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Community Advisory Committee

Regional Transportation Commission Building, Room 108
600 South Grand Central Parkway, Las Vegas, Nevada 89155

Draft Meeting Summary for September 16, 2010



Meeting Summary

Community Advisory Committee Meeting 20, September 16, 2010, 2:00 p.m.

Regional Transportation Commission Building, Room 108

The following pages contain a summary of the presentations and discussions from the Desert Conservation Program (DCP) Community Advisory Committee (CAC) Meeting of September 16, 2010. These pages, together with the presentation slides and handouts, constitute the meeting record.

Meeting 20 Agenda

1. Opening and Introductions
2. Approval of Meeting Notes from the August 2010 CAC Meeting - Action Item
3. Discussion of Implementation & Governance Structure Recommendations - Action Item
4. Discussion of Draft CAC Recommendations Report - Action Item
5. Public Comment
6. Meeting Wrap Up and Closing

Appendix A - Meeting 20 Agenda

Appendix B - CAC Next Steps

Appendix C - Revised Matrix

Appendix D - Draft Recommendations

1. Opening and Introductions

Eric Hawkins, Facilitator, opened the meeting at 2:09 p.m. and noted that a quorum was present. Brian Nix, Boulder City, participated by phone. He also recognized Josh King with Senator Reid's office. Eric reviewed the agenda and meeting goals with the committee.

2. Approval of Meeting Notes From the August 2010 CAC Meeting - Action Item

Eric asked the committee if it had any changes to make to the August CAC meeting notes. Jim Rathbun, Education, provided additional comments that were incorporated into the meeting summary. There were no other comments or changes and the notes were approved by consensus.



3. Discussion of Implementation & Governance Structure Recommendations - Action Item

Eric reviewed the draft recommendations on Implementation and Governance Structure with the committee. Jane Feldman, Environmental, commented that she and Scot Rutledge had been engaging in conversation with their colleagues in the environmental community and one of the things that is important to these stakeholders is that the governance structure include appropriate level of management from the applicable federal land management agencies if they are anticipated to be signatories to the implementing agreement or contractual obligation. Terry Murphy, Developer, asked if this is applicable if the County manages the reserve and Jane responded that she was not sure because the specific mechanism for how the reserve would be managed had not been proposed. Marci stated that the County does not intend to engage any of the federal land managers except the Bureau of Land Management (BLM) so the current proposal on the table would only affect BLM. Eric recommended that in the second bullet under governance the committee add the language "including involved federal land managers".

Allison Stephens, North Las Vegas, recommended the word "inherent" under the first bullet of the recommendation discussing Fee Collection be removed and the committee agreed. Jane stated asked for clarification that the long-term goal for the reserve system is that the County assume management responsibility, and that outright ownership was not necessarily the only option. She asked how this was consistent with the recommendation that continued to recommend that the land is going to be transferred to the Permittees. Eric recommended revising the language under the fourth bullet in the reserve management section to state that ownership is not necessary for the reserve system to work.

Stan Hardy, Rural, asked who makes the changes referring to the last bullet under implementation for changes under historical uses. John responded that the way that changes would be made would be to look at existing uses for those areas and continue to allow use like for roads and enforce closures on those roads that are closed as part of those designations and if a road needed to be closed we would get advice from the independent science advisor through the scientific adaptive management review process and a management plan. Jane added that she would like to augment what Stan said because we are changing the management of these lands from multiple-use to elevate conservation value of these areas and that perhaps we should have another sentence that conveys the understanding that the management of the lands is changing to give priority to conservation values when these existing uses need to be changed using an inclusive process so that stakeholder input is heard. Allison Stephens recommended using language that there must be a significant biological marker and there should also be mention of the word recreation or recreational uses because this statement should be stronger. Eric stated that he will add language to the first bullet "by specific scientific markers."



Jane Feldman also stated that she and some members of the environmental community think it is important to make use of the expertise at the University of Nevada Las Vegas (UNLV) because they have Mojave desert expertise. John recommended that the committee not limit the recommendation specifically to UNLV because there may be other entities or institutions that can provide valuable input. Terry Murphy stated there is the entire Southern Nevada system of education. Eric recommended that the committee add language to the of note section "preference to the Southern Nevada educational community." The of note section is where the committee can put their concerns at the time. Allison Stephens commented that it is important to note in the record that additional schools would be beneficial. Eric re-worded the language to say "seek use of local expertise including educational community" and asked the committee if they would prefer this in the of note section or directly in the recommendation and the committee agreed. Eric then called for level two consensus on the item. Level two consensus was defined as "I can live with it. As discussions have continued and recommendations have been developed, I feel the result accurately reflects the group's discussion and though not a perfect solution, adequately addresses or acknowledges my positions in relation to this topic. I am supportive of continuing the overall discussion with the understanding that I will have an opportunity to review this recommendation in context with all other recommendations. The committee approved recommendation #5.

4. Discussion of Draft CAC Recommendations Report - Action Item

Eric asked the committee if anyone had comments or needed clarification on the draft recommendations report as he will call for a level three consensus of the recommendation package. Jim referenced page 18, third paragraph, and asked whether there is direction from Clark County to more effectively balance the needs of sustainable growth and conservation in Clark County? If so, what is our definition of sustainable growth? Marci suggested that staff remove that reference word from the passage, the committee agreed.

Jane stated that she wanted to revisit the acreage cap discussion addressed on page 41. She noted that the draft plan does not have the noteworthy information that is on the handout from today and Eric responded that is correct as it is yet to be inserted. Jane stated that on page 41 those are great statements and yet it supports the take which has caused considerable consternation within the environmental community. She stated that many environmental stakeholders, including herself and Scot Rutledge, continue to be deeply concerned that coverage for additional take in the HCP will act as a spur to development and stating that it doesn't, does not mean people do not interpret it as such. Eric asked Jane if the last two bullets adequately addressed her concerns and she responded yes. Jane commented that she was not prepared to offer language, but wanted the recommendation to explicitly recognize that there are planning processes outside of the HCP process that are required to be followed and competing interests to balance. Eric then recommended the committee add language to the of note on take to read



“County and City planners and elected officials consider a huge suite of factors before designing future growth and development plans for the region.”

Jim commented that the educational community is for growth but for growth that is predictable, that we can make budgetary allocations, personnel allocations, and the history especially from 2000-2009 indicate that there is no predictability to how the land use planning goes on in this area so our concern is how do we get those kinds of things into our statement. Terry Murphy stated that we cannot have that in a statement because this is not a growth and development document; it's an application for an incidental take permit. Allison Stephens voiced that she thought the current statement covers the concerns as the statement says we are allowing for stable, long-term, orderly development and would like to call for a vote. Eric called for a level three consensus. Level three consensus was defined as “I will support it. This recommendation has been reviewed, deliberated and discussed sufficiently among the group and accurately reflects the will of the committee as a whole related to this topic. I have had a chance to express support, ideas and/or concerns related to this recommendation, which have been noted and are reflected in the recommendation itself or in the accompanying “Noteworthy Items from the Committee” section. In conjunction with the other recommendations, this accurately reflects the will of the Committee as a whole. As such, I will support this recommendation. The committee expressed consensus on the report.

Eric asked the group if there were any minor changes that needed to be made to the report at this time or committee members may submit their comments via email. Mindy Unger-Wadkins, Henderson, suggested on page 20 the organization of interest should read the Citizens of Henderson. Bryan Nix, Boulder City, provided additional edits that were incorporated into the final report. Mindy Unger-Wadkins commented on page 57 she did not remember talking about the design standards and John responded these are only examples for development standards until we get the biological analysis completed and the recommendations in place and would only apply to the very edges of the development boundary.

Eric stated that he will make the recommended changes and resend the draft document to the committee and include the note worthy items. The document also become the substance for the presentation to the Board of County Commissioners in November.

5. Public Comment

There was no public comment.

6. Meeting Wrap Up and Closing

Eric reviewed the plan for the next CAC meeting scheduled for Thursday, October 7, 2010. The committee agreed to meet from 2:00 p.m. to 5:00 p.m. for the October meeting. Mindy noted that she may not be in attendance at this meeting due to schedule conflicts.

The meeting was adjourned at 3:09 p.m.



Committee Members Present	Attendance	
	Clark County Staff	Others In Attendance
Gary Clinard, OHV	Jodi Bechtel	Hermi Hiatt
Jane Feldman, Environment/Conservation	Marci Henson	Michael Johnson
Stan Hardy, Rural Community	Ann Magliere	Elise McCallister
Matt Heinhold, Gaming	Mark Silverstein	Johanna Murphy
Terry Murphy, Developer/Homebuilder	John Tennert	Cheng Shih
Brian Nix, Boulder City	Sara Zimnavoda	Chris Tomlinson
Joe Pantuso, Developer/Homebuilder		
Jim Rathbun, Education		Eric Hawkins (Facilitation Team)
Allison Stephens, City of North Las Vegas		
Mindy Unger-Wadkins, City of Henderson		
Darren Wilson, Nevada Taxpayers Assn.		



Flipcharts

Notes:

Agenda

1. Opening and Introductions
2. Approve August Notes
3. Recommendation #5
4. Recommendations Report
5. Public Comment
6. Meeting Wrap-up
7. Adjourn

Goals

- Approve August 2010 meeting notes
- Approve recommendations on
 - Implementation
 - Governance Structure
- Discussion on Recommendations Report

Action Items

What	Who	When
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None

Next Meeting

- 07 October 2010
- Topic: Final Recommendations Report



Flipcharts

Notes:

Recommendations

Comment Categories

- I support the recommendation as presented
- I can support with the following conditions
- I cannot support the recommendation

Recommendations

Implementation Recommendation

- Recognizing that implementation of the amended MSHCP, as described in the previous recommendations, will require a carefully defined management and oversight structure, the CAC is pleased to provide recommendations in each of the following seven key areas:

Recommendations

Governance

- The governing structure of the MSHCP should balance the need for equal representation among the Permittees with the necessity of a strong governing body with sufficient authority to oversee the implementation of the MSHCP.

Recommendations

Governance

- This structure may currently exist within other regional boards, however, care must be taken to ensure there is ample representation for all concerned entities while avoiding scattered or unbalanced political leadership that can lead to a weak organization.



Flipcharts

Notes:

Recommendations

Governance

- The governance structure should administer a single permit for all Permittees that includes strong severability language to ensure that non-compliance with terms of the MSHCP by one Permittee does not affect the other Permittees.

Discussion

Fee Collection

- The collection of fees is a sensitive issue for both the program administrator and those from whom the fees are collected. The simplicity of the current system is important to those who must obtain permits. The Committee also recognizes that there are errors and inefficiencies inherent in the system that must be addressed.

Recommendations

Fee Collection

- Any change from the current system of fee collection should place a strong emphasis on simplicity and efficiency for those who must obtain permits. An automated, centralized system is acceptable if it provides for the same or increased levels of service and ease of access now in place.

Discussion

Minimization

- In accordance with the CAC's recommendation on minimization, the inclusion of this characteristic in the amended MSHCP should seek to protect those species and habitats most likely to be affected by take, ensure simplicity in the development process and promote the conservation of covered species.



Flipcharts

Notes:

Recommendations

Compliance monitoring and reporting

- All compliance and monitoring efforts must focus on efficiency and accountability and be subject to the review of advisors outlined in the appropriate section of this recommendation.

Recommendations

Reserve Management

- The Committee acknowledges that the development of a reserve system presents complex challenges, but believe that a reserve system is the preferred option to meet the goals of species preservation and habitat conservation necessary with the proposed amount of take in the amended MSHCP.

Recommendations

Reserve Management

- The development of a reserve system should be pursued now while we have the elements of time and existing funds available to us.
- The intent of the reserve system is to manage, not necessarily to own lands in order to provide for the greatest conservation.
- Management of the reserve system should seek to protect existing uses of public lands.

Recommendations

Advisors

- The Committee recommends that the program administrator continue with the utilization of an independent science advisor in the evaluation and implementation of programs associated with the MSHCP.
- The Committee endorses the use of an independent financial advisor to provide guidance and review of the MSHCP financial status, including regular audits to look for inefficiencies and monitor the financial soundness of the program.



Flipcharts

Notes:

Recommendations

Advisors

- Concurrent with the DCP's periodic project symposia, provide an avenue for public input that includes the opportunity for interested organizations to interact with the governing body to provide evaluation, perspective and possible course correction.

Recommendations

Accountability

- The program administrator should develop and implement a conflict of interest policy and other appropriate measures to ensure overall program accountability.

Recommendations

Recommendations



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Appendix A
Meeting 20 Agenda



AGENDA

Desert Conservation Program Community Advisory Committee Meeting County Of Clark, State Of Nevada

NOTICE IS HEREBY GIVEN that a meeting of the Desert Conservation Program Community Advisory Committee (CAC) has been called and will be held on Thursday, September 16, 2010, beginning at 2:00 p.m. at the Regional Transportation Commission Building, 600 Grand Central Pkwy, Room 108, Las Vegas, Nevada. Below is an agenda of all items scheduled to be considered. Unless otherwise stated, items may be taken out of the order presented on the agenda.

1. **Opening and Introductions**
2. **Approval of Meeting Notes from the August 2010 CAC meeting - Action Item**
3. **Discussion of Implementation & Governance Structure Recommendations - Action Item**
Goal: • To make a recommendation on the draft Implementation & Governance Structure for the amended MSHCP
4. **Discussion of Draft CAC Recommendations Report - Action Item**
Goal: • To review and discuss draft CAC recommendations report and, if appropriate, approve recommendations report
5. **Public Comment**
No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Speakers are asked to sign in to speak. Speakers are asked to introduce themselves with their name and affiliation, if any, before speaking. Each speaker will be limited to three minutes.
6. **Meeting Wrap Up and Closing**
Goals: • To recap meeting results and identify follow-up activities
• To outline agenda topics for the next meeting
7. **Adjourn**

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Committee members are asked to remain at the meeting until adjournment so that items requiring action are able to be heard as needed. Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call Ann Magliere at (702) 455-3536 in advance so that arrangements may be conveniently made.

MDH:aem

Dated: September 9, 2010

The above notice/agenda of a meeting of the Multiple Species Habitat Conservation Plan Desert Conservation Program Advisory Committee scheduled for Thursday, September 16, 2010, at 2:00 p.m. was posted on or before the third working day before the meeting per Open Meeting Law requirements at the following locations:

Clark County Government Center Lobby
Clark County 3rd Street Building Lobby
Clark County Courthouse Annex
Laughlin Community Center
Sahara West Library

Las Vegas Library
Paradise Community Center
Winchester Community Center
Searchlight Community Center



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Appendix B
CAC Next Steps



Community Advisory Committee Next Steps

September 2010	Discuss and/or Approve Draft Recommendations Report
October 2010 (If Necessary)	Approve Final Recommendations Report
November 2010	DCP Staff presents CAC recommendations Report to Board of County Commissioners
Spring 2011	Receive Presentation on Draft Amended MSHCP

DCP Staff Priorities for 2011

- Prepare Draft MSHCP for public review
- Prepare cost and revenue analysis for the amended MSHCP
- Obtain master permit from Nevada Division of Forestry for covered plant species
- Prepare and pursue reserve system development plan to ensure a sound transition and resolution of issues/concerns
- Amend County and City Ordinances (urban wild land design standards & minimization measures)
- Analyze the development process and determine timing and process for minimization measures to ensure development process remains as streamlined and timely as possible
- Develop outreach strategy and public education program regarding changes to the MSHCP, in particular to the development process and minimization requirements
- Develop construction worker education program
- Build desert tortoise clearance capacity among local environmental firms and increase desert tortoise handling classes and qualified biologists
- Issue Request for Quotes and pre-qualify consultants for species clearance surveys
- Develop compliance reporting templates, develop programmatic metrics and benchmarks, develop tools to track and report on compliance and metrics
- Prepare staffing analysis and optimize use of volunteers and student interns where appropriate



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Appendix C
Revised Matrix

		East Contra Costa (CA)	San Joaquin (CA)	Washington County (UT)	Riverside (CA)	Natomas Basin (CA)	Coyote Springs LLC
Governance		East Contra Costa County Habitat Conservancy (Joint Powers Authority)	San Joaquin Council of Governments (Joint Powers Authority)	Washington County Commission	Western Riverside Conservation Authority (RCA) (Joint Powers Authority)	The Natomas Basin Conservancy (501c(3))	Implementation agreement with Coyote Springs/BLM/USFWS
Permittees		Contra Costa County, Contra Costa County Flood Control and Water Conservation District, East Bay Regional Park District, cities of Brentwood, Clayton, Oakley Pittsburg	Cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy; San Joaquin County, Stockton East Water District; East Bay Municipal Utility District; California Department of Transportation; San Joaquin Council of Governments; San Joaquin Area Flood Control Agency; South San Joaquin Irrigation District	Washington County, Apple Valley, Ivins, Santa Clara, St. George, Washington City, Hurricane, LaVerkin, Rockville, Springdale and Toquerville	Riverside County and the cities of Banning, Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula and Wildomar	The Natomas Basin Conservancy, City of Sacramento, Sutter County, RD 1000 (Water Agency), Natomas Mutual Water Company	Coyote Springs, the Bureau of Land Management, US Fish & Wildlife Service, Advisory Committee
Fee collection		Permittees	Permittees or SJCOG	Washington County	Joint Fee Collection by RCA and Permittees	Permittees	Coyote Springs
Minimization		Project proponent conducts any required pre-construction surveys, construction monitoring and minimization measures	SJCOG conducts any required pre-construction surveys and translocation/ relocation if necessary; Project proponent conducts any other required construction monitoring and minimization measures	Washington County conducts any required pre-construction surveys and minimization measures; Project proponent required to monitor construction for desert tortoises	Project proponent conducts any required pre-construction surveys, construction monitoring and minimization measures	Project proponent conducts any required pre-construction surveys, construction monitoring and minimization measures; TNBC	100% survey and clearance, translocation being done
Compliance reporting requirements	Implementing entity	Annual reports to FWS, CDFG and Permittees to demonstrate HCP is being properly implemented; disclose issues requiring consultation with wildlife agencies; and disclose any changes in implementation of the Plan	Disturbance reports to FWS and CDFG; Annual report to FWS and CDFG; Biological monitoring report every three years	Annual planning and budget reports to FWS; Quarterly reports to HCAC	Annual Monitoring Program report submitted to RMOC; RMOC submits annual report to FWS	Annual implementation report to FWS; Annual financial statement and independent audit	Annual compliance with a biological report to FWS & BLM
	Permittees	Permittees review compliance with minimization and report to Habitat Conservancy	Permittees forward development applications to SJCOG for review	Not applicable	Permittees review compliance with minimization and report to RCA; transmit mitigation fees to RCA	Permittees review compliance with minimization and report to TNBC	Not applicable
Reserve management		Reserve land acquisition, management, restoration and monitoring including management plans for each reserve unit	Reserve land acquisition, management, restoration and monitoring including management plans for each reserve unit	Reserve land acquisition, management, restoration and monitoring including management plans for each reserve unit; acquisition of grazing allotments within reserve unit(s)	Reserve land acquisition, management, restoration and monitoring including management plans for each reserve unit	Reserve land acquisition, management, restoration and monitoring including management plans for each reserve unit	13,000 acre reserve overseen by an Advisory Committee, TAC, & Science Committee. Coyote Springs owns and manages reserve.
Advisory body(ies)		Technical Advisory Committee (TAC); Science Advisor; Public Advisory Committee (PAC)	Technical Advisory Committee (TAC)	Technical Committee (TC); Habitat Conservation Advisory Committee (HCAC)	MSHCP Advisory Committee; Funding Coordination Committee (FCC); Reserve Management Oversight Committee (RMOC)	Technical Advisory Committee (TAC)	Advisory Committee, Technical Advisory Committee (TAC), Science Committee
Term		30 years	50 years	20 years	75 years	50 years	40 Years
Take		30,300 acres	109,302 acres	338,000 acres or 1,169 individuals	466,000 acres	17,500 acres	42,000 acres
Cost per acre		\$26,967 (avg.)	\$2,593 (avg.)	\$250 and 0.2 percent of construction costs	\$2,170 (avg.)	\$10,027	\$800 per acre



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Appendix D
Draft Recommendations



Foundation for this Recommendation

The following is a brief summary of the information evaluated by the CAC in preparing its recommendation on Acreage Cap (Take):

- The permit amendment would allow for the development of up to 215,000 additional acres
- Acres of take are based on existing disposal boundaries established by the BLM and the Las Vegas Valley ultimate development boundary
- The permit term for the amended MSHCP would be for up to 50-years

Committee Recommendation

Following consideration and discussion, the Committee finds the process used to develop the proposed take acreage recommendation to be logical, purposeful and consistent with the Committee's guiding principle on take. (below) The Committee concludes this based on:

- The recognition that the process considered historical and current conditions as well as plans and projected trends in Clark County; and
- Allows for a stable, long-term orderly development process in Clark County while considering species and habitats most likely to be affected by take.

The Committee acknowledges that concerns over disposal boundaries and the process to set disposal boundaries in Clark County exist and will consider additional recommendations to address these concerns as it develops recommendations on mitigation and implementation strategies for an amended MSHCP.

Noteworthy Information from the Committee

- This was perhaps the most difficult and most deliberated recommendation, as it is the standard for which all other recommendations would be developed
- The Committee recognized that coordinating minimization and mitigation of take on a regional basis was preferable to project-by-project permitting
- Generally, members representing environmental/conservation interests favored requesting less acres, while development-oriented interests favored requesting more
- The Recommendation considers a permit cap of 215,000 acres as a "savings account" to be used only as needed and only if take can be properly mitigated
- This recommendation should not be interpreted as an endorsement by the CAC or its individual members to develop an additional 215,000 acres



Foundation for this Recommendation

The following is a brief summary of the information presented evaluated by the CAC in preparing its recommendation on Covered Species:

- Intent is to revise species list to focus on species directly impacted by disturbance
- Staff provided five different options for possible approaches to covered species and criteria for each alternative (tortoise only, listed species only, listed and unlisted species, listed, unlisted and plant species, same 78 species)
- Amendment would include unlisted species only if:
 - » Habitat overlaps with listed species
 - » The unlisted species is likely to be listed in the future
- Amendment would include plants only if the Permittees can combine state and federal compliance in a single plan

Committee Recommendation

After reviewing and discussing the covered species evaluation process and options, the Committee finds the following criteria (used by the Permittees) to determine which species should be covered by the amended MSHCP to be acceptable:

- Species occur within Clark County
- Includes federal or state listed/candidate species
- All covered species will be subject to direct take
- Species analysis based on the best available scientific information
- Includes only those unlisted species that will overlap with listed species (umbrella species)
- Includes only those unlisted species that are likely to be listed in the future

We conclude this based on the fact that the process used to develop these items was logical, scientifically sound and consistent with the Committee's guiding principles on covered species.

Noteworthy Information from the Committee

- The Committee expressed strong support for reducing the covered species list to focus effort and funding where they can have the greatest impact on species conservation

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- The Committee recognized the value of covering unlisted species and rare plant species, but only if including these additional species did not increase the complexity or cost of the program
- The Committee recognized that conservation actions for species removed from the list would be adequately protected through other agreements and processes



Foundation for this Recommendation

The following is a brief summary of the information evaluated by the CAC in preparing its recommendation on Minimization:

- Additional minimization is likely to be required by the USWFS in any amendment to the existing permit
- Amendment would identify impact zones where minimization is appropriate; boundaries should be updated periodically to reflect development patterns
- Minimization measures would not impact cost, time or complexity of the development process
- Minimization measures will have a meaningful impact on species conservation

Committee Recommendation

After reviewing and discussing the requirements for minimization, the Committee finds the following minimization strategy (developed by the Permittees) to be acceptable:

- We agree that minimization is a prudent step that significantly strengthens the likelihood of the permit being issued by the US Fish & Wildlife Service
- The species selected for minimization measures are those most likely to benefit from such efforts and those in need of greatest consideration
- The concept of impact zones (modified to two) is in keeping with the requirement to minimize and mitigate to the “maximum extent practicable”, and appropriately differentiates the quality of habitat lost with the mitigation requirement
- The minimization measures proposed for Zone B should be implemented without negatively impacting development timelines or increasing the complexity or cost of the process
- Covered plant and animal species found during clearance surveys should be considered prime candidates for carefully planned and appropriate relocation to designated areas so as to augment native populations and count toward the recovery of the species

We conclude the above based on the fact that the measures outlined in these strategies are logical, purposeful and consistent with the Committee’s guiding principles on activities/mitigation strategy, and rely upon the program characteristics outlined in the CAC’s recommendation(s) for implementation.

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Noteworthy Information from the Committee

- In general, the Committee supported additional minimization measures (such as tortoise clearances within designated zones) but only if the measures provided measurable benefits to covered species
- Some Committee members representing development interests expressed concern that additional minimization measures were necessary or required and would increase the overall cost of the program
- While the Committee generally supported the concept of impact zones, they did not recommend a specific zone boundary



Foundation for this Recommendation

The following is a brief summary of the information evaluated by the CAC in preparing its recommendation on Mitigation:

- Mitigation would include the development of a Reserve System to be managed by the Permittees for conservation of covered species and habitat
- Reserve system would include an upland reserve consisting of BLM multiple-use lands and riparian strategy based on acquisition from willing sellers of riparian habitat along the Muddy and Virgin rivers
- Reserve system would seek to protect historical and/or existing uses on BLM land provided they are consistent with conservation of covered species
- Some conservation actions currently administered will continue (wild tortoise pick-up, management of land, property and/or water rights, etc.)

Committee Recommendation

After reviewing and discussing the requirements for mitigation, and recognizing that:

- the mitigation strategy outlined in the 2000 MSHCP is largely an expenditure-based strategy which has not proven to be as effective or efficient as originally envisioned; and
- while a limited number of conservation actions have proven effective, many actions have been difficult to verify or track and do not provide sufficient transparency or accountability; and
- with the understanding that fees for minimization and/or mitigation measures should not be increased above their existing levels; and
- there are many challenges and complex steps associated with the development and implementation of this recommendation,

the Committee finds the following mitigation strategy (developed by the Permittees) to be acceptable:

- We support the development of a Reserve System, consisting of lands currently managed by the BLM, to be transferred to the Permittees for the purposes of long-term conservation of species and mitigation of impacts in the developing areas of Clark County, thereby providing greater control over conservation efforts and maximizing the efficiency of the MSHCP.

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- We recommend that the reserve areas are developed with the following considerations:
 - That the reserves be developed to protect a variety of uses of these lands, including (where possible) historical or existing recreation uses, that are in addition to and/or consistent with habitat conservation, and that any reduction in historical or existing uses are done only when deemed critical to the conservation of a species
 - That the Permittees should develop at least one additional alternative that includes Areas of Critical Environmental Concern (ACECs) and is not dependent on the northeast area of Clark County, north of Interstate 15
 - That scientific and financial oversight will be required to successfully develop and implement a reserve system
 - That these recommended actions will supercede or modify existing programs, with a few limited exceptions such as protection of plant species specific to a conservation or mitigation need that cannot be addressed through the Reserve System, and that certain mitigation and conservation efforts currently administered by the County will need to continue, including:
 - › Pickup of wild tortoises from construction sites
 - › Management and maintenance of the Boulder City Conservation Easement and Muddy River properties
 - › Management and maintenance of currently acquired grazing allotments and water rights
 - › Public information efforts including the Mojave Max program
 - › Desert tortoise fencing
 - › Tracking and reporting of habitat loss under the permit

We conclude the above based on the fact that the measures outlined in these strategies are logical, purposeful and consistent with the Committee's guiding principles on activities/mitigation strategy, and rely upon the program characteristics outlined in the CAC's recommendation(s) for implementation.

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Noteworthy Information from the Committee

- The Committee did not feel that ownership of federal land was necessary and supported a cooperative management agreement or similar mechanism provided that the Permittees have the authority and autonomy necessary to carry out the conservation actions
- The Committee did not support continuing the existing, expenditure-based mitigation strategy
- The reserve system must give Permittees authority to carry out the day-to-day management responsibilities of the Reserve System
- Rural stakeholders expressed support for the upland strategy provided it did not include the proposed Meadow Valley Wash unit north of I-15
- Environmental/conservation representatives expressed support for the proposal provided that it adequately funded and mitigated for take and did not involve fee transfer of BLM land to the Permittees



Foundation for this Recommendation

The following is a brief summary of the information evaluated by the CAC in preparing its recommendation on Implementation:

- Governance of MSHCP would seek to balance representation for all Permittees
- Fee collection will be centralized to the extent it increases efficiency and does not impact cost or complexity for customers
- Minimization measures should be implemented as simply as possible and provide benefits to covered species
- The amendment would include scientific and financial oversight of Reserve Management
- The amendment would include continued use of independent science advisor and peer review processes and would implement annual financial audits and opportunities for the public to provide input into the operation and management of the Reserve System
- The amendment would implement a conflict of interest policy and other measures consistent with responsible conservation management

Committee Recommendation

After reviewing and discussing the requirements for mitigation, and recognizing that:

- the mitigation strategy outlined in the 2000 MSHCP is largely an expenditure-based strategy which has not proven to be as effective or efficient as originally envisioned; and
- while a limited number of conservation actions have proven effective, many actions have been difficult to verify or track and do not provide sufficient transparency or accountability; and
- with the understanding that fees for minimization and/or mitigation measures should not be increased above their existing levels; and
- there are many challenges and complex steps associated with the development and implementation of this recommendation,

the Committee finds the following mitigation strategy (developed by the Permittees) to be acceptable:

- We support the development of a Reserve System, consisting of lands currently managed by the BLM, to be transferred to the Permittees for the purposes of long-term conservation of species and mitigation of impacts

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in the developing areas of Clark County, thereby providing greater control over conservation efforts and maximizing the efficiency of the MSHCP.

Noteworthy Information from the Committee

- The Committee emphasized that the implementation of the minimization measures and fee collection should continue to be simple and user friendly
- Some Committee members were concerned that centralizing the fee collection system will result in more cumbersome and costly fee payment process
- Generally the Committee supported improving the overall efficiency and cost effectiveness of the program
- The Committee expressed strong support for continuing independent science advice and review and advocated regular financial audits
- The Committee also supported implementing mechanisms that allow for public input and oversight in a manner that balances costs of the program

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