

# MSHCP Compliance

## Background

The Desert Conservation Program (DCP) is responsible for ensuring compliance with the Federal Endangered Species Act through a Section 10(a) (1) (b) incidental take permit and Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP requires a fee of \$550 be paid for each acre of disturbed land. These fees are collected by the Permittees and collectively administered by the DCP. This allows developers to disturb land without conducting individual studies on the effect of the disturbance to the Desert Tortoise and other species.

The permit for the MSHCP was issued in February 2001, and is valid for 30 years. Under the current permit, a total of 145,000 acres are available for disturbance. Of that total, 15,000 acres are allowed to be exempted from the mitigation fee if disturbed for the purpose of government use.



Figure 1 The Las Vegas Valley

The Desert Conservation Program serves as the Administrator of the MSHCP and Incidental Take Permit on behalf of the "Permittees":

- City of Las Vegas
- City of North Las Vegas
- City of Henderson
- City of Mesquite
- City of Boulder City
- Clark County
- Nevada Department of Transportation (NDOT)

As of December 28, 2009, the Desert Conservation Program (DCP) temporarily stopped Permittees from exempting acres given the uncertainty of the number of acres that had been exempted and disturbed. The DCP initiated an audit of all Permittee acres to gain a better understanding of the situation.

Lack of compliance with the MSHCP or inadequate reporting could result in the permit being revoked.

Clark County Internal Audit conducted an audit of the DCP for the period January 1, 2001 to December 31, 2009 to determine if the correct number of exempt acres were being tracked and if the Permittees were submitting the mitigation forms to the Program Administrator, per established protocols.

On July 7, 2012, the DCP Administrator implemented a moratorium on exempting acres for projects categorized as government use or public purpose. The moratorium shall remain in place through the term of the take permit no. TE034927 or February 1, 2031. Permittees are currently working on changes in codes and ordinances to eliminate the exemption.

## Disturbed Acres and Fees Collected To Date

LAND DISTURBANCE - TORTOISE MITIGATION ACREAGE/FEE REPORT									
7/24/2014	CC-Civil	CC-Dev Svcs	Boulder City	Henderson	Las Vegas	Mesquite	NDOT	NLV	Yr Totals
2001 Acres	152.70	3,171.52	36.18	1,030.84	1,064.33	89.49	6.85	740.55	6,292.46
2001 Exempt	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2001 Fees	\$84,041.60	\$1,727,378.56	\$19,919.00	\$566,948.47	\$585,436.00	\$28,543.66	\$3,767.50	\$402,055.50	\$3,418,090.29
2002 Acres	251.95	3,296.95	19.68	1,299.75	1,848.38	162.51	11.40	1,584.96	8,475.58
2002 Exempt	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2002 Fees	\$137,603.40	\$1,802,376.26	\$10,824.00	\$709,254.00	\$1,013,806.15	\$89,382.00	\$6,270.00	\$871,757.00	\$4,641,272.81
2003 Acres	382.62	3,374.55	17.63	1,391.89	1,492.50	364.17	4.12	2,105.20	9,132.68
2003 Exempt	0.00	0.00	0.00	0.00	8.94	0.00	0.00	2.75	11.69
2003 Fees	\$209,642.75	\$1,855,402.45	\$8,944.50	\$774,022.15	\$710,889.83	\$171,940.68	\$2,266.00	\$1,157,870.50	\$4,890,978.86
2004 Acres	412.01	4,062.93	9.81	1,856.55	1,621.89	518.21	0.00	2,039.21	10,520.61
2004 Exempt	0.00	0.00	1,644.95	0.00	110.97	13.41	0.00	8.28	1,777.61
2004 Fees	\$225,165.31	\$2,239,261.90	\$5,381.50	\$1,005,598.05	\$891,828.23	\$265,492.00	\$0.00	\$1,121,631.05	\$5,754,358.04
2005 Acres	243.27	4,339.36	12.36	1,995.51	1,175.01	408.62	46.80	1,498.52	9,719.45
2005 Exempt	0.00	0.00	0.00	0.00	0.00	13.65	0.00	0.00	13.65
2005 Fees	\$127,892.06	\$2,392,014.00	\$6,798.50	\$959,898.90	\$636,019.43	\$198,824.62	\$25,740.00	\$824,191.50	\$5,171,379.01
2006 Acres	105.41	3,365.42	530.50	3,831.64	1,157.47	1,244.43	0.00	739.65	10,974.52
2006 Exempt	0.00	0.00	0.00	0.00	71.26	37.34	0.00	0.00	108.60
2006 Fees	\$54,970.45	\$1,851,016.68	\$291,643.50	\$2,092,211.09	\$636,955.65	\$680,664.35	\$0.00	\$406,807.00	\$6,014,268.72
2007 Acres	107.63	2,275.45	32.11	798.60	664.51	395.72	0.00	435.20	4,709.22
2007 Exempt	0.00	115.84	0.00	89.77	2.16	27.93	0.00	0.00	235.70
2007 Fees	\$58,373.80	\$1,251,497.50	\$17,661.00	\$439,047.95	\$365,470.08	\$191,207.00	\$0.00	\$219,627.65	\$2,542,884.98
2008 Acres	27.75	949.71	34.10	847.39	218.83	148.26	0.00	390.10	2,616.14
2008 Exempt	0.00	193.66	0.00	19.30	23.75	41.19	0.00	0.00	277.90
2008 Fees	\$15,269.95	\$521,653.88	\$18,756.50	\$473,711.70	\$120,356.50	\$74,585.50	\$0.00	\$214,553.35	\$1,438,887.38
2009 Acres	5.64	173.33	419.54	57.81	72.53	28.82	43.70	17.85	819.22
2009 Exempt	0.00	18.50	28.23	41.19	0.70	0.00	0.00	0.00	88.62
2009 Fees	\$3,102.00	\$95,331.50	\$230,747.00	\$31,795.50	\$39,291.50	\$15,851.00	\$24,035.00	\$9,817.50	\$449,971.00
2010 Acres	1.02	397.06	0.00	84.42	46.82	1.85	0.00	101.31	632.48
2010 Fees	\$561.00	\$218,383.00	\$0.00	\$46,431.00	\$25,751.00	\$1,017.50	\$0.00	\$55,720.00	\$347,863.50
2011 Acres	9.09	381.99	726.41	82.55	64.27	83.83	45.00	340.66	1,733.80
2011 Fees	\$4,999.50	\$210,044.50	\$399,525.50	\$45,402.50	\$35,348.50	\$46,106.50	\$24,750.00	\$187,363.00	\$953,540.00
2012 Acres	2.89	684.21	0.00	453.92	85.77	0.00	0.00	111.06	1,337.85
2012 Fees	\$1,589.50	\$376,315.50	\$0.00	\$249,656.00	\$47,173.50	\$0.00	\$0.00	\$61,083.00	\$735,817.50
2013 Acres	0.00	404.22	1,301.06	277.16	122.53	5.50	0.00	306.80	2,417.27
2013 Fees	\$0.00	\$222,321.00	\$715,583.00	\$152,438.00	\$67,391.50	\$3,025.00	\$0.00	\$168,740.00	\$1,329,498.50
2014 Acres	0.89	538.68	9.80	253.53	120.46	0.20	30.00	99.04	1,052.60
2014 Fees	\$489.50	\$296,274.00	\$5,390.00	\$139,441.50	\$66,253.00	\$110.00	\$16,500.00	\$54,472.00	\$578,930.00
<b>Total acres disturbed to date=</b>			<b>70,433.88</b>						
<b>Total fee Exempt acres disturbed to date (reconciled)=</b>			<b>2,513.77</b>	<b>**</b>					
<b>Total fees collected to date=</b>			<b>\$38,267,740.59</b>						
<b>**15,000 acres is exempt from the \$550 per acre mitigation fee for government use.</b>									
<b>Number of acres allowed for disturbance under current multiple species permit</b>						<b>145,000.00</b>			
<b>Less number of acres reported for which fees have been paid under current permit</b>						<b>70,433.88</b>			
<b>Less number of fee exempt acres under current permit **</b>						<b>15,000.00</b>	<b>**</b>		
<b>Number of disturbable acres remaining under current permit</b>						<b>59,566.12</b>			

Figure 2 MSHCP Land Disturbance & Fee Collection by Permittee Report.

## Fee Consolidation

Fee consolidation, or centralizing the fee collection, is being considered and discussed as part of a larger, County-wide initiative researching an electronic payment system.

Annual reconciliations of all disturbed acres were compared to aerial photography/GIS data and it was determined that the difference between the two was less than a 3% error rate.



## For further information

Please contact [amaglier@clarkcountynv.gov](mailto:amaglier@clarkcountynv.gov) for more information or go to <http://www.clarkcountynv.gov/depts/dcp/Pages/default.aspx>