

CLARK COUNTY ENVIRONMENTALLY SENSITIVE LANDS ADVISORY COMMITTEE REPORT

January 29, 2004



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INTRODUCTION

On September 18, 2002, the Clark County Board of County Commissioners (Board) directed staff to establish criteria and develop strategies to address environmentally sensitive lands in Clark County. A small task force consisting of members representing the local environmental community, development community, and affected citizens' advisory committees was subsequently formed.

After several meetings, the task force determined that the complexity of the issues involved would require additional time and an expanded advisory committee to determine the most appropriate solutions for the range of affected interests. On December 4, 2002, the Board established a broad based, 18-member, Environmentally Sensitive Lands (ESL) Advisory Committee. The Board asked the Committee for recommendations on the following areas:

- 1) Developing criteria to identify potentially sensitive lands.
- 2) Establishing priorities to protect those lands.
- 3) Advising the County on appropriate means of protecting those lands.

The Committee held 14 meetings between December 2002 and January 2004 and was supported by staff from the Department of Comprehensive Planning. During their meetings members determined that existing environmental and resource information was adequate to accomplish their tasks and the data was organized into four major classes. The four classes were: biodiversity; aesthetic areas; administrative areas; and cultural & historic areas. Clark County's Geographic Information System (GIS) was used to develop the recommended criteria on a County-wide level.

Recommended priorities were established by making map layers of the four established criteria. The highest priority was given to those areas covered by all of the mapped layers. Various combinations of the criteria were used to determine the other priorities. In total, seven priority levels were developed and represent what the Committee defines as Environmentally Sensitive Lands. These are shown on the Environmentally Sensitive Lands Priorities map on page 23. *(It is important to note that prioritized lands and the criteria only apply to areas outside cities, tribal lands and current BLM disposal areas.)*

Finally, the Committee prepared recommendations for the implementation and protection of environmentally sensitive lands (see page 27).

This document reports the Committee's findings, definitions, and recommendations to the Board.

Definition: The components that, taken together, define Environmentally Sensitive Lands are:

- **Ecosystem level Biodiversity;**
- **Aesthetic Areas including scenic roads & byways, slopes greater than 50%, significant geologic features and scenic points;**
- **Administrative Areas specifically designated for environmental and recreational purposes; and**
- **Cultural and Historic areas.**

BACKGROUND

Threats to Environmentally Sensitive Areas

Growth of the human population in Southern Nevada and the resulting rapidly increasing urban and recreational development pressures place heavy demands on the region's sensitive species, water supply, land resources, and historic/cultural areas. Invasion of non-native plant and animal species, incompatible development, vandalism, high landscape fragmentation, and heavy use of nearby recreational areas by urbanites are increasing threats to many environmentally sensitive areas within Clark County.

Historic development near springheads and streams has already destroyed or significantly altered many aquatic habitats turning natural pools and creek beds into concrete wells and ditches. Pumping from surface water sources, as well as from regional and local aquifers has also resulted in significant habitat loss. Habitats that remain intact are under increasing risk of conversion in the face of urban and recreational development pressures. Inappropriate livestock grazing, trampling, grazing pressures from wild horses and burros can degrade vegetation and soil stability along riparian zones. Exotic plant and animal species are increasing in scope and scale, particularly in riparian and aquatic habitats, causing declines in native populations and in some cases local extirpations. One of the most prolific threats to riparian areas of the southwest is the spread of alien invasive species such as tamarisk and knapweed. Negative impacts include the displacement of native vegetation, reduced biodiversity, stream bank armoring (which impedes the natural process of stream meandering), and loss of instream water through increased rates of evapo-transpiration.

Significant off-road traffic compacts soil layers, destroys vegetation, disturbs native fauna, and erodes wash banks, resulting in a highly altered state of persistent disturbances.

Threats to aesthetic and scenic resources stem from ill-placed, ridge top developments that impact views. Additional threats come from developments that are awkwardly placed on the land; perhaps using inappropriate landscaping, colors and designs rather than blending in with natural features. Another source of concern is that of light-pollution from lamps that do not focus their beam downward. Other threats come from billboards and inappropriate developments along scenic by-ways and rural routes.

Cultural and historic resources are threatened by the demands of the rapidly growing population of Clark County and by developments that engulf their sites bringing urban pressures closer to previously isolated sites. With this increased exposure, destruction, vandalism and theft of cultural and historic objects also increases.

In acknowledgement of these serious threats to Southern Nevada, the Board of County Commissioners decided to take a proactive approach and provide more detailed and thorough information to the Federal Land Managers and the Secretaries of Interior and Agriculture. To do so, the Board established the ESL Committee. This document reports the Committee's findings, definitions, and recommendations to the Board of County Commissioners.

Federal Legislation

In 1998, Congress enacted the Southern Nevada Public Land Management Act (SNPLMA). The SNPLMA has had major impacts in Southern Nevada on land availability and in providing additional funds for local, state, and federal facilities and services. Simply stated, the SNPLMA established a federal land disposal boundary within the Las Vegas Valley. Federal land within the disposal boundary has been designated to be sold at market prices, with 85% of the proceeds going to a Special Account¹. The Secretary of the Interior may use the SNPLMA Special Account to acquire “environmentally sensitive land in the State of Nevada...with priority given to land located within Clark County.”² The Secretary of Interior is required under the SNPLMA to “coordinate the use of the special account with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons, to ensure accountability and demonstrated results.”³

In addition, the SNPLMA uses the following language in Section 5. Acquisitions “*Definition.—For the purposes of this subsection, the term ‘environmentally sensitive land’ means land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary of the Secretary of Agriculture—*

- (A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;*
- (B) enhance recreational opportunities and public access;*
- (C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or*
- (D) otherwise serve the public interest.”*

The SNPLMA also requires consultation with “local government within whose jurisdiction the lands are located, including appropriate planning and regulatory agencies....”⁴ Within the Act, there is a recognition of threats to environmentally sensitive lands from human activities.

SNPLMA Related Programs

The SNPLMA also authorized three other highly related major funding programs within Clark County: the development of a multiple species habitat conservation plan, development of parks trails and natural areas, and funding for capital improvements at various federally designated areas. Clark County is directly involved with the development of a multiple species habitat conservation plan and with development of parks trails and natural areas. These are briefly discussed on the following pages.

Clark County Multiple Species Habitat Conservation Program

The Clark County Multiple Species Habitat Conservation Program (MSHCP) is a highly important and related local/Federal partnership that is administered by the Clark County Desert Conservation Program. The local partners in the MSHCP are: Clark County, the cities of Boulder City, Henderson, Las Vegas, Mesquite, North Las Vegas, and the Nevada Department of Transportation. These entities are permitted for incidental take of 78 species during development of non-federal lands covered by the MSHCP and a U.S. Fish & Wildlife Service Section 10(a)1(B) permit.

¹ Restrictions, leases, and other federal Acts (Santini-Burton Act) reduce the amount of land available under the SNPLMA.

² Southern Nevada Public Land Management Act of 1998.

³ IBID, Sec.4(e)(3)(B).

⁴ IBID, Sec.5(a)(3).

The Desert Conservation Program operates as a mitigation program allowing for the development of non-federal lands within Clark County. Developers are charged a mitigation fee for development. The fee is managed in an interest-bearing account and expenditures from this account are made for conservation actions to minimize and mitigate the effects of development. The mitigation account is managed in order to provide mitigation funds for the life of the 30-year incidental take permit and beyond.

Conservation actions accomplished by the Desert Conservation Program are carried out primarily on federal lands in Clark County. These actions include conservation law enforcement, habitat protection and restoration projects, public information and education, and monitoring and evaluation of species and habitats. Acquisition of private land from willing sellers is an additional form of mitigation required by the incidental take permit. Available private lands that provide the ability to further the protection or conservation of threatened and endangered species and species of concern can be acquired or nominated for acquisition with the SNPLMA land acquisition process.

The Desert Conservation Program is in the process of developing Conservation Management Strategies for particular geographic areas of significant species and habitat conservation value. These areas include the Virgin River, Muddy River, and Meadow Valley Wash areas, in addition to four Desert Wildlife Management Areas in Clark County. The Conservation Management Strategies will help to identify and prioritize particular areas of resource value to the conservation of species and habitats, thereby providing prioritized direction for conservation actions and potential land acquisitions. The areas most frequently identified as having high resource value for species conservation are riparian areas or other areas with rare or limited habitats, such as springs, mesquite and acacia bosques, among others.

Parks Trails and Natural Areas

Clark County and the cities of Las Vegas, North Las Vegas and Henderson cooperate in the nomination of parks, trails and natural area projects for funding from the SNPLMA Special Account. The nomination of projects is done under interlocal agreement and is coordinated through the Southern Nevada Regional Planning Coalition (SNRPC). In 2001, the SNRPC developed a primary trail system map for the Las Vegas Valley. This trail network is the main backbone of a regional trails system which provides interconnectivity with local or secondary trails system plans. As a result, these trails connect people and communities by providing access to parks, schools, activities, shopping, natural areas, federal lands, and employment centers.

Under this process projects are first approved by the submitting jurisdiction and then submitted to the SNRPC for coordination and prioritization. Once local agreement has been reached, the projects are forwarded to the Federal Land Managers and the Secretary of Interior for approval and funding.

This process has provided several million dollars for parks, trails and natural areas in Southern Nevada. This is important as the rapid pace of development is increasing the demand for these public facilities at the same time that land for trail alignments and parks is being developed and lost.

CRITERIA

The main problem that the Committee quickly identified was that there was no single source for a practical definition of exactly what “Environmentally Sensitive Lands” are. A review of the federal legislation establishing the Southern Nevada Public Lands Management Act; the National Environmental Policy Act; various sections of the Code of Federal Regulations; internal policies of partner federal agencies; State and County regulations and policies provided direction yet, generally were found to be either overly broad or too narrowly defined.

Committee members were convinced, however, that a method was needed to effectively incorporate the concerns of all members in the overall outcome...to share values...and to ensure that the outcome would reflect the views of the Southern Nevada Community. In other words: to provide an outcome that would be workable in our community.

Important note:
Criteria only apply to areas outside cities, tribal lands and current BLM disposal areas.

Early on, various methods of identifying important environmental and social elements were thoroughly, and sometimes vigorously, discussed. It became clear that with the experience, resource base and broad membership of the Committee, information was not a problem. However, the organization and comparison of “values” was recognized as a point of significant conflict. To the credit of the members, the Committee chose to avoid this pitfall by basing its discussions and processes as much as possible on the facts and common interests.

Several members submitted important criteria for discussion and from these discussions an overall process emerged. The Committee chose to organize their criteria into four major classes of information: biodiversity; aesthetic areas; administrative areas; and cultural & historic areas. It was determined that GIS would be used to process and organize the information in various layers and in combinations to develop the recommended criteria. The Committee also felt strongly that the use of existing information at the County-wide level was important to completing their mission accurately and on-time. In addition, it was determined that all criteria be applied only to areas outside of any official BLM Disposal Area, incorporated cities, and tribal lands. The following section describes each of the major data layers developed by the Committee.

Definition: The components that, taken together, define Environmentally Sensitive Lands are:

- **Ecosystem level Biodiversity;**
- **Aesthetic Areas including scenic roads & byways, slopes greater than 50%, significant geologic features and scenic points;**
- **Administrative Areas specifically designated for environmental and recreational purposes; and**
- **Cultural and Historic areas.**

Method

Using the County’s GIS, a map layer was created to identify the physical land boundary areas for each of the four criteria mentioned above. The criteria layers are discussed in detail below. Priority areas were determined by “intersecting” the layers to identify areas that were covered by more than one criteria layer.

Biodiversity

Biodiversity is a shorthand term used in the environmental field that means “biological diversity.” The term is used to include plants, animals, and all other living organisms as well as the places and relationships that they live in (communities and ecosystems). The three levels of biodiversity are based on the particular focus—the individual organism; the whole species; and the larger ecosystem. Since the Committee was charged to prepare recommendations for lands within Clark County, it was determined that the ecosystem level would be most appropriate. Even at this broader level, the amount of biological information to consider and coordinate is quite large.

After considerable discussion, the Committee determined that the most effective approach to understanding the potentially vast amount of species and habitat information was to rely on previous, significant works in the area. Staff and members of the environmental community recommended the work done by The Nature Conservancy (TNC) and published in TNC’s ecoregional assessment, “Ecoregion-Based Conservation in the Mojave Desert”, August 2001.

The Committee felt that using the TNC’s ecoregion approach to planning “will help maximize the chances of capturing all conservation targets in sufficient numbers and distribution for their long-term survival” (Ecoregional Assessment, p. 1-1). It was also noted that scarce and important ecological resources such as aquatic, riparian, and desert wash systems were incorporated in the TNC Study. The Committee accepted the integrated approaches used by TNC in preparing the assessment and the overall goal of “the long term survival of all viable native species and community types through the design and conservation of portfolios of sites within ecoregions” (Ecoregional Assessment, p. 1-1).

The portfolios generated through TNC’s process were produced using the following criteria:

- **Viability:** The target occurrences for which a site is selected for the portfolio can be maintained over the long term. Ecological processes are largely intact or restorable.
- **Biodiversity Value:** The sites to be included in the portfolio have high quality occurrences of conservation targets.
- **Efficiency of Action:** The sites have multiple viable examples of conservation targets.
- **Complimentarity:** The sites capture targets that have not been adequately incorporated into the portfolio. (Ecoregional Assessment, p. 1-14)

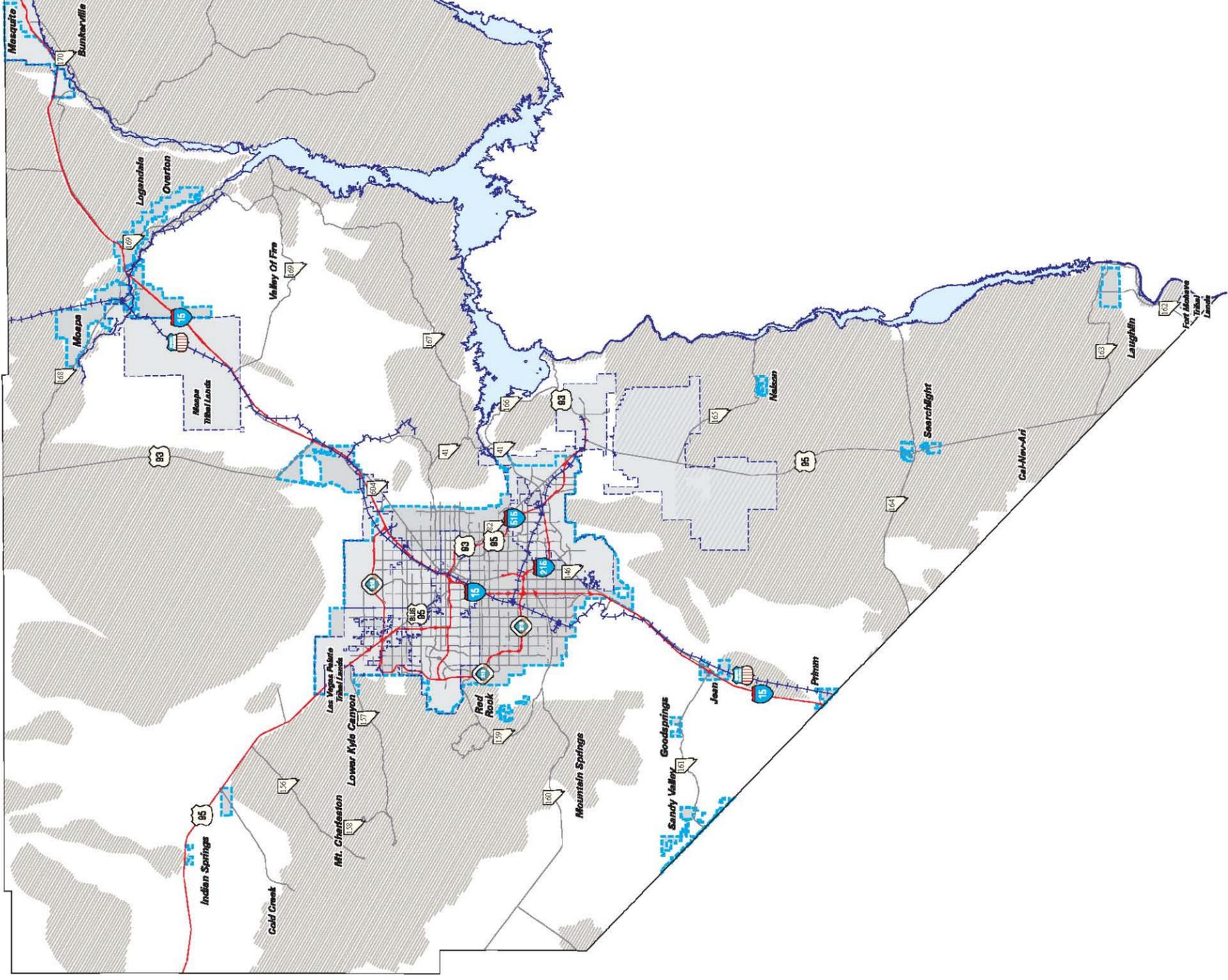
In presentations to the Committee, TNC staff described the final portfolio sites as essentially the areas representing the best, most effective places for conserving biodiversity in the Mojave Desert given limits on information and available funds. The area included in the Biodiversity layer is 2,884,582 acres and is shown on the following Biodiversity map.

Biodiversity Map

Clark County

Environmentally Sensitive Lands Biodiversity Areas

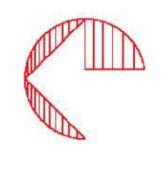
-  Biodiversity Areas
-  BLM Disposal Areas
-  Incorporated Cities and Tribal Lands
-  Boulder City Conservation Area



SCALE IN FEET

Source: Clark County Central Repository
Plot created on: February 17, 2004

This information is for display purposes only.
No liability is assumed as to the accuracy of the data delineated hereon.



Aesthetic Areas

One of the most difficult issues to define is aesthetics. The Committee is well aware of the difficulties in recommending any particular set of values about the “looks” or “feelings” that are raised by landforms or views. Also, it was quite clear to the Committee that a viewshed analysis of the entire County was not possible. With these sensitivities in mind, the Committee chose to define the following criteria as the most important indicators or qualities of aesthetics in Clark County:

- Scenic Routes (roads)—County, State, or federally designated roads or Back Country Byways.
- Slopes of 50% or more—These include the most significant mountain views and features.
- Significant Geologic Features—These include significant ridgelines and features of particular interest.
- Scenic Points/Features—Including a wide variety of springs, canyons, and built features as shown in Table 1.

Arrow Canyon	Cow Spring	Keyhole Canyon	Muddy Spring
Big Falls	Crescent Peak	Keystone Spring	Mummy Mountain
Bird Spring	Deer Creek Spring	Kyle Canyon	Oliver Ranch
Bitter Spring	Devil Peak	La Madre Spring	Oro Hanna Spring
Black Canyon	Devils Throat	Las Vegas Dunes	Overthrust
Black Mountain	Double Canyon	Lava Butte	Rainbow Gardens
Blue Diamond Hill	Eldorado Canyon	Lee Canyon	Red Rock (area)
Bonelli Peak	Fossil Ridge	Lee Spring	Red Stone
Bowl of Fire	Gass Peak	Little Falls	River Mountains
Brownstone Canyon	Gold Butte	Marble Quarry	Shenandoah Peak
Calico Hills	Great Unconformity	Mary Jane Falls	Spirit Mountain
Charcoal Kilns	Griffith Peak	McClanahan Spring	The Narrows
Charleston Peak	Gypsum Cave	McCullough Spring	Weiser Bowl
Christmas Tree Pass	Highland Spring	Mohave Falls	Wild Horse Spring
Coal Spring	Hoover Dam	Mountain Spring	Willow Spring
Columbia Pass	Horse Spring	Mt. Potosi	
Copper Spring	Indian Springs	Mud Spring	
Cottonwood Springs	Joshua Forest	Muddy Mountains	

The area of the Aesthetics layer is 1,771,494 acres as shown on the following Aesthetic Areas map.

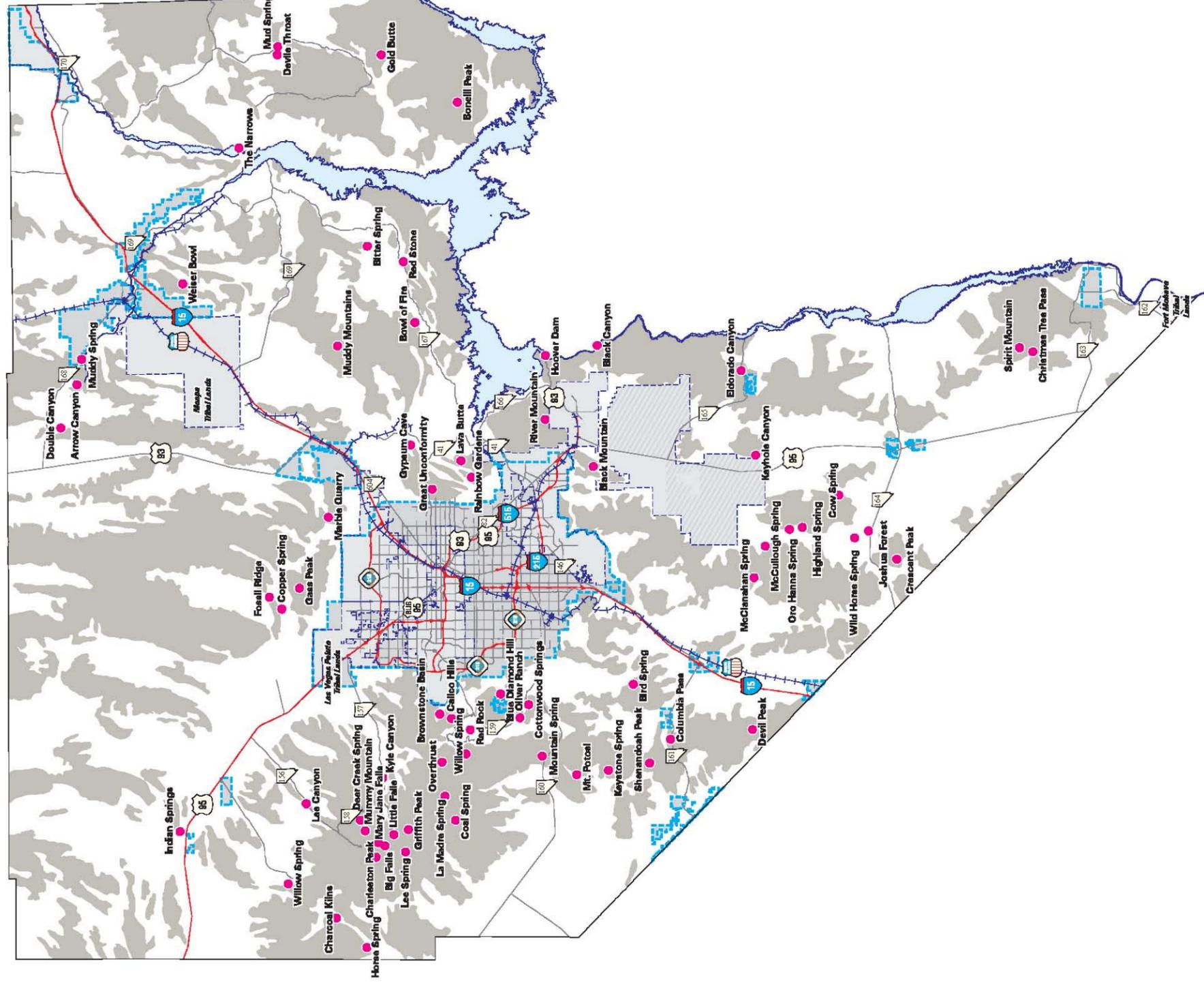
⁵ From Bureau of Land Management GIS Place Name File; United States Geologic Survey, Geographic Place Names.

Aesthetic Areas map

Clark County

Environmentally Sensitive Lands Aesthetic Sites

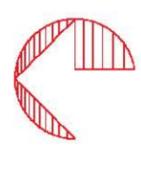
- Aesthetic Sites
- BLM Disposal Areas
- Incorporated Cities and Tribal Lands
- Boulder City Conservation Area
- 50% and greater Slope



SCALE IN FEET

Source: Clark County Central Repository
Plot created on: February 17, 2004

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Administrative Areas

Within Clark County there are public lands that are specially designated for environmental or recreational purposes. These areas may be administered by local, state, or federal agencies. The Committee felt that these areas are important components in the definition of environmentally sensitive lands. The Committee chose the following criteria to define Administrative Areas:

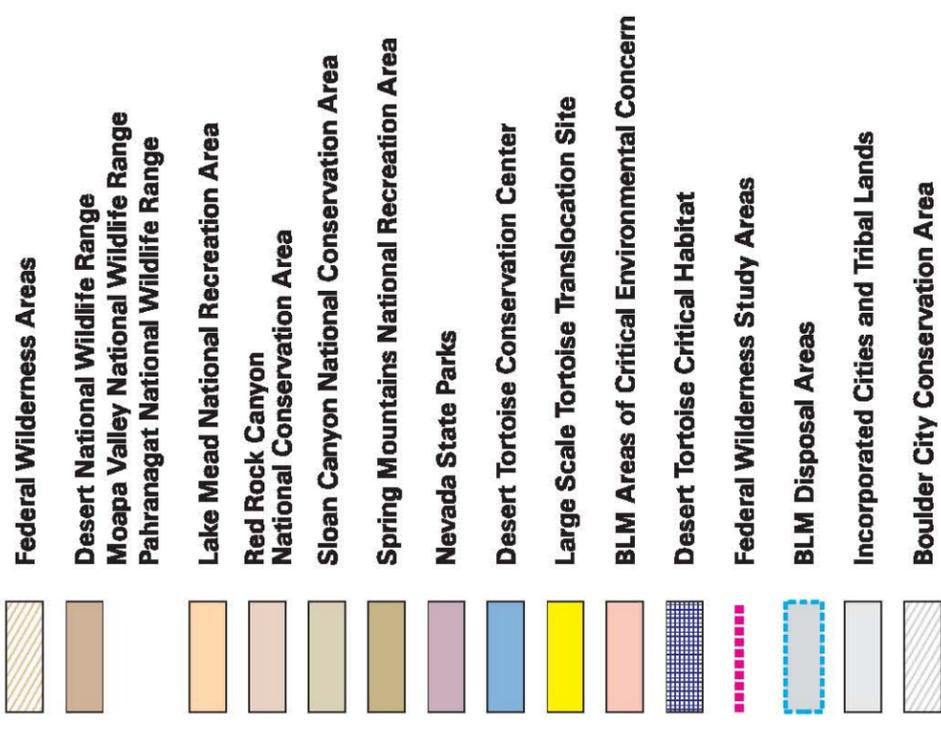
- BLM Areas of Critical Environmental Concern (ACECs)
- Boulder City Conservation Easement Area (this area is within the City of Boulder City as noted on the map)
- Desert National Wildlife Refuge Complex (including the Desert National Wildlife Range, Moapa Valley National Wildlife Refuge, and Pahrnagat National Wildlife Refuge within Clark County)
- Desert Tortoise Conservation Center
- Desert Tortoise Critical Habitat
- Federal Wilderness Areas
- Federal Wilderness Study Areas
- Lake Mead National Recreation Area
- Large Scale Tortoise Translocation Site(s)
- Nevada State Parks
- Red Rock Canyon National Conservation Area
- Sloan Canyon National Conservation Area
- Spring Mountains National Recreation Area

The areas included in the Administrative layer total 3,142,844 acres as shown on the following Administrative Areas map.

Administrative Areas map

Clark County

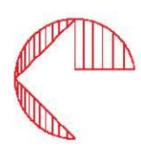
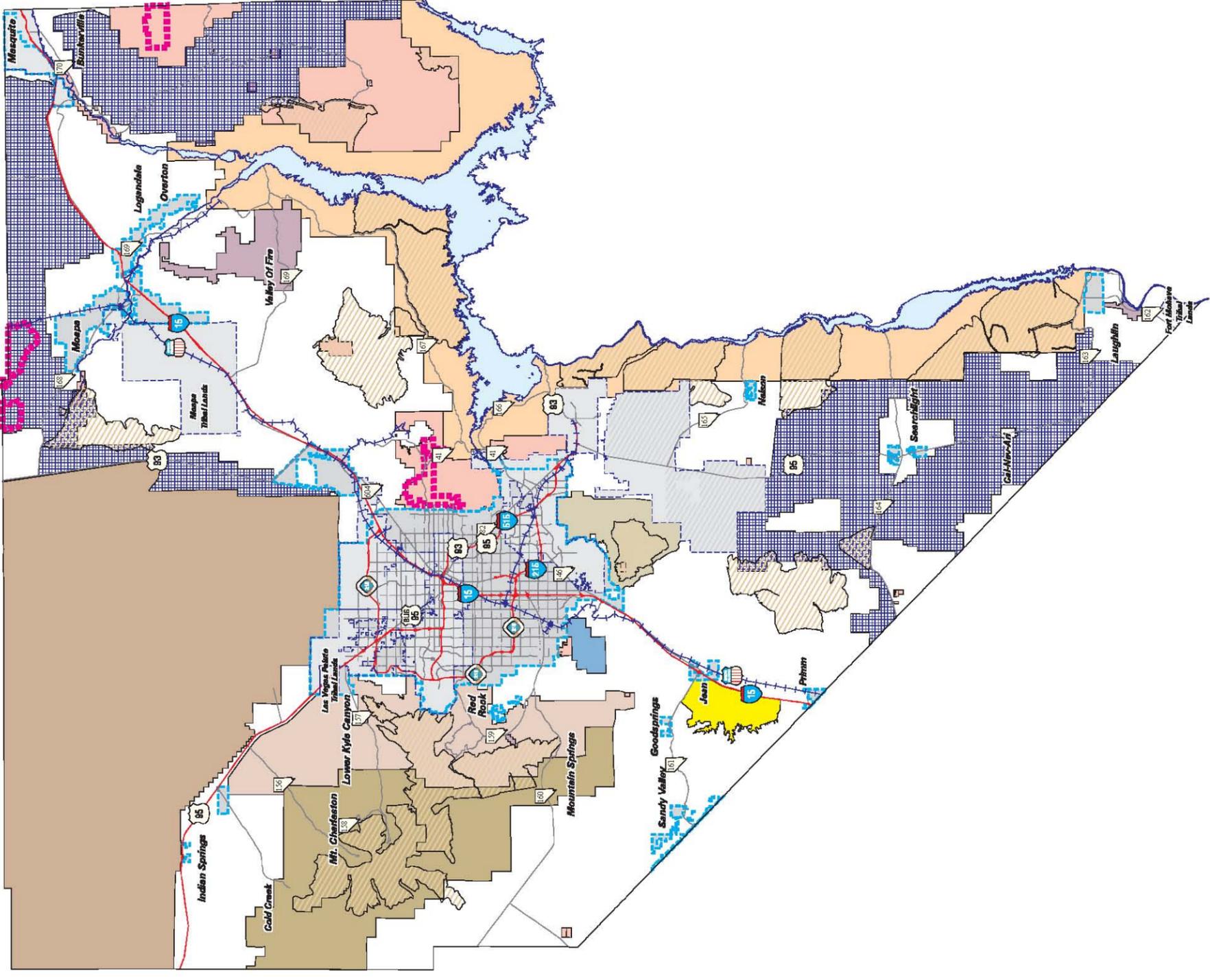
Environmentally Sensitive Lands Administrative Areas



SCALE IN FEET

Source: Clark County Central Repository
Plot created on: February 17, 2004

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Cultural & Historic Areas

An important aspect of the County's heritage and overall landscape are areas or sites of important cultural or historic land uses. The Committee is also aware that many of these areas (especially important cultural sites) are extremely sensitive (vulnerable to overuse or vandalism) therefore, their specific locations are restricted under federal policy and not mapable. Given the information available, the Committee chose to define Cultural & Historic Areas as:

- All Clark County items listed on the National Register of Historic Places (outside cities, tribal lands and BLM disposal areas). The Committee recommends that new cultural and/or historic areas be added to the ESL maps as they are approved and added to the National Register.
- The Committee recommends that all cultural and historic sites determined to be significant by a federal or state agency, whether mapped or not, be considered by the County as ESL sites.

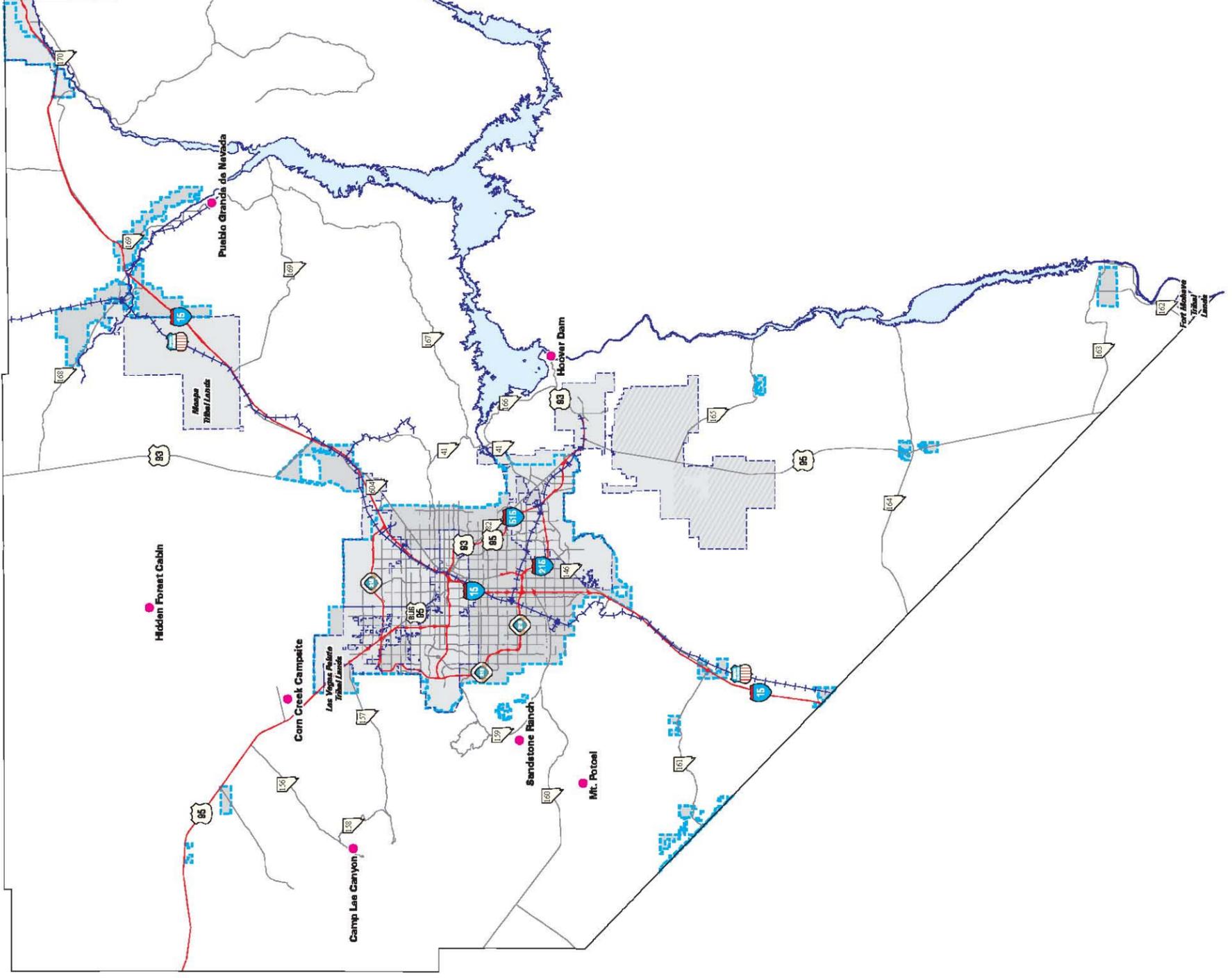
These features are indicated on the Cultural & Historic Areas map.

Cultural & Historic Areas map

Clark County

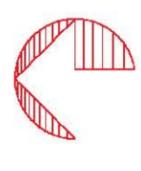
Environmentally Sensitive Lands Historic / Cultural Sites

- Historical / Cultural Sites
- ▭ BLM Disposal Areas
- ▭ Incorporated Cities and Tribal Lands
- ▭ Boulder City Conservation Area



Source: Clark County Central Repository
Plot created on: February 17, 2004

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PRIORITIES

The second task that the Board gave the Committee was to establish priorities to protect environmentally sensitive lands. To accomplish this task the Committee used the preceding criteria and ESL definition as a starting point. After considerable discussion, the approach of prioritizing specific areas of importance within the overall ESL area was determined. In taking this approach, a fair and objective process could be used to indicate the most important ESL values. It is the intent of the Committee that implementation methods follow this priority system. In general, actions taken to protect ESL lands should focus first on the Priority 1 areas, Priority 2 areas next, and so on. However, there may be opportunities where implementation actions in lower priority areas should be taken. Flexibility and a sense of the broad perspective should be used in implementing and administering ESL recommendations.

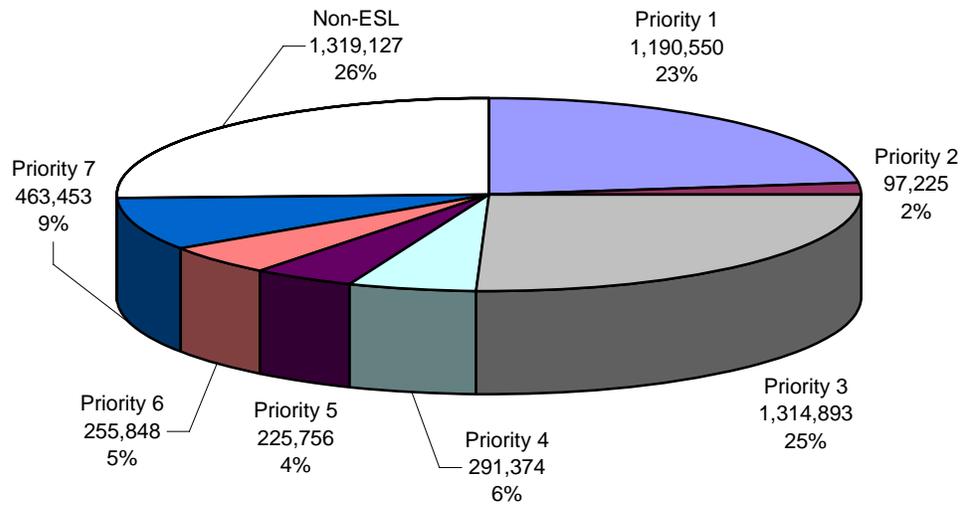
As already mentioned, the Committee established its recommended priorities by creating map layers of the four established criteria (it should be noted that all cultural & historic data are included on the Priority map as individual points). This procedure resulted in the creation of seven priorities. The biodiversity layer figured most prominently in priorities 1 – 4 as Committee members agreed that it was the most environmentally representative of the criteria. Aesthetics was considered the next most important, followed by administrative areas. The highest priority was given to those areas within all three of the mapped layers. The other priorities reflect the various other combinations of the mapped layers. Table 2 shows the recommended priorities and the size of each area. The Environmentally Sensitive Lands map on page 16 shows the seven priority areas and represents what the Committee defines as Environmentally Sensitive Lands.

Priority Areas	Layers	<u>Acreage</u>
1	Biodiversity, Aesthetic & Administrative	1,190,550
2	Biodiversity & Aesthetic	97,225
3	Biodiversity & Administrative	1,314,893
4	Biodiversity	291,374
5	Aesthetic & Administrative	225,756
6	Aesthetic	257,477
7	Administrative	463,453
Total ESL (priorities 1-7)		3,840,728
Total County		5,158,225
Non-ESL		1,317,498

Note: Figures are rounded. Includes public and private land.

Clark County ESL Priorities

(acres and percentage of total County area)

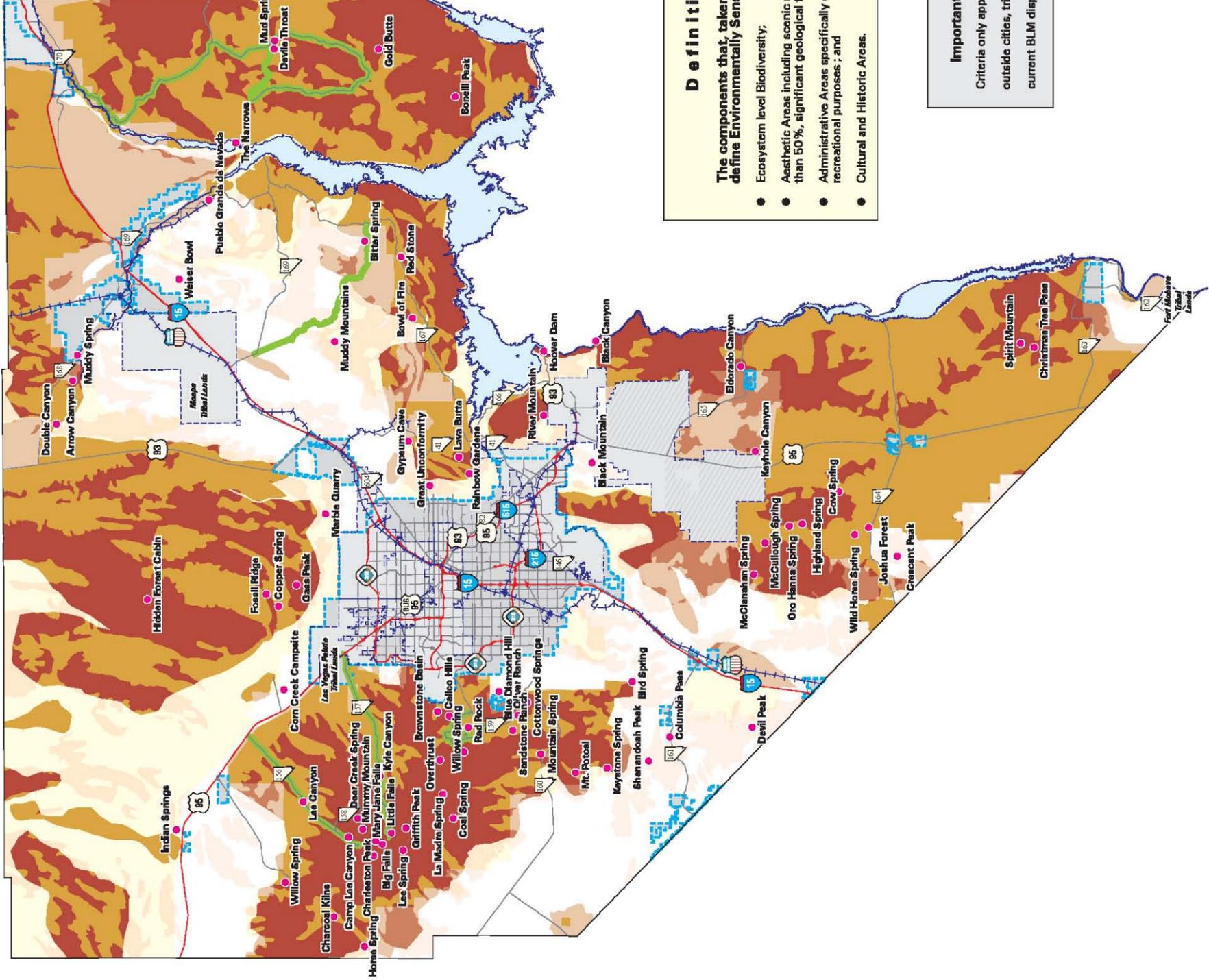


Environmentally Sensitive Lands Priorities map

Clark County

Environmentally Sensitive Lands Priority

- ESL - Priority 1
- ESL - Priority 2
- ESL - Priority 3
- ESL - Priority 4
- ESL - Priority 5
- ESL - Priority 6
- ESL - Priority 7
- BLM Disposal Areas
- Incorporated Cities and Tribal Lands
- Boulder City Conservation Area
- Scenic Highways and Federal Byways
- Aesthetic, Historic and Cultural Sites



Definition

The components that, taken together, define Environmentally Sensitive Lands are:

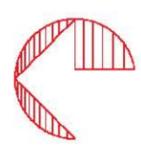
- Ecosystem level Biodiversity;
- Aesthetic Areas including scenic roads & byways, slopes greater than 50%, significant geological features and scenic points;
- Administrative Areas specifically designated for environmental and recreational purposes ; and
- Cultural and Historic Areas.

Important Note:
Criteria only apply to areas outside cities, tribal lands and current BLM disposal areas.



Source: Clark County Central Repository
Plot created on: February 17, 2004

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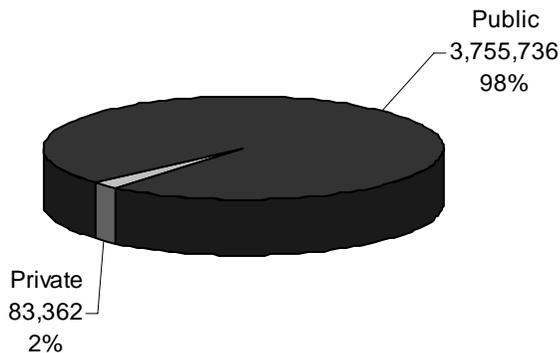
PROTECTING ENVIRONMENTALLY SENSITIVE LANDS

The third task that the Board gave the Committee was to establish priorities to protect environmentally sensitive lands. To accomplish this final task the Committee used the preceding work and information from the Clark County Assessor’s Office about privately owned lands. Within each of the seven priority areas there are two types of land ownership—public and private. Public lands may be handled administratively/internally and should be noted to the appropriate agency(ies) as soon as possible for potential action. Private lands are NOT considered to be directly impacted by this report. A list of potential options for protecting public and private lands is included below for consideration.

Implementation:

Appropriate Land Use & Zoning (Public & Private Lands): Land use planning and zoning regulations should not be approached as “one size fits all”, but rather should consider the appropriate means needed to provide protection against specific threats to the environmentally sensitive land in question. On some lands, development with appropriate design standards may provide needed protective measures. In other cases it may require a preservation and protection approach. The Committee recommends that an enhanced notification process be used to inform property owners about proposed ESL overlays or zoning changes affecting private property.

Figure 2 --Public and Private lands in the ESL (acres)



Retention of Lands in Public Ownership (Public Lands): Generally, lands that are environmentally sensitive can best be protected by remaining in public ownership. Before ESLs, as prioritized, are identified for sale or exchange out of public ownership the effects on the level of protection for the land should be analyzed and determined.

Appropriate Administrative Land Designations (Public Lands): Not all federal public lands enjoy the same level of certainty and protection. Those lands with special designations from the U.S. Congress have land uses that can only be changed by Congress, such as National Recreation Areas, National Conservation Areas, Wilderness Areas and other designations identified in the “Administrative Areas” portion of this report. For non-Congressionally designated lands, the types of land uses are more flexible and are determined by a federal land manager through codified planning procedures. Land use designations can be changed by the local federal manager through the development of new land use

plans or the amendment or revision of existing plans. ESL identified through the County's process can be protected by the active participation of the County in federal land use planning efforts. Petitioning for cooperating agency status elevates the County's role in the planning effort and gives greater power for ensuring only appropriate uses are designated for these lands, and appropriate protections and mitigation practices are in place.

Purchases, Leases, and Conservation Easements (Private Lands): There are approximately 83,362 acres (\pm 130 square miles) of private lands within ESL areas in Clark County. It is recommended that a flexible approach be used in determining which, if any, purchase related strategy should be used on any individual private parcel. Consideration should be given to each parcel's current and future land use as well as its ESL Priority. Many types of land use can be compatible with environmentally sensitive areas. Land use compatibility should be considered within the County's land use planning processes and as each plan is updated. In general, uses most compatible in ESL areas would be lower impact, low density, and place few demands for infrastructure improvements.

In cases where private parcels are determined to be incompatible within an ESL area, purchase options could be considered. It is recommended that only "willing buyer/willing seller" situations be considered by the federal government or Clark County. In these cases, the Committee recommends the use of SNPLMA Special Account funds as the primary tool.

Partnerships with private and "not for profit" organizations may also be effective in obtaining the development rights for specific private parcels through the use of conservation easements. Conservation easements are a restriction placed on a piece of private property to protect its associated resources. The easement is either voluntarily donated or sold by the landowner to another party. This type of easement can benefit both the public and the property owner because the land and its resources can be protected and the property remains in private ownership. In addition, the property owner may be eligible for substantial tax benefits resulting from the conservation easement itself. According to The Nature Conservancy, conservation easements have been successfully used to:

- Protect natural habitat from destruction by conversion to other uses such as subdivision and development.
- Protect open space of varying kinds from development or other disturbance.
- Protect natural habitat from destruction by intensive agriculture.
- Conserve forests through limitations on forest management and development.
- Preserve agriculture and grazing lands from subdivision and development.
- Protect water resources by limiting disturbance of lands in the watershed.
- Provide for public use and access, such as through trail easements.

The Nature Conservancy says that "their use has successfully protected millions of acres of land while keeping it in private hands and generating significant public benefits. Conservation easements are among the fastest growing methods of land preservation in the United States today."⁶

⁶ The Nature Conservancy, [A Briefing on Conservation Easements](#), 12/18/03

RECOMMENDATIONS

The Committee presents this report to the Board of County Commissioners as a technical advisory document with the following recommendations:

1. A public involvement/participation process should be directed by the Board, particularly aimed at the rural communities that are the most potentially affected by this report. Citizen input should be used to assist staff in the further development and refinement of additional implementation actions.
2. An enhanced notification process should be used to inform property owners about proposed ESL overlays or zoning changes affecting private property.
3. The recommendations and implementation measures should be considered in the context of the communities, urban and outlying, where the ESLs are located.
4. ESL areas should be incorporated into land use plans as they are updated. ESL maps and information should be refined based upon new or more detailed information revealed during the update process.
5. The ESL area should be considered as Clark County's Community District 6.
6. Consideration of whether to include edge conditions and transitional land uses for ESL areas should be specifically included in all land use plan updates.
7. Considering the importance of the MSHCP and its Section 10(a)1(b) Permit to the growth and development of Clark County, the Board should continue to place priority on the protection of species and habitats covered under the Plan, which are mostly included in the areas identified as ESLs in this Report.
8. County staff should review federal proposed actions, including acquisitions and conservation easements, to gauge the potential impacts on the status and quality of any ESLs that may be affected. When appropriate, the County should provide comments to the responsible federal official that would protect the current or desired nature of the ESL land. Where impacts of federal decisions could be significant on the interests of the County, the County should request "cooperating agency status" to increase its presence in the federal planning process.
9. The County should generally oppose the transfer of current ESLs out of public ownership unless equal or greater protection of those areas can be provided, or the effects mitigated.
10. Deer Creek Road (SR158) should be proposed by the County for designation as a "scenic road."
11. An appropriate corridor management plan should be developed for all "scenic roads."
12. Clark County should explore an expanded local government role in protecting and managing ESL areas where appropriate.
13. The regional models used for open space districts in other communities should be investigated for use in Clark County as an important potential implementation mechanism for ESL protection.
14. Clark County should review and amend the ESL areas and criteria at least every five (5) years or sooner, as warranted.

Areas needing further study:

- The Blue Diamond area (straddling the current BLM disposal area boundary and including the Hardie Mine area, “Blue Diamond recreation area,” and the interface with the Red Rock Canyon National Conservation Area) requires a detailed study and separate recommendations which are beyond the scope of this Committee.
- The Moapa (Muddy, Virgin, and Meadow Valley Wash) River corridor requires more detailed planning due to its value for biodiversity conservation, importance to the MSHCP, and the amount and pattern of private land ownership in the area.
- Areas within the path of urban growth but outside the SNPLMA Disposal Boundary are in need of further study especially with regards to impacts on air quality, open space needs and linkages, facility needs, water supplies, and transportation related issues.