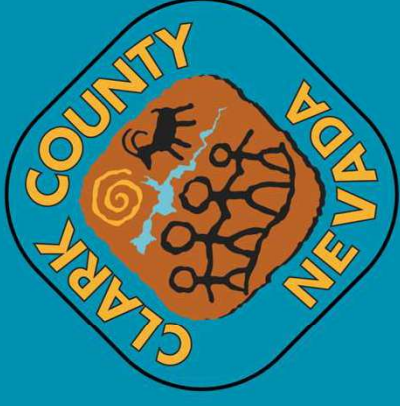
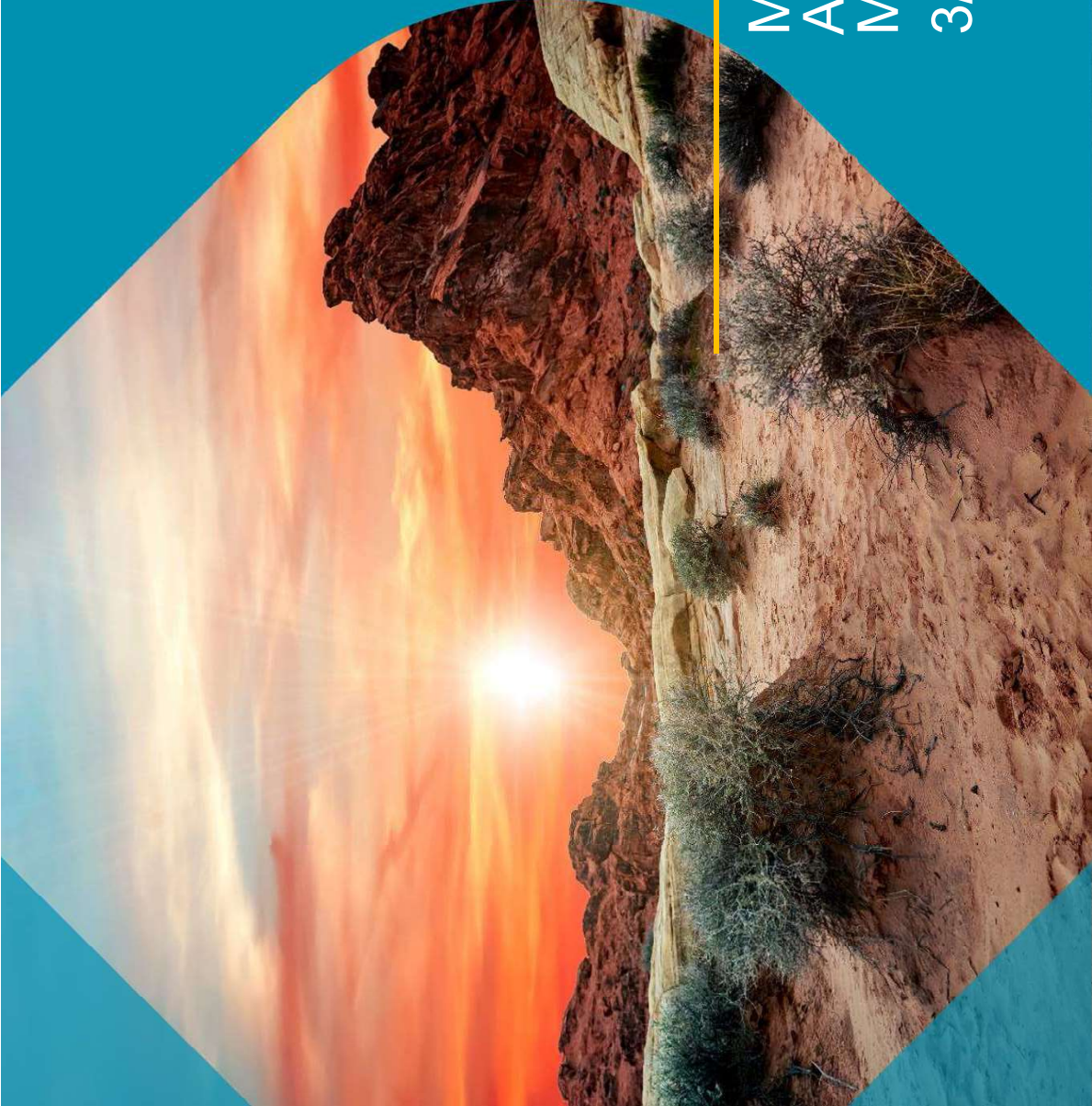




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MSHCP Amendment:
Avoidance & Minimization
Measures
3/17/2026



Overview

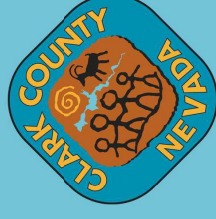


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- Permit applicants are required to outline how they will avoid and minimize impacts to species proposed for coverage
- The Desert Conservation Program convened a stakeholder Work Group (Summer-Fall 2025) to review and refine proposed Avoidance and Minimization Measures (AMMs) for the Multiple Species Habitat Conservation Plan (MSHCP) Amendment.
- Seven meetings were held with local jurisdictions, developers, and utilities to ensure AMMs are feasible and understood by implementing partners.
- Work Group participants included all Clark County jurisdictions, major homebuilder associations, commercial and industrial development representatives, and utilities.



Key Outcomes



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- Consensus was achieved on all AMMs **except one**: whether to include burrowing owl measures.
- Work Group identified several AMMs requiring supplemental implementation documents (e.g., design guidelines, best management practices [BMPs]) to be developed collaboratively with jurisdictions and developers.
- Process strengthened relationships and increased understanding of requirements among jurisdictions and developers.



Burrowing Owl Decision



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Issue: Should burrowing owl be retained as
a Covered Species in the MSHCP
Amendment?



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Work Group Position:

- One Work Group member suggested removing burrowing owl due to: (1) prevalence in the plan area potentially causing project delays and increased costs, and (2) uncertainty about future federal protective measures.
- Most other Work Group members preferred retaining coverage to avoid delays and costs of adding the species later if federal listing or Migratory Bird Treaty Act (MBTA) interpretation changes occur.
- Developer priority: flexibility in survey timing to prevent project delays.



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Rationale for Retention:

- Regulatory predictability: MBTA interpretations have changed multiple times in recent years. Without MSHCP coverage, developers bear full compliance burden if interpretations shift to prohibit incidental take.
- Endangered Species Act (ESA) listing risk: Burrowing owl is a federal Bird of Conservation Concern; identified by the NDOW as a Species of Greatest Conservation Need. Species has experienced 30-50% population declines. If federally listed without MSHCP coverage, development would halt until emergency amendment or individual permits are obtained. Amending the permit puts the Permittees at risk of litigation.
- Cost-benefit: Survey requirements are modest compared to risks of ESA listing disruption or MBTA compliance uncertainty. Burrowing owl surveys would occur concurrent with desert tortoise surveys in most cases.
- Proactive conservation: Demonstrates credible conservation action that the U.S. Fish and Wildlife Service (USFWS) will consider in a potential listing decision.



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Rationale for Removal:

- High prevalence creates burden: burrowing owls are common around the Las Vegas valley, which could lead to some development delays and increased costs.
- Survey timing challenges: 30-day survey window creates coordination difficulties with unpredictable schedules.
- Uncertain federal protection status: Current MBTA interpretation may make coverage unnecessary.
- Option to add later: Species could be added through amendment if needed.



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Staff Recommendation



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Staff Recommendation

- Retain burrowing owl as a Covered Species to maintain regulatory stability, reduce long-term risk to developers and the County, and strengthen the amended MSHCP's conservation credibility.
- Approve final AMMs for inclusion in the MSHCP Amendment package for USFWS submission.
- Direct DCP to work with jurisdictions and developers to develop supplemental implementation documents.



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Questions?



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