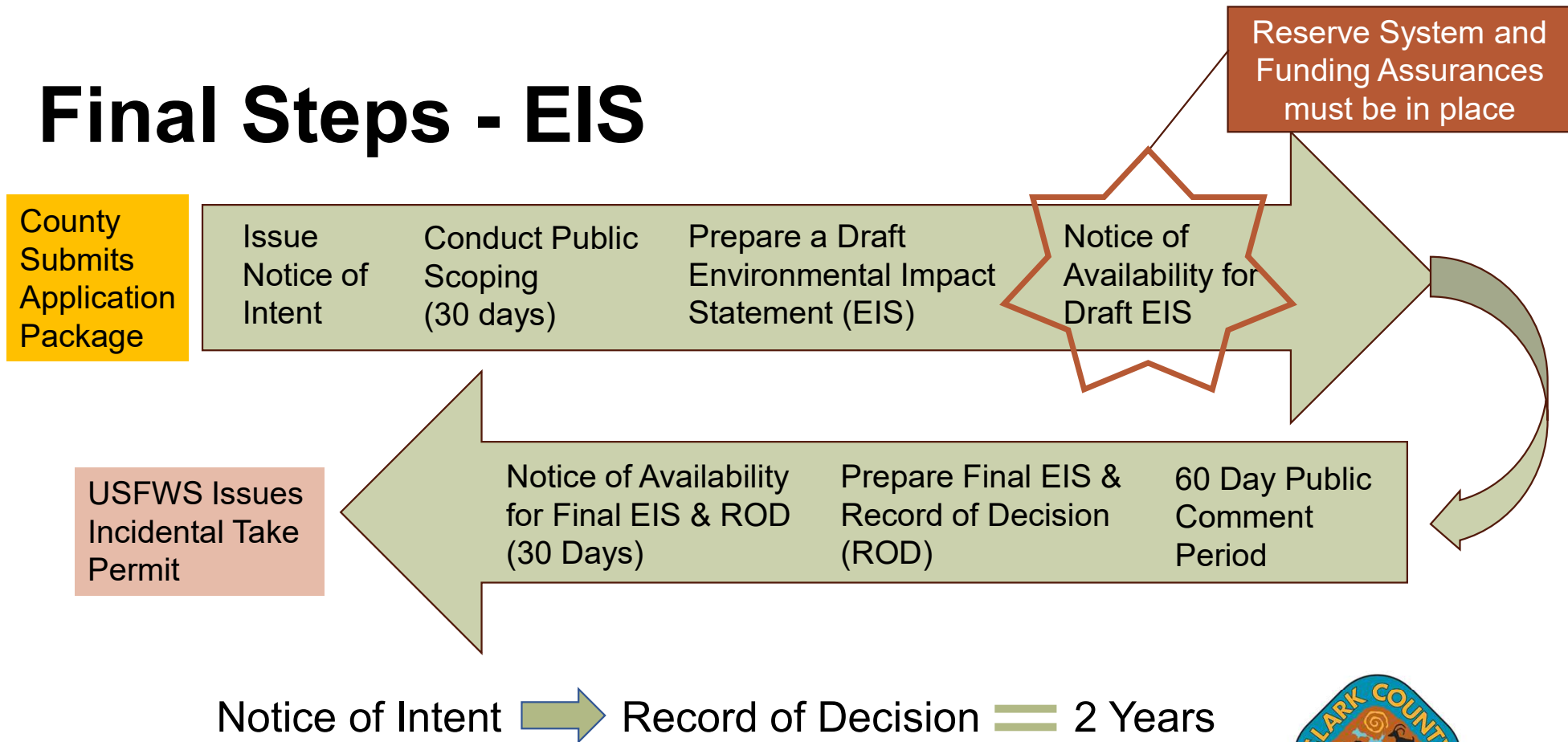
Next Steps, If Directed

- Finalize the amended MSHCP and prepare the federal incidental take permit application
- Return to the Board at the end of 2025 or early 2026 to seek authorization to submit the permit application and amended MSHCP to the U.S. Fish and Wildlife Service



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Final Steps - EIS



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Questions?



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