

Multiple Species Habitat Conservation Plan Developer Focus Group Overview

Kimberley Goodwin
February 6, 2025



MOJAVEMAX.COM



desert conservation
PROGRAM



Desert Conservation Program



MISSION:

Manage regional compliance with the federal Endangered Species Act



HOW?

Ensuring survivability of imperiled species by implementing the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and Section 10 Incidental Take Permit

Endangered Species Act



- **Endangered Species Act of 1973** - To protect and recover imperiled species and the ecosystems upon which they depend.
- **Section 9** – Prohibits the taking of species listed as endangered or threatened
- **Section 10** – Non-federal incidental take permit
- **Habitat Conservation Plan** - A required component of a Section 10 incidental take permit application; describes the anticipated effects of proposed take and how these effects will be avoided, minimized, and mitigated.



Desert Conservation Program



August 4, 1989 – tortoise emergency listed by U.S. Fish and Wildlife Service as endangered; revised to threatened.

An immediate and total moratorium on all new construction

32326 Federal Register / Vol. 54, No. 149 / Friday, August 4, 1989 / Rules and Regulations

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB35

Endangered and Threatened Wildlife and Plants; Emergency Determination of Endangered Status for the Mojave Population of the Desert Tortoise

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Emergency rule.

Director for Fish and Wildlife Enhancement, at the above address (telephone (503) 231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

The desert tortoise is one of three species in the genus *Gopherus* found in the United States. The Berlandier's tortoise (*G. berlandieri*) is found in northeastern Mexico and southern Texas. The gopher tortoise (*G. polyphemus*) is found in the hot, humid portions of southeastern United States. *G. agassizii* is relatively large, with

believed to be a result of urban development, long-term livestock grazing, mining, large-scale water development, off-road vehicle use, collecting, and many other human-related uses.

The Sonoran population is found in Arizona, south and east of the Colorado River, and in Mexico. Tortoises in this area are found on steep, rocky slopes of mountain ranges, primarily in Arizona upland vegetation dominated by palo verde and saguaro cactus. The distribution of the present population and habitat is disjunct. Some habitat has been lost to expansion of urban

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
Review-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

Section 10 Permit History



Clark County has applied for and received three Section 10 incidental take permits since 1991:

- 1991 – Short-Term Habitat Conservation Plan
 - Covered 1 Species: Desert tortoise
- 1995 – Desert Conservation Plan
 - Covered 1 Species: Desert tortoise
- 2001 – Multiple Species Habitat Conservation Plan (MSHCP)
 - Covers 78 Species



Current MSHCP



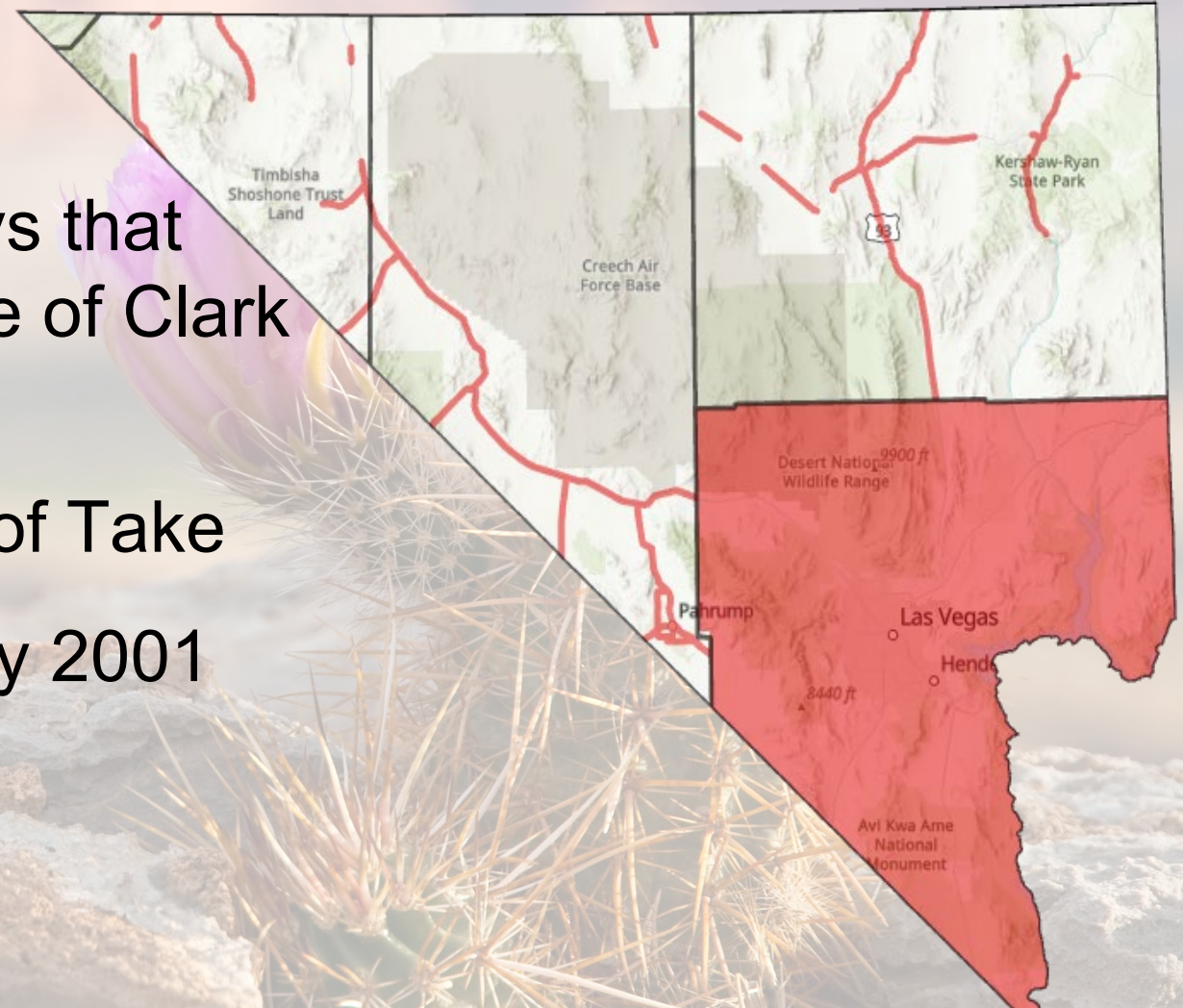
- The Desert Conservation Program serves as the Administrator of the Clark County MSHCP and incidental take permit.
- Permitee: A non-federal entity that receives an incidental take permit.
- Is responsible for ensuring compliance with the provisions of the permit.
- Must have jurisdictional authority over the activities covered by the permit

Current MSHCP



MSHCP Plan Area

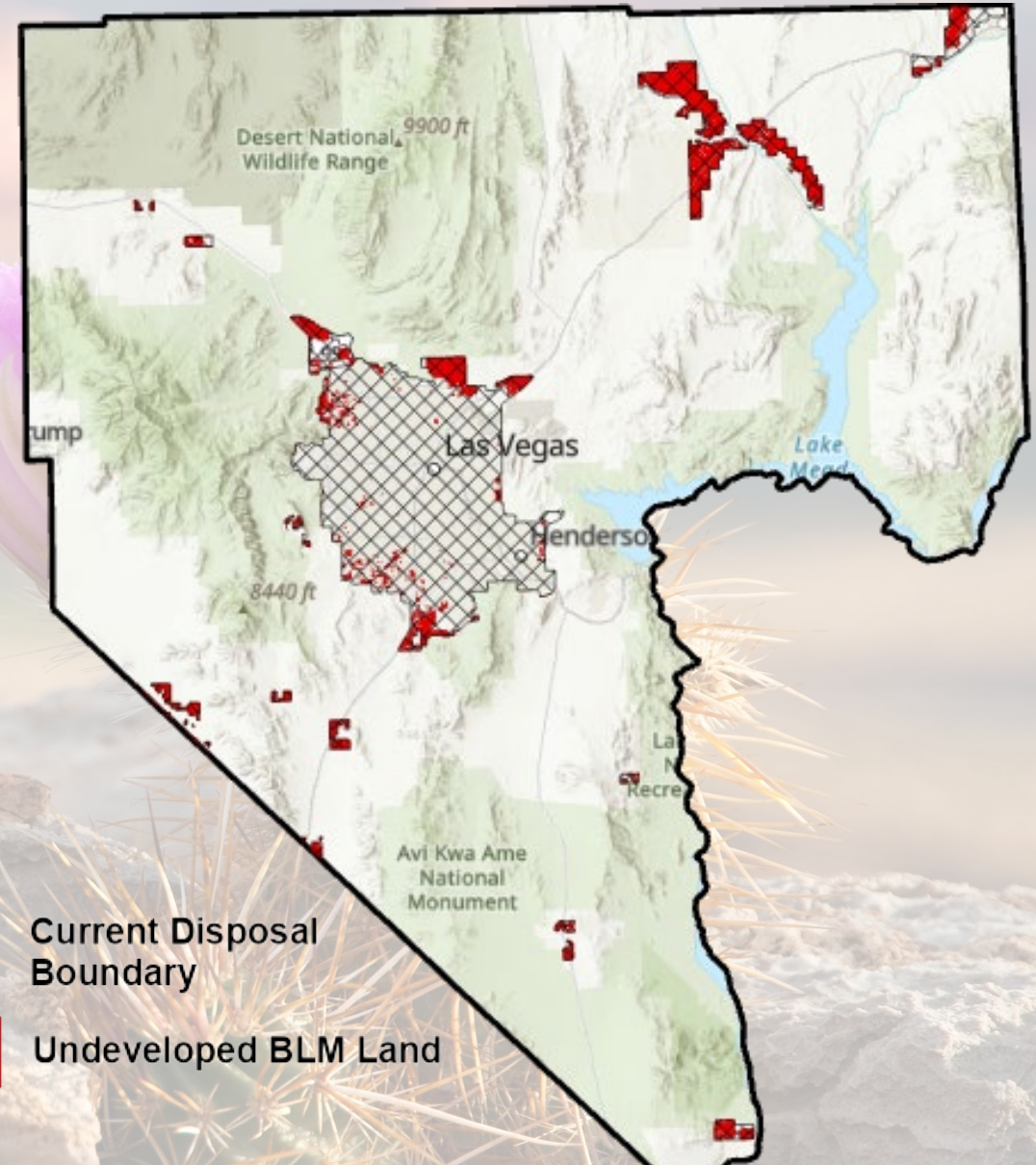
- MSHCP Plan Area includes all Clark County and some highways that are within tortoise habitat outside of Clark County.
- Authorizes up to 145,000 acres of Take
- 30-year permit effective February 2001



Current MSHCP



- Covers all non-federal land in Clark County and land that becomes non-federal
- Bureau of Land Management (BLM) Disposal Areas



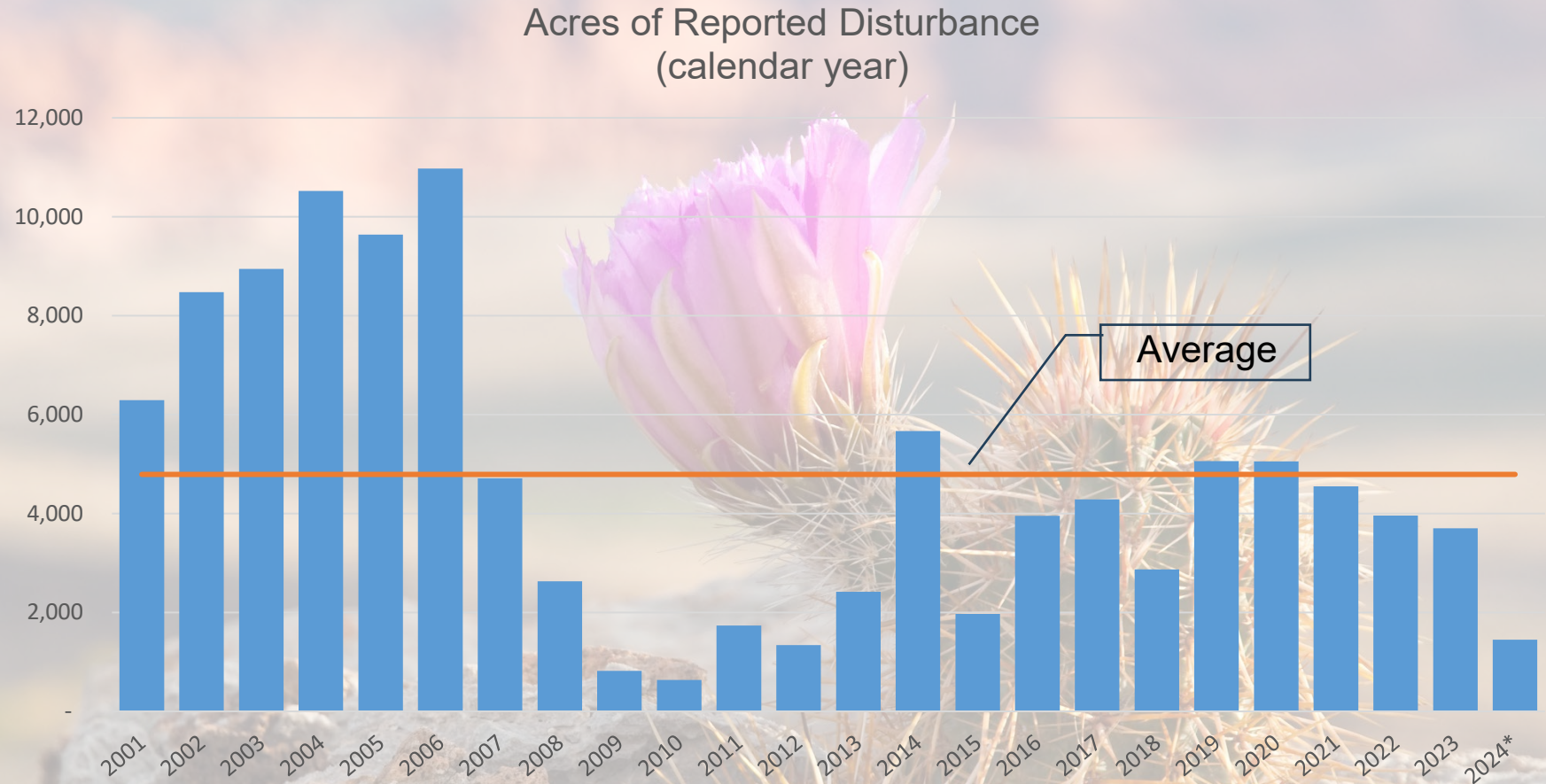
MSHCP Funding



- Developers pay a \$550 per-acre disturbance fee to opt-in to the plan
- Eligible for funding under the Southern Nevada Public Land Management Act (SNPLMA) – grant program
- These funds are used to carry out the conservation actions described in the MSHCP

Status of the MSHCP

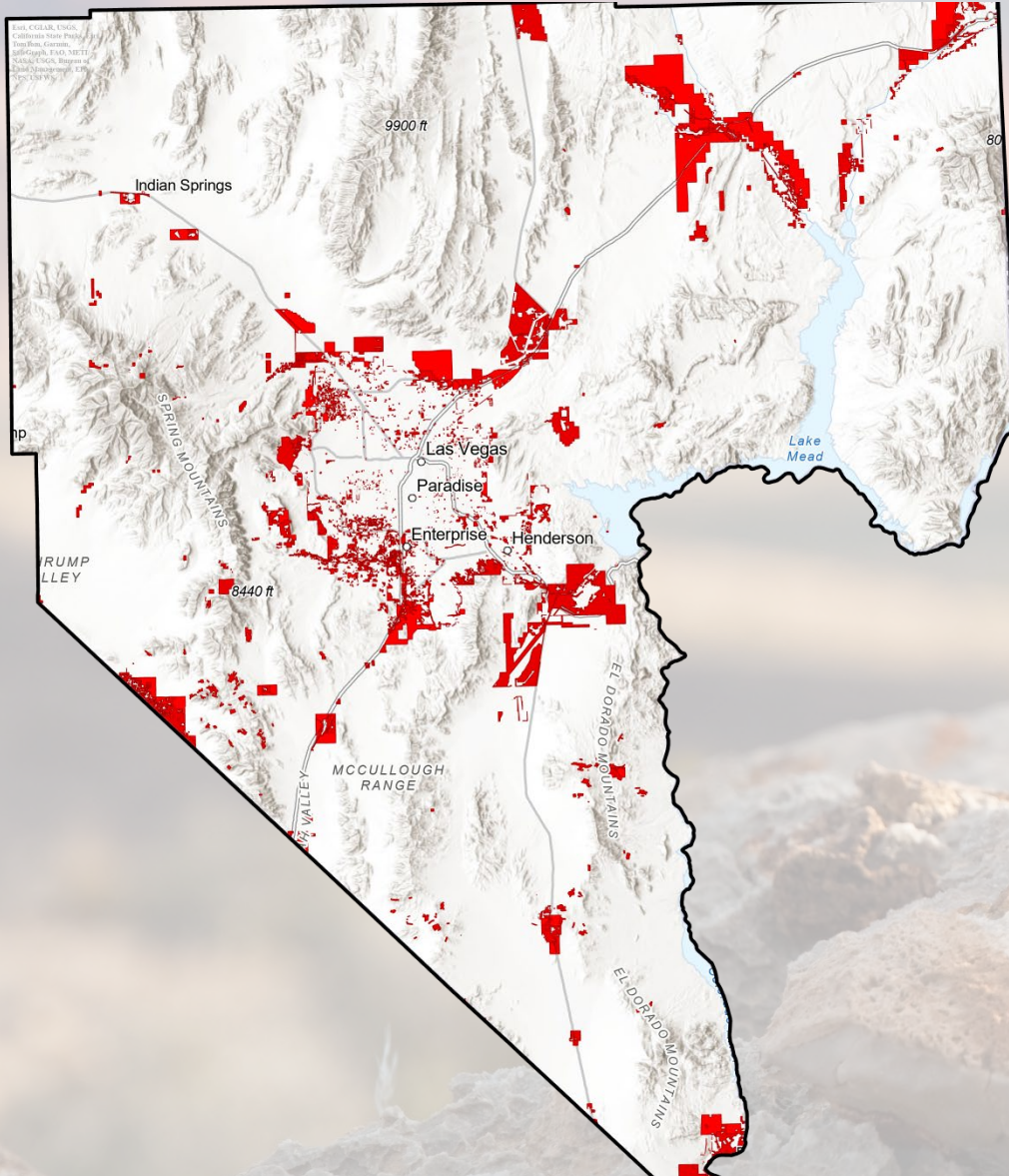
- 129,129 acres reported disturbance
- 89% of Authorized Take
- Average ~4,800 acres of disturbance/year
- 16,741 acres remain under current permit



Total acres reported in this chart do not include acres of municipal development, which were exempt from the payment of mitigation fees through January 2010. Total number of acres of municipal development that were exempted from mitigation fee payment is 15,000 acres.

*Partial year data.

Land Available for Development



- Approximately 90,000 acres of undeveloped BLM land within disposal boundaries
- Approximately 147,000 acres of undeveloped private property across Clark County
- Proposed legislation may add 25,000 acres to the Las Vegas Valley Disposal Boundary (while reducing other disposal boundaries)
- Only 16,741 acres of take (or development) remaining under the current incidental take permit.
- Application will request 215,000 acres of development with a permit term of 50 years

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

Benefits to Regional Approach



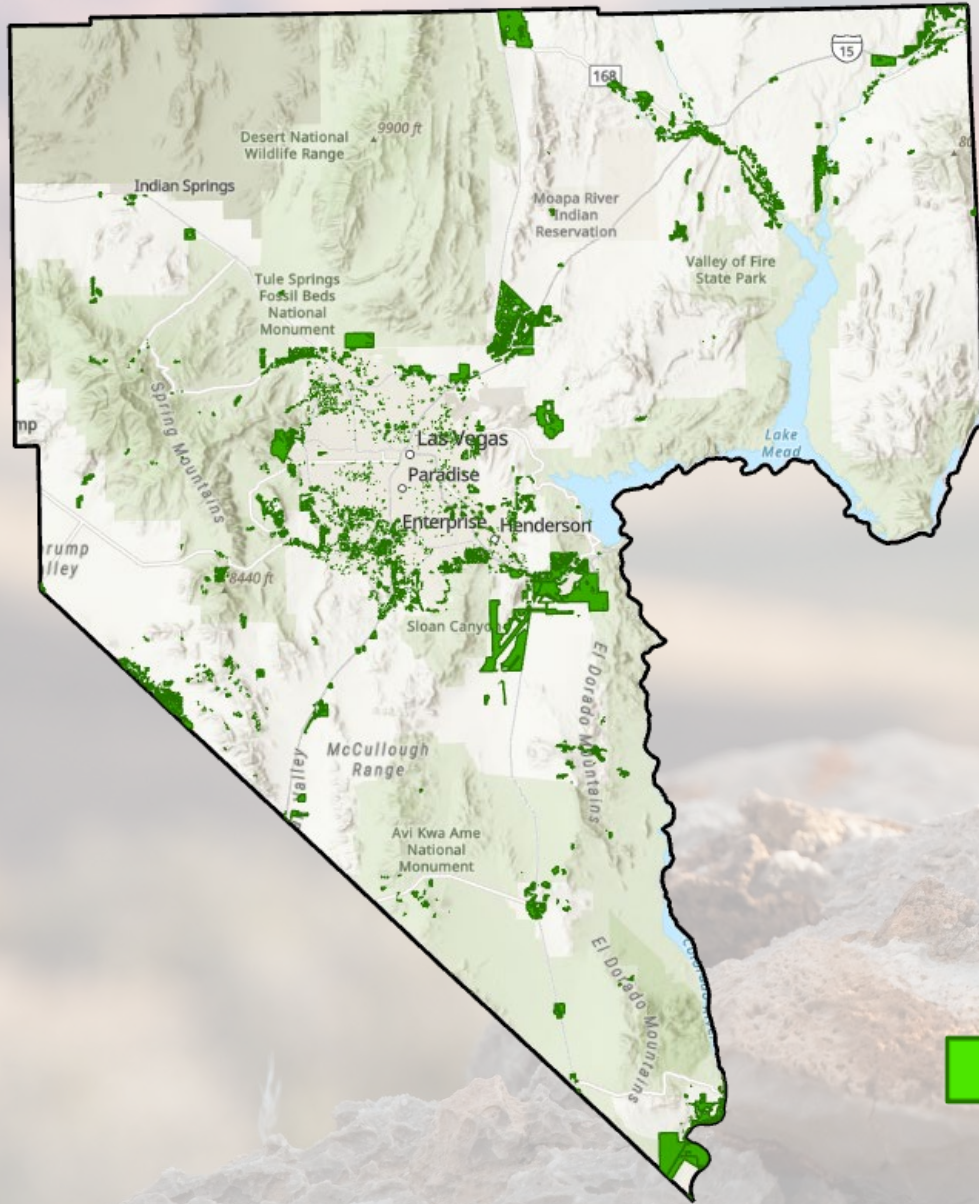
- Regional economic benefits by streamlining the development process
- Provides regulatory certainty
- Keeps costs lower
- Pool resources to more effectively carry out conservation
- Long-term protection for species across a large area
- Regional approach to species conservation results in better species outcomes

Opting in is Voluntary



- The MSHCP Amendment will be voluntary
- Developers can opt-in to the Plan by paying the per-acre disturbance fee
 - OR -
 - Developers can pursue and negotiate an individual permit

A Closer Look at Development Areas

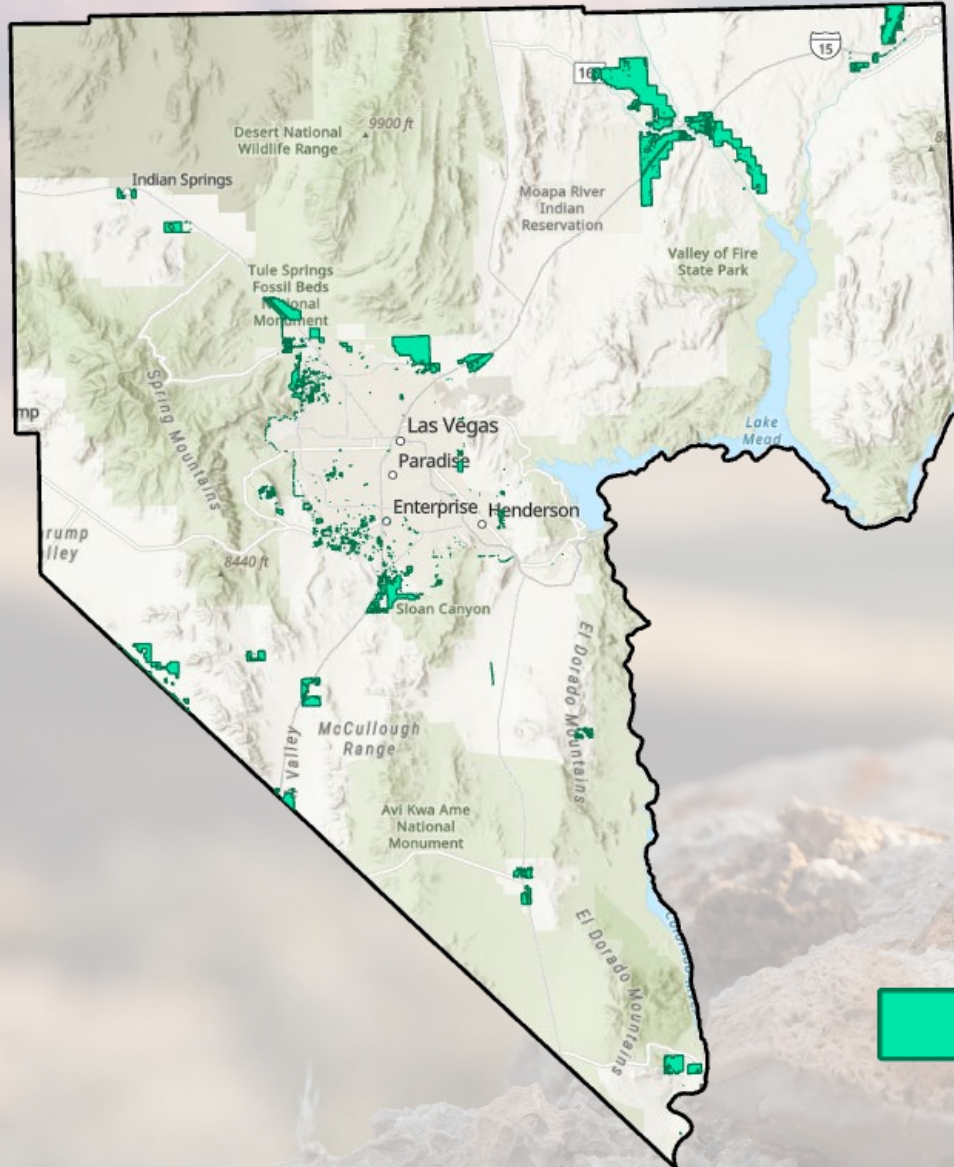


Undeveloped Private land with slope $\leq 25\%$: 126,367 Acres

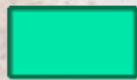
 Undeveloped Private Land



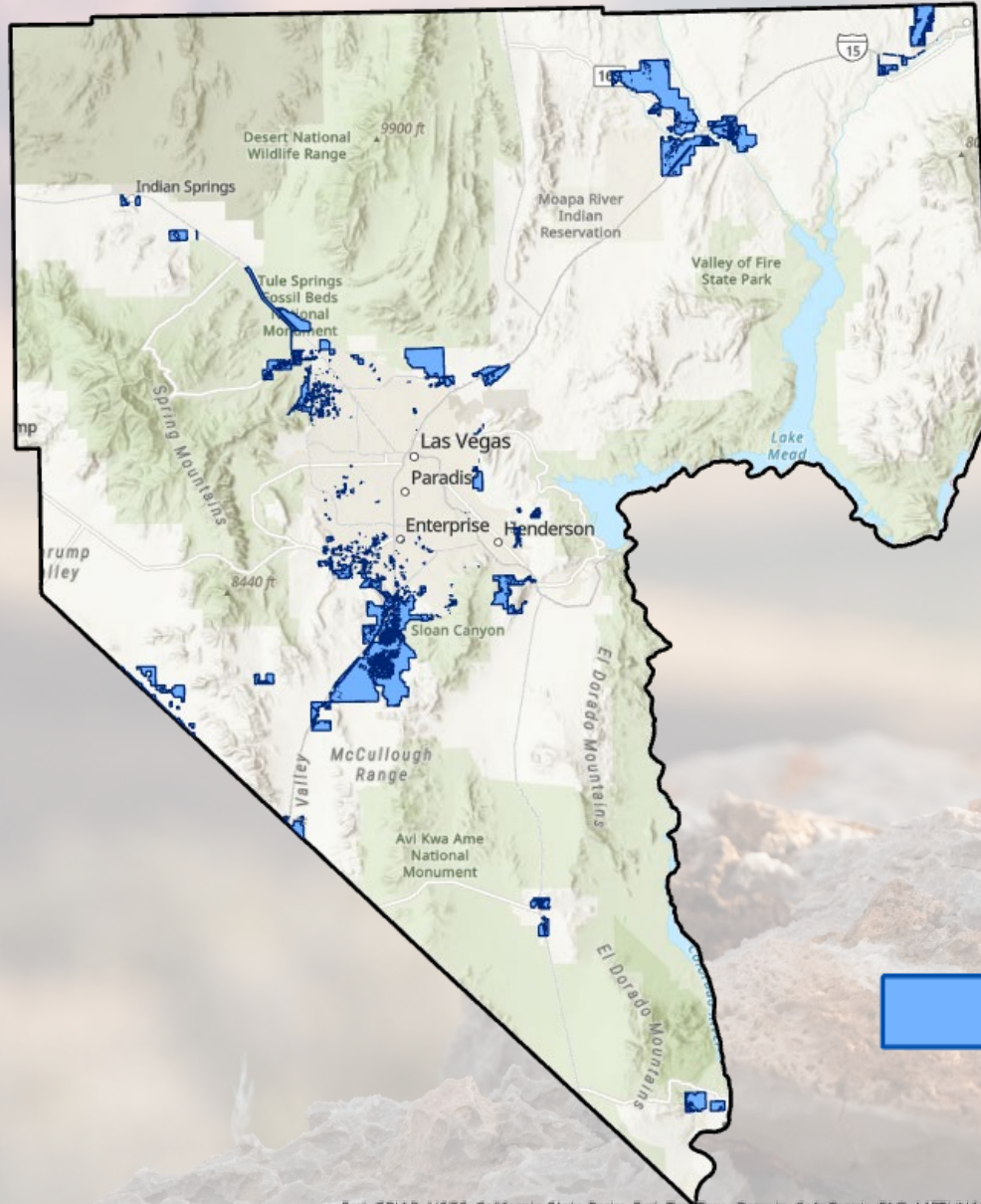
A Closer Look at Development Areas



Undeveloped BLM land with slope $\leq 25\%$: 84,743 Acres

 Undeveloped BLM in Current Disposal Boundaries

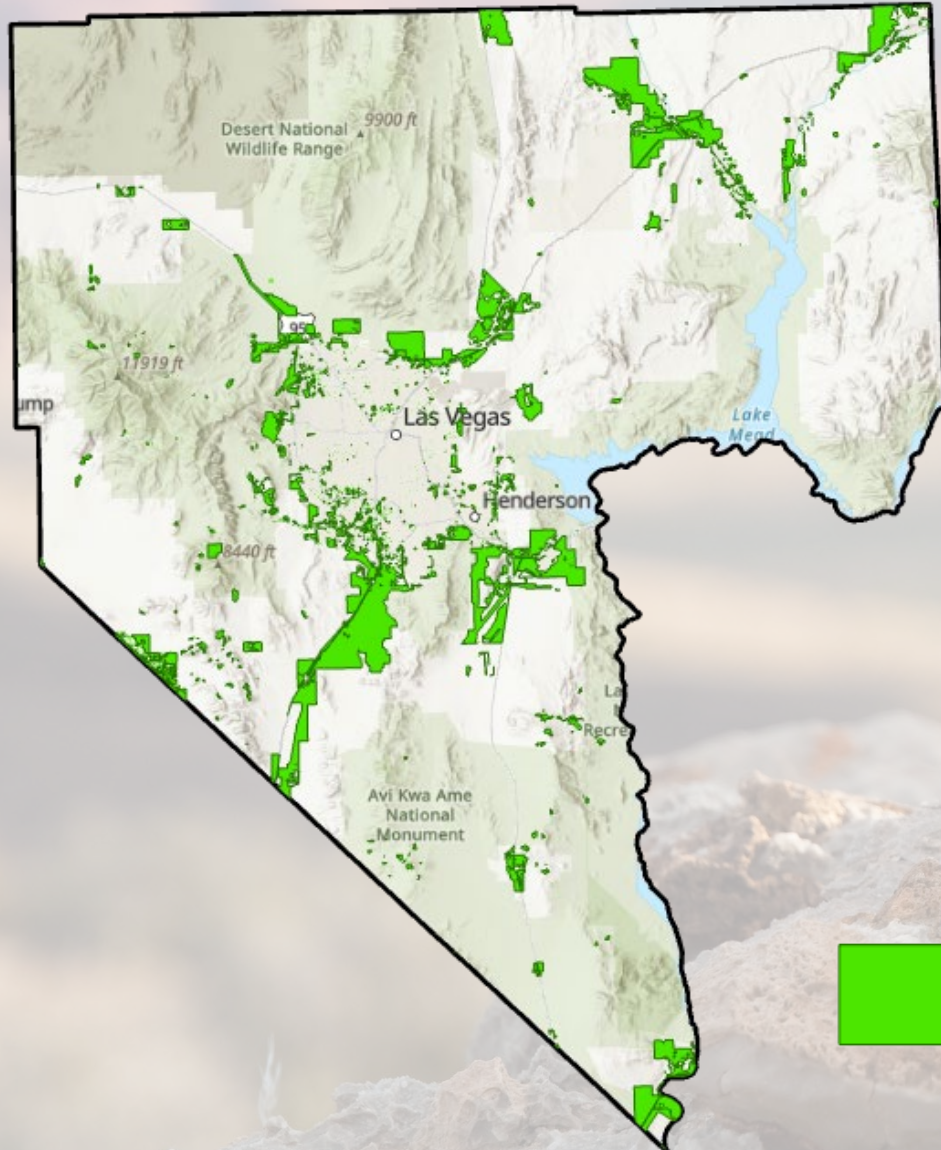
A Closer Look at Development Areas




Undeveloped BLM land with slope post SNEDCA $\leq 25\%$: 111,218 Acres

Undeveloped BLM Land in SNEDCA Disposal Boundaries

A Closer Look at Development Areas



MSHCP Amendment Impact Area:
274,523 acres

 MSHCP Amendment Impact Area

