

2.0 COVERED ACTIVITIES

This chapter describes the Covered Activities that may occur within the Clark County Multi-Species Habitat Conservation Plan Amendment (MSHCP Amendment) Plan Area and for which incidental take authorization is requested by the MSHCP Amendment Permittees. Activities which have a federal nexus for Endangered Species Act Section 7 consultation are not covered under this MSHCP Amendment. Activities which occur within Waters of the United States may not always require a Clean Water Act Section 404 permit or necessitate other federal oversight depending on activity description; therefore, some activities within Waters of the United States including those conducted by Southern Nevada Water Agency (SNWA) may not have a federal nexus. Those activities which do not require a Clean Water Act Section 404 permit or do not have another federal nexus are included as Covered Activities.

All Covered Activities must adhere to federal, state, and local laws and regulations. An entity seeking to implement one or more of the Covered Activities described in this chapter, within the Plan Area, may be able to obtain take coverage under the MSHCP Amendment through their city or county permitting process and receipt of project approvals through a Permittee. A proponent of a Covered Activity would obtain take authorization for the activity through the process described in Chapter 9 (Section 9.4). The MSHCP Amendment will cover up to 215,000 acres of new ground-disturbing activities which can come from any of the Covered Activities described in this Chapter. Impacts resulting from Covered Activities are described and analyzed in Chapter 5 - Impact Analysis. Chapter 6 – Conservation Program describes the avoidance, minimization, and mitigation measures that will be implemented in association with the Covered Activities to ensure the long-term viability of Covered Species and their habitats. If an activity is not a Covered Activity, and the proponent of the activity would like to obtain coverage for the activity through the MSHCP Amendment, the process to request coverage and apply for take authorization would require a modification or amendment to the MSHCP Amendment, as described in Chapter 9 (Sections 9.8.2 and 9.8.3).

Covered Activities are organized into three categories below: 2.1 New Covered Activities Outside of the Reserve System, 2.2 Existing and Ongoing Covered Activities Outside of the Reserve System, and 2.3 Covered Activities within the Reserve System.

2.1 New Covered Activities Outside of the Reserve System

Descriptions of Covered Activities here are mostly qualitative. Additional quantitative assessments of Covered Activity footprints and scope are described in the impact analysis methodology in Chapter 5 - Potential Biological Impacts and Take Assessment. The following activities are projected to occur within the Plan Area over the incidental take permit (ITP) term and may temporarily or permanently adversely affect Covered Species or their habitats. Subject to the terms and conditions of the MSHCP Amendment, any take resulting from these activities will be authorized by the ITP issued pursuant to the MSHCP Amendment.

2.1.1 Residential, Industrial, and Commercial Structures

The MSHCP Amendment and ITP will provide coverage for all activities associated with locally approved public and private development occurring on non-federal lands which do not require a Clean Water Act Section 404 permit. This includes residential, commercial, and industrial projects. Infrastructure related to development is described in Section 2.1.2. Operation and maintenance of new structures and facilities is described in Section 2.2.1.

2.1.2 Public and Private Infrastructure

New public and private infrastructure development that does not require Clean Water Act Section 404 permits is covered under the MSHCP Amendment. This type of development includes infrastructure directly related to residential, industrial, or commercial development but may involve public works projects or other projects that serve the broader community. These projects may include the construction of local roadways and bridges¹; landscaping and trails; natural gas, water, and electric production, storage, and conveyance facilities including those related to renewable energy; transportation-related facilities; underground and aerial telecommunications infrastructure; stormwater, wastewater, and water collection, treatment, and conveyance facilities; and erosion and sediment control and stream stabilization structures.

SNWA manages water resources in Southern Nevada. New SNWA projects within the Plan Area which do not have Section 7 nexus such as projects requiring a Clean Water Act Section 404 permit or conducted on lands under federal management (Bureau of Reclamation) will be covered under the MSHCP Amendment. Priority projects are identified in SNWA's Water Resource Plan which is updated on an annual basis (<https://www.snwa.com/water-resources/water-resource-plan/index.html>). Potential Covered Activities performed by SNWA (and potentially other agency members of the Las Vegas Valley Watershed Advisory Committee) include but are not limited to:

- Weir and bank protection construction activities such as ingress/egress access (road blading and maintenance), staging, material storage and hauling, pre-construction vegetation and ground clearing, grading/excavation, and habitat restoration/improvements.
- General hauling and stockpiling of materials including rock riprap, cleared vegetation, trash, debris, and sediment.
- Habitat restoration/improvements including removing exotic species, clearing, and grubbing, and planting native species.
- Road and trail construction on SNWA infrastructure lands for pedestrian, horse, bicycle, and street legal vehicle uses.
- Installation, operation and maintenance of existing and new water and wastewater conveyance infrastructure (described in greater detail in Section 2.2.1).

2.1.3 Renewable Energy

As energy demand in the region continues to grow, greater emphasis will be placed on renewable energy as a source to meet that demand. The development of solar, wind, and geothermal energy facilities, as well as associated transmission lines, within the Plan Area on non-federal land is expected to increase in the foreseeable future. The development of the infrastructure to produce and distribute renewable energy will be a Covered Activity under the MSHCP Amendment as described in Section 2.1.2.

2.1.4 Agricultural Conversion and New Facilities used in Agricultural Operations

Further conversion of natural lands to agricultural uses within the Plan Area is expected to be limited. Although it is not anticipated that agricultural activity will increase significantly beyond

¹ Nevada Department of Transportation (NDOT) projects would not be covered, unless the agency applies for a certificate of inclusion.

current levels, the MSHCP Amendment provides coverage for the conversion of undeveloped private land to irrigated or cultivated agricultural or grazing uses. This category of activities also includes the development of new agriculture-related facilities and structures that occur in currently undeveloped areas or that significantly expand the footprint of existing development, and the construction of infrastructure associated with such facilities and structures. Examples of such facilities, structures, and infrastructure include fences, barns, corrals, stables, storage buildings, other agricultural primary and accessory structures, wells, irrigation ditches, water pipelines, and utilities.

2.1.5 Recreational Facilities and Use

In response to the expected population growth in the region, new recreational facilities will be developed within the Plan Area. Development of those facilities is covered under the MSHCP Amendment. It is expected that these facilities will include athletic fields, golf courses, playgrounds, picnic areas, nature centers, campgrounds, trails, equestrian areas, overlooks, parks, pavilions, restrooms, and recreation centers. Signage, landscaping, and infrastructure necessary to support these facilities are also covered. Operation and maintenance of non-federal lands for off-highway vehicle (OHV) use will be considered a Covered Activity only in authorized OHV areas within the Plan Area (i.e. Nellis Dunes OHV Recreation Area). OHV recreation on non-federal lands is a covered activity only in areas where OHV use is allowed under state law and local ordinance. Special events such as organized races outside of designated OHV areas are not authorized under the MSHCP Amendment. The installation of appropriate signage and access control facilities in conjunction with OHV area use will be included as a Covered Activity under the MSHCP Amendment. Operation and maintenance of these facilities is described in Section 2.2.2.

2.1.6 Emergency Activities

The MSHCP Amendment covers emergency activities, which may include, but are not limited to: repairs of critically imperiled or broken utility lines, or utility failures; repairs of structures damaged by floods or wildfires where such repairs cannot be delayed due to the imminent loss of life or property; cleanup of spilled hazardous materials and/or waste; repair, replacement, and/or removal of failed structures and associated facilities; repair of structures that are imminently in danger of serious damage or failure; response to accidents; and emergency road closures and reroutes. These emergency activities are necessary to prevent and/or minimize loss of human life or property, critical infrastructure, or sensitive natural resources. By their nature, these events cannot be planned for or directed to areas with less sensitive resources.

Illegal activities like oil spills or wastewater releases are not considered Covered Activities. These will be addressed as Unforeseen Circumstances, but any take of listed species and the mitigation of effects would be addressed under other federal authorities, such as the Federal Water Pollution Control Act or Natural Resource Damage Assessment and Restoration Act.

The following procedures will be employed for emergency repairs:

- The entity(s) initiating the emergency repair will notify the DCP that a repair is necessary; after-the-fact notification will occur within 72 hours after the emergency has ceased for emergency repairs that must be carried out immediately for the protection of public health and safety.

- Immediately upon notification, the DCP will conduct a site visit with emergency repair staff to assess the situation and determine if the repair may affect MSHCP Amendment resources. Recommendations will be made regarding methods for implementing the emergency repair while minimizing environmental impacts, including any necessary post-repair restoration efforts resulting from actual repair activities. Sensitive areas will be flagged in the field to assist in providing direction for repair crews.
- If necessary, the DCP will conduct on-site monitoring during the repair.
- Upon completion of the repair, the DCP will assess and document on-site conditions and include such documentation in the administrative record of the MSHCP Amendment; if warranted, restoration plans will be prepared for areas disturbed by the repair and the DCP will oversee implementation of such plans. Plans will be provided to the Service for review and comment.

2.1.7 New Activities in Low Impact Areas

Low Impact Areas (Figure 1-2) are lands requiring management and may also include public access or recreation activities. Within the Low Impact Area, Covered Activities are predominantly restricted to maintenance and management of existing infrastructure. New recreation development will be tracked and reported on by the DCP. Construction and maintenance of new public trails in parks and open spaces in Low Impact Areas are Covered Activities in the MSHCP Amendment. Construction and maintenance of new public trails shall be managed to avoid or reduce impacts to Covered Species and resources.

2.2 Ongoing and Existing Activities Outside of the Reserve System

Certain ongoing or existing activities that occur within the Plan Area may potentially affect Covered Species and their habitats. Generally, these activities involve the operation, maintenance, or repair of existing infrastructure and other facilities, and tend to occur on a routine, regularly scheduled, normal and standard basis or in accordance with regulatory requirements. The sub-sections below define categories of ongoing or existing activities that are covered by the MSHCP Amendment. These activities will occur within the Plan Area over the term of the ITP and may temporarily affect Covered Species or their habitats. Although not anticipated to be common, maintenance and management may also result in permanent effects to Covered Species or their habitats. Subject to the terms and conditions of the MSHCP Amendment, any take resulting from these activities will be authorized by the ITP issued pursuant to the MSHCP Amendment.

2.2.1 Operation and Maintenance of Infrastructure

The operation, maintenance, repair, rehabilitation, and replacement of public and private infrastructure and related facilities that support private development or serve the general public and do not require a Clean Water Act Section 404 permit are covered by the MSHCP Amendment. This infrastructure may include local highways, roads, bridges, culverts, and other transportation infrastructure; water and other service-related facilities, including flood control and stormwater management facilities, and stream stabilization features (e.g., riprap or drop structures) that do not require a Clean Water Act Section 404 permit; wastewater treatment, conveyance, and disposal facilities; and natural gas, electrical and telecommunications infrastructure. Activities associated with these operations may involve grading, paving, and resurfacing; construction, repair, rehabilitation, and maintenance of guard rails; signage; bank stabilization, stream restoration and improvement, and channel re-alignment; road sweeping, sanding, de-icing, and

snow removal; lighting; drainage measures associated with roads; maintenance of ditches, back-slopes, and shoulders, including seeding, mowing, weed and dust management; fence repair; delineator post repair; striping; curbing; utility line and facilities repair; and fire hydrant maintenance.

SNWA facilities and routine operations and maintenance activities for water supply and conservation and flood control and erosion reduction are Covered Activities, including but not limited to: facility improvements and drought response actions; manual and mechanical clearing of vegetation, trash, debris, and silt from the channel, banks and weirs; repairing weir and bank protection facilities; additional installation of erosion control measures (e.g., down drains, sedimentation or stormwater basins), and habitat restoration and water quality improvement activities. Beyond those activities listed above, the development of the comprehensive integrated flood control system for Las Vegas Valley by the Clark County Regional Flood Control District and all the activities it entails (Clark County Regional Flood Control District 2013, Clark County Regional Flood Control District 2021, Las Vegas Valley Flood Control Master Plan Update 2018, and any subsequent documents replacing these documents) which are not subject to Clean Water Act Section 404 permits will be Covered Activities under the MSHCP Amendment. Maintenance of privately owned flood control infrastructure and facilities that are not subject to Clean Water Act Section 404 or other federal oversight will also be a Covered Activity.

2.2.2 Recreational Facilities

A variety of County and city recreational facilities are located within the Plan Area. The MSHCP Amendment covers the management, operation, rehabilitation, replacement, repair, maintenance, and ongoing use of existing recreational facilities. These facilities may include, but are not limited to: golf courses, parks, trails, campgrounds, recreation centers, athletic fields, playgrounds, picnic areas, overlooks, and equestrian areas.

2.2.3 Surface Extractive Uses

The MSHCP Amendment covers new surface extractive use activities and the operation and maintenance of existing surface extractive use facilities (e.g. materials such as sand, gravel, limestone, clay, granite, and fill materials) on non-federal lands where BLM does not have retained mineral rights. In locations where BLM has retained mineral rights, the Section 7 process will be available to permit incidental take of listed species; therefore, the MSHCP Amendment does not cover surface extractive uses in these locations. These existing extractive use activities are expected to continue for the duration of the permit. Mining or subsurface extractive use is not a Covered Activity.

2.2.4 Habitat Management

Habitat management is an integral component of the MSHCP Amendment and will occur in accordance with the provisions of the MSHCP Amendment as described in the avoidance and minimization measures of Chapter 6. The MSHCP Amendment covers all habitat management activities undertaken for the purpose of benefiting Covered Species and other sensitive resources. Habitat management activities shall be conducted in accordance with MSHCP Amendment approved guidelines. Covered Activities include conducting habitat assessments and population surveys, restoration, enhancement, and creation of habitat, scientific investigation into species' biological characteristics, and all other management and monitoring activities prescribed by the MSHCP Amendment. These activities are not restricted to the Reserve System.

2.2.5 Education and Interpretation

Programs that are designed to provide the public with an increased awareness and understanding of Covered Species, as well as other environmental and natural resource issues, are covered by the MSHCP Amendment. Public outreach efforts related to this MSHCP Amendment may include opportunities for the public to participate in educational and interpretive programs. Activities relating to such programs may include guided field trips, workshops, habitat monitoring, and other observational activities.

2.2.6 Ongoing Agricultural Activities

Ongoing agricultural activities involve practices customary and necessary for the continuation of existing agricultural operations. These activities include grazing, crop rotation, plowing, fencing, seeding, cultivating, minor drainage modification, burning, mowing, and harvesting. Application of fertilizer, herbicide, and/or pesticide for agricultural purposes is not a Covered Activity.

2.3 Covered Activities Inside the Reserve System

Incidental take of Covered Species may occur within the boundaries of the Reserve System because of land management activities. The Reserve System is made up of both public and private lands, and described further in Chapter 6. The following section describes the Covered Activities that may result in incidental take in the Reserve System, with the exception of the BCCE. The portion of the Reserve System known as the BCCE is on land owned by the City of Boulder City, and is governed by an easement agreement (Boulder City and Clark County NV 2019) that outlines permissible uses and rights retained by the City of Boulder City and predates the MSHCP Amendment. The MSHCP Amendment incorporates the BCCE Easement Agreement and provisions of the BCCE Easement Agreement describe the Covered Activities, allowable uses, and required minimization and mitigation applicable to the BCCE.

2.3.1 Reserve System Management, Monitoring and Scientific Research Activities

Management techniques, including but not limited to, law enforcement, fuel modification, fire management, weed control, access control, public use and recreation, and habitat enhancement and restoration may cause incidental take in the Reserve System. Monitoring and scientific research activities may also cause incidental take. These include but are not limited to capture and relocation to prevent injury or death, trapping and handling, enhancement of plant propagation, and the use of recorded vocalizations. Pesticide and herbicide use is allowable in the Reserve System if needed to achieve Biological Goals and Objectives and will be applied by a licensed and authorized applicator in accordance with applicable laws and regulations and label recommendations. As a result of the limited, law- and label-abiding application, pesticide and herbicide use as part of the Reserve System management is not expected to result in take of Covered Species and is not a Covered Activity.

The DCP may adopt rules for the management and research of the Reserve System to protect Covered Species and their habitat, in accordance with the respective Reserve Unit Cooperative Management Agreements (CMAs). Reserve management, monitoring, and research activities shall be designed to avoid or reduce impacts to Covered Species and their habitat to the greatest extent practicable. In addition, as appropriate, these activities are subject to the avoidance and minimization measures described in Chapter 6.

2.3.2 Emergency, Safety and Police Services

Local, state, and federal law enforcement entities will be allowed access to the Reserve System as necessary to enforce applicable laws. Medical, rescue, firefighting operations, and other emergency service providers will be allowed access to the Reserve System to carry out operations necessary for the health, safety, and welfare of the public. Local law enforcement agencies and other entities such as the National Guard or Immigration and Naturalization Service operating within the Reserve System are subject to existing state and federal laws. The MSHCP Amendment will not create additional permit requirements for these entities beyond those of existing state and federal laws.

2.3.3 Infrastructure Construction and Maintenance

The Reserve System is designated as a right-of-way avoidance area with the exception of existing rights-of-way grants, easements on private land, and existing designated transportation and utility corridors². However, necessary and unavoidable infrastructure and improvements may need to be conducted in the Reserve System for the health, safety, and welfare of the public. Maintenance and upgrades to existing energy infrastructure that do not involve increasing the extent of the infrastructure's utility corridor are a Covered Activity. Such maintenance and upgrades are required to adhere to Avian Power Line Interaction Committee (APLIC) guidelines.

The DCP does not have authority to restrict establishment of or construction within new rights of ways on BLM land within the Reserve System. The CMAs between BLM, USFWS, and the County address right of way grants, however, and will include requirements to minimize impacts.

The issuance of new easements and the construction of improvements, facilities, and infrastructure within private lands of the Reserve System, which may have adverse impacts to the Reserve System, shall only be allowed after it has been demonstrated to the DCP and USFWS that the proposed use cannot reasonably be located outside the Reserve System and only after the project has incorporated measures to avoid or reduce impacts to Covered Species and their habitat. The DCP may adopt rules for the construction of unavoidable infrastructure as necessary in order to effectively manage the Reserve System and protect Covered Species and their habitat. In addition, as appropriate, these activities shall be subject to the avoidance and minimization measures described in Chapter 6, Conservation Program, and any other such measures deemed appropriate by the DCP and/or USFWS to minimize and mitigate the adverse impacts to the Reserve System to the greatest extent practicable.

2.3.4 Emergency Repairs

Public infrastructure facilities and utilities are currently located in areas within the Reserve System and additional infrastructure may be constructed in the future in the Reserve System in accordance with the Covered Activities described above in Section 2.3.3. From time to time, emergency repairs may be required to these facilities as necessary for the health, safety, and welfare of the public.

² The Southern Nevada Economic Development and Conservation Act [Section 205 (j)(2)(A)] allows for the existence, use, operation, maintenance and repairs of existing utility facilities and rights of way within transportation utility corridors within Special Management Areas of the Reserve System.

2.3.4.1 Emergency Repairs on Non-Federal Lands

Emergency repair activities on non-federal lands within the Reserve System shall be a Covered Activity. The following procedures will be employed for emergency repairs that occur on non-federal lands outside the boundaries of existing cleared areas in the Reserve System:

- The entity(s) initiating the emergency repair will notify the DCP that a repair is necessary; after-the-fact notification will occur within 72 hours for emergency repairs that must be carried out immediately for the protection of public health and safety.
- Immediately upon notification, the DCP will conduct a site visit with emergency repair staff to assess the situation and determine if the repair may affect MSHCP resources. Recommendations will be made regarding methods for implementing the emergency repair while minimizing environmental impacts, including any necessary post-repair restoration efforts resulting from actual repair activities. Sensitive areas will be flagged in the field to assist in providing direction for repair crews.
- If necessary, the DCP will conduct on-site monitoring during the repair.
- Upon completion of the repair, the DCP will assess and document on-site conditions and include such documentation in the administrative record of the MSHCP Amendment; if warranted, restoration plans will be prepared for areas disturbed by the repair and the DCP will oversee implementation of such plans.

2.3.4.2 Emergency Repairs on Federal Lands

Emergency repair activities that occur on public lands within the Reserve System are not included as a Covered Activity. The CMAs and Implementing Agreement between BLM, USFWS, and the County will address communication and documentation of emergency activities on these lands for the purposes of MSHCP Amendment administrative reporting.

2.3.5 Public Access and Recreation

Public access and recreation rules for the Special Management Areas (SMAs) will be subject to CMAs and the Las Vegas Resource Management Plan (BLM 1998 as amended or subsequent document replacing this). SMAs and the BCCE within the Reserve System shall be open to the public. Privately owned riparian reserves within the Reserve System may be open to the public on a case-by-case basis.

All roads and trails in the Reserve System shall be designated as either “open” or “closed.” All public access within the Reserve System shall be via roads and trails designated as “open.” Maintenance and improvements to open roads and trails, and installation and maintenance of kiosks, signs, fences and barriers to manage public access are Covered Activities in the MSHCP Amendment. New roads or trails in the Reserve System will be limited to access for private property or where no feasible alternative exists, and the action is considered a necessary and unavoidable infrastructure as described in Section 2.3.3.

The DCP may adopt rules for public access activities as necessary to effectively manage the Reserve System and protect Covered Species and their habitat. Management and maintenance of public access shall be designed to avoid or reduce impacts to Covered Species and resources to the greatest extent possible. In addition, as appropriate, these activities are subject to the avoidance and minimization measures described in Chapter 6.

Non-consumptive public access and recreation activities that may result in incidental take within the Reserve System include, but are not limited to: hiking, bird watching, mountain biking and horseback riding on designated open trails, photography, picnicking and camping in designated areas, OHV and motorized vehicle use (restricted to 25 miles per hour (mph) or less on designated open roads and trails), hunting and trapping as allowed by permit by the State of Nevada, and geocaching and orienteering, limited to existing locations and designated open roads and trails. These activities may result in limited incidental take; however, they are not expected to adversely impact Covered Species or their habitat within the Reserve System such that population declines would result. Other recreational uses and activities not defined herein shall be allowed on a case-by case basis as determined by the BLM and/or DCP to be consistent with the purposes of the MSHCP Amendment. The DCP may adopt rules for all recreational activities as necessary to effectively manage recreation in the Reserve System and protect Covered Species and their habitat.

Organized recreational events on public lands within the Reserve System will be subject to BLM permitting and requirements defined in the BLM's Resource Management Plan (BLM 1998 as amended or subsequent document replacing this) and CMAs.

Recreational activities shall be managed to avoid or reduce impacts to Covered Species and resources. In addition, as appropriate, these activities are subject to the avoidance and minimization measures described in Chapter 6.

2.3.6 Collection of Flora and Fauna

Incidental take from non-commercial and casual collection of vegetation and biological specimens will only be authorized within the Reserve System on a case-by case basis by permit issued by the DCP and relevant state and federal agencies when consistent with the purposes of the MSHCP Amendment. The DCP may adopt rules for non-commercial and casual collection activities as necessary in order to effectively manage collection in the Reserve System and protect covered species and their habitat. Non-commercial and casual collection shall be managed to avoid or reduce impacts to Covered Species and resources. In addition, as appropriate, these activities are subject to the avoidance and minimization measures described in Chapter 6.

Commercial collection of flora and fauna shall be prohibited unless allowed by Nevada Revised Statute, in which case it shall be a Covered Activity³. The DCP may adopt rules for commercial collection activities in the Reserve System as necessary to effectively manage this activity and to protect Covered Species and their habitat. Commercial collection activities shall be managed to avoid or reduce impacts to Covered Species and resources. In addition, as appropriate, these activities are subject to the avoidance and minimization measures described in Chapter 6.

2.3.7 Activities not Covered by the Incidental Take Permit in the Reserve System

Activities listed below are not covered by the MSHCP Amendment, but in some cases may be authorized through other regulatory processes.

- Motorized travel off designated open roads.
- Competitive motor vehicle activities.

³ Nevada Revised Statute 527.070 allows and regulates commercial collection of Christmas trees, cacti and yucca.

- Travel on or maintenance of closed roads and trails.
- Mining or surface extractive activities.
- Military maneuvers.
- Construction of new energy development or production (other than as described in 2.3.3).
- Clearing for agriculture.
- Landfills and refuse disposal.
- Grazing by cattle, burros, horses, and domestic sheep unless specifically allowed in CMAs.
- Commercial flora and/or fauna harvest or collection, unless authorized by state or federal regulations.
- Non-commercial collection of vegetation, except by permit issued by the DCP, and relevant state and federal agencies.
- Non-commercial collection of biological specimens, except by permit issued by the DCP and relevant state and federal agencies.
- Dumping, littering.
- Depositing of captive or displaced desert tortoises or other animals in the Reserve System, except pursuant to desert tortoise translocation and population augmentation authorized by the USFWS.
- Uncontrolled dogs.
- Discharge of firearms, except in connection with licensed and permitted hunting or trapping and target shooting in designated areas.
- Setting off or use of fireworks.
- Issuance of additional rights-of-way or easement, or construction of any physical improvement, except as provided in Section 2.3.3 above.
- Any activity or use in the Reserve System inconsistent or incompatible with the purpose of the Reserve System. Within the BCCE, the provisions of the BCCE Easement Agreement control over the MSHCP Amendment and describe the covered activities, allowable uses, and required minimization and mitigation applicable to the BCCE.

References

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