

MULTIPLE SPECIES HABITAT CONSERVATION PLAN OVERVIEW AND PROGRESS

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Background

- Endangered Species Act framework as it relates to habitat conservation plans
- History of the Desert Conservation Program

Overview of the current Multiple Species Habitat Conservation Plan (MSHCP) and incidental take permit

- How it works
- Current status of the MSHCP and incidental take permit
- Some project highlights



BACKGROUND:

Endangered Species Act Framework and History of the Desert Conservation Program



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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.

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August 4, 1989 – tortoise emergency listed by U.S. Fish and Wildlife Service as endangered; revised to threatened in 1990.



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

An immediate and total moratorium on all new construction

DESERT CONSERVATION PROGRAM



- Formed in 1990
 - Led the effort to develop one of the first regional habitat conservation plans
 - Allow development activities to resume!
-
- 1991 – Short-Term Habitat Conservation Plan
 - 1995 – Desert Conservation Plan
 - 2001 – Multiple Species Habitat Conservation Plan (MSHCP)



Tuesday, August 13, 1991 a Las Vegas Review-Journal

Tortoise pact ends construction delay

□A proposal to help save tortoises, while allowing more building, will cost new homeowners about \$350.

By Mary Hynes
Review-Journal

Construction stalled for two years in areas of the Las Vegas Valley by the presence of the federally protected desert tortoise can move forward under an agreement signed Monday by the U.S. Fish and Wildlife Service.

The agreement, approved earlier by other federal agencies as well as local governments, allows over the next three years for development of 22,352 acres where the tortoise is found in exchange for preservation of 400,000 acres of prime habitat for a tortoise sanctuary.

The agreement, called the short term habitat conservation plan, will be effective Sept. 3, when Clark County purchases the first sanctuary land near Searchlight. The plan's \$10 million cost will be paid for out of development fees ranging from \$250 to \$550 per acre.

A debate has gone on for two years over how to strike a balance between protecting the tortoise, which is threatened by a respiratory ailment, while protecting the community from the effects of a potential building moratorium.

Marvin Pienert, regional director of the U.S. Fish and Wildlife Service, left, signs an agreement allowing development on land inhabited by the desert tortoise. Seated with him are Clark County consultant Paul Selzer, center, and County Commission Chairman Jay Bingham.

Jim Laurie/Review-Journal

"We have proven that diverse interests can come together and solve a problem," Bingham said.

Said Wagner, "By preserving the desert tortoise and allowing for orderly development, the case can be made that strong economic growth need not result in a declining quality of life for the citizens of Southern Nevada."

The Fish and Wildlife Service's approval of the plan allows development on 22,352 acres in the valley where the beleaguered tortoise now makes its home. As many as 3,500 of the reptiles can be removed from the valley and taken to the Dewey Animal Care Center.

The relocated tortoises then will either be used for research, put up for adoption or, as a last resort, destroyed. The tortoise preserve near Searchlight will provide sanctuary to its existing reptile residents. Measures to protect the tortoises include eliminating livestock grazing, closing some roads and eliminating competitive off-road racing.

The Nature Conservancy, a national, non-profit group, is assisting Clark County in purchasing land for the sanctuary. The first land purchase will be the 160,000-acre Myers Ranch near Searchlight for \$475,000, which will come from a \$2 million fund to purchase sanctuary land.

Please see TORTOISES/2B

It would work to ensure, for example, that off-road vehicles do not harm the tortoise sanctuary.

"There are a lot of easy ways out," she said. "We're hoping to make the preserves true preserves."

Construction previously has been allowed on some areas inhabited by the tortoise under an agreement where certain developers paid \$2.5 million to pay for the Desert Tortoise Conservation Center at the south end of Lake

From 1B

In the next year, the federal government and local municipalities will strive to come up with a long-range plan for reckoning with the tortoise. The plan likely will include relocating tortoises from land slated for development to areas unpopulated by the reptile, said Paul Selzer, a consultant to Clark County.

It isn't desirable to relocate the tortoises to the sanctuaries because such a move could promote overcrowding and the spread of

When U.S. Fish and Wildlife declared the desert tortoise an endangered species in August 1989, its status was later upgraded to threatened, some feared a building moratorium would follow.

Those fears were not realized, however. The tortoise is not found everywhere and some construction was shifted to tortoise-free land.

Yet construction of some flood control measures and certain schools was delayed because of

speakers including Reid, Sen. Richard Bryan, D-Nev., Lt. Gov. Sue Wagner and Clark County Commissioner Jay Bingham praised the compromise and cooperation that had gone into the agreement.

Terry Murphy, a representative of the Southern Nevada Home Builders Association, said many projects had been delayed by the tortoise's threatened status, but could not say how many.

He said the plan would add \$350 to the average cost of a new house in the valley.

Jean Mischel, a local representative of the Environmental Defense Fund, said her group would work to ensure that the time of

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



OVERVIEW OF THE MSHCP:

How it Works



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CURRENT MSHCP



The Desert Conservation Program serves as the Administrator of the Clark County MSHCP and incidental take permit on behalf of the Permittees.

- Responsible for ensuring compliance with the provisions of the permit.
- Carry out the conservation actions described in the Plan

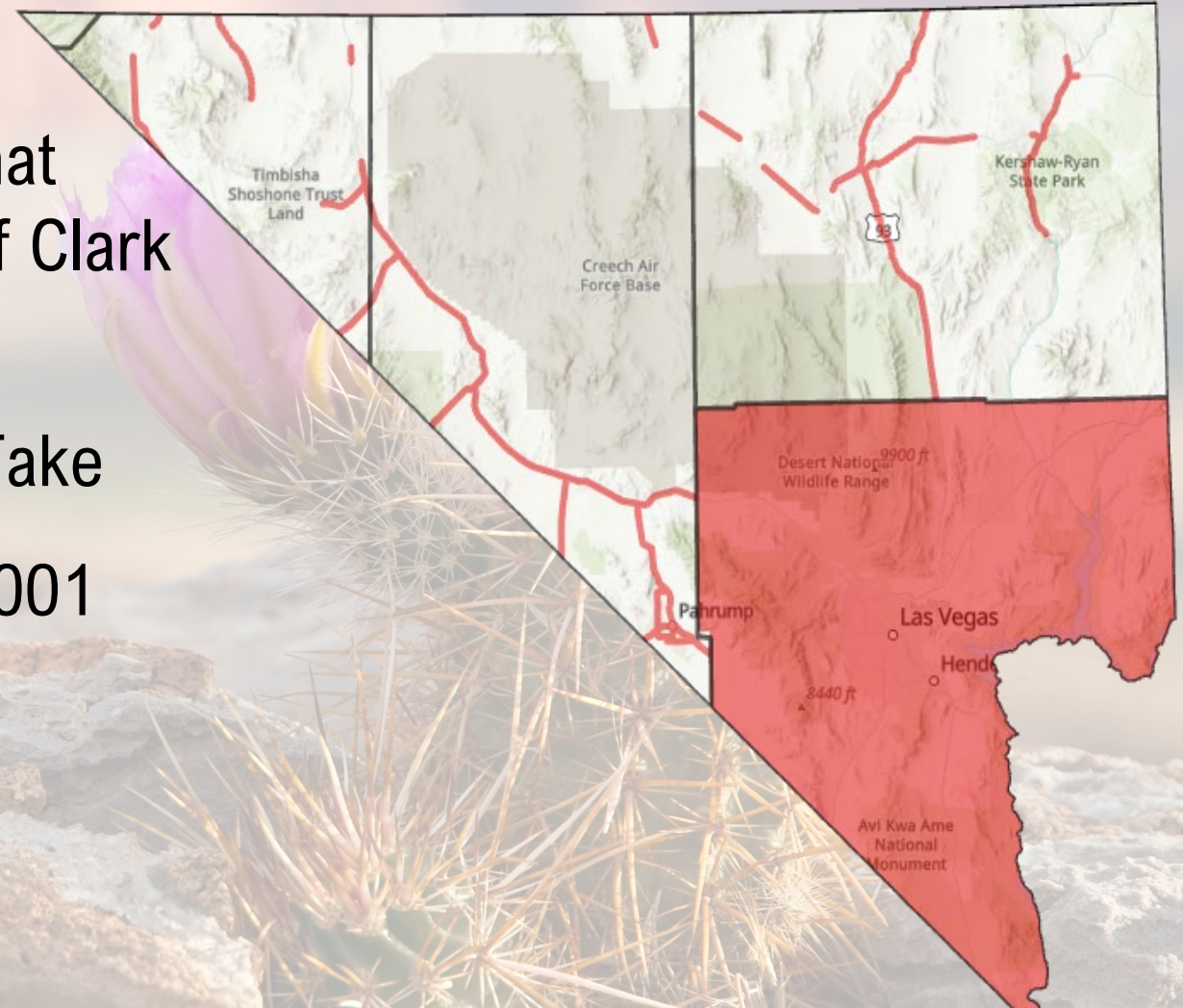


CURRENT MSHCP



- 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

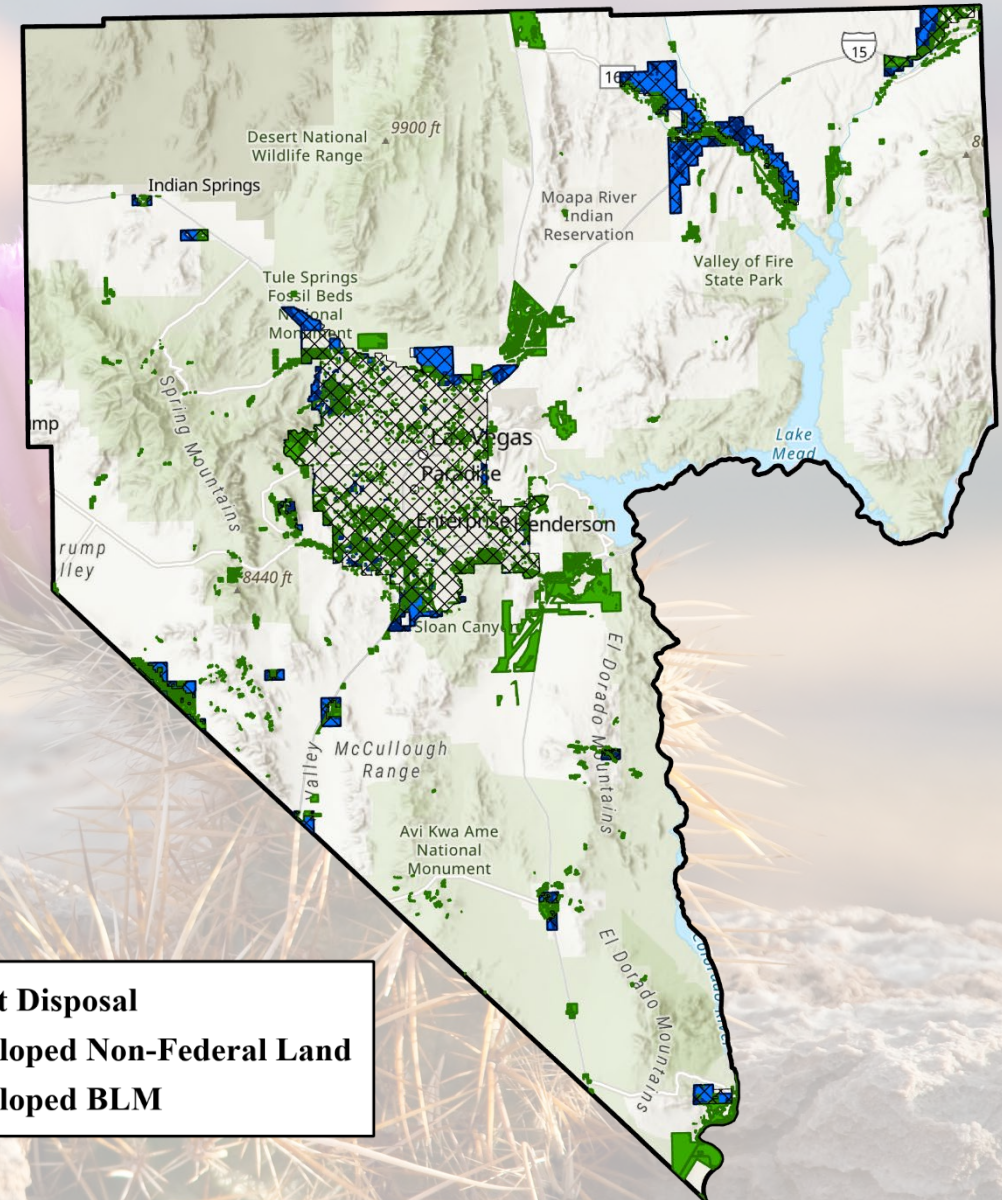
MSHCP Plan Area



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

PROGRESS REPORTING



- Project Completion Notices
- Annual Progress Symposium
 - Provides an update on overall implementation of the MSHCP.
 - Provides updates on the progress of specific projects.
- Biennial Progress Report
 - Required compliance report; provided to U.S. Fish and Wildlife Service
- Biennial Adaptive Management Report

Biennial Implementation Plan and Budget

- Identifies the mitigation actions to be funded each biennium
- Even numbered years
- Collaborative process
- Approved and adopted by the Clark County Board of County Commissioners
- 2025-2027 IPB effective on July 1, 2025

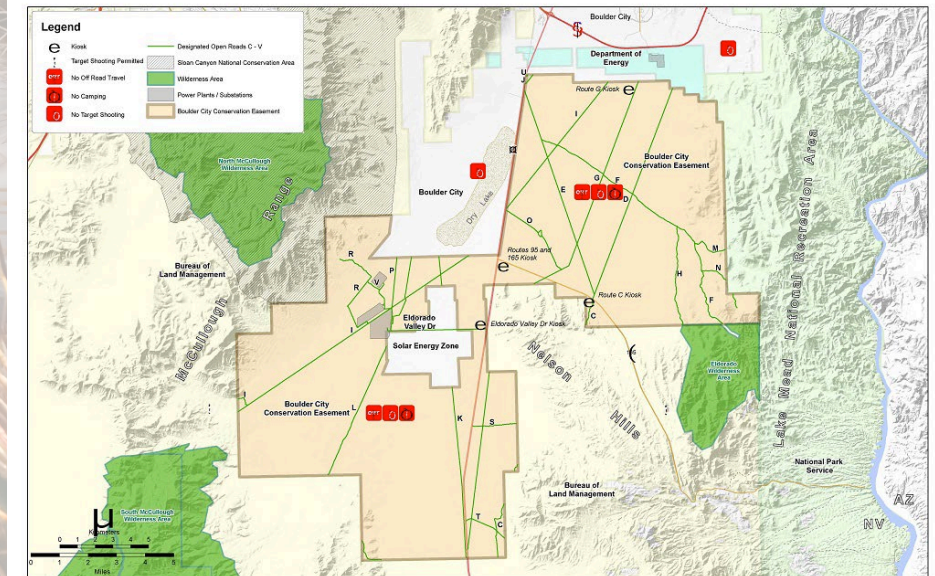


CONSERVATION ACTIONS



Non-Discretionary: Explicit permit conditions

- General administration
- Monitoring
- Adaptive Management Program
- Riparian property acquisition/management
- Tortoise translocation
- Tortoise fencing
- BCCE management



CONSERVATION ACTIONS



Discretionary Actions: 604 possible actions described in the MSHCP

- Research
- Inventory
- Protective Measures
- Restoration and Enhancement
- Land Use Policies and Actions





OVERVIEW OF THE MSHCP:

Current Status



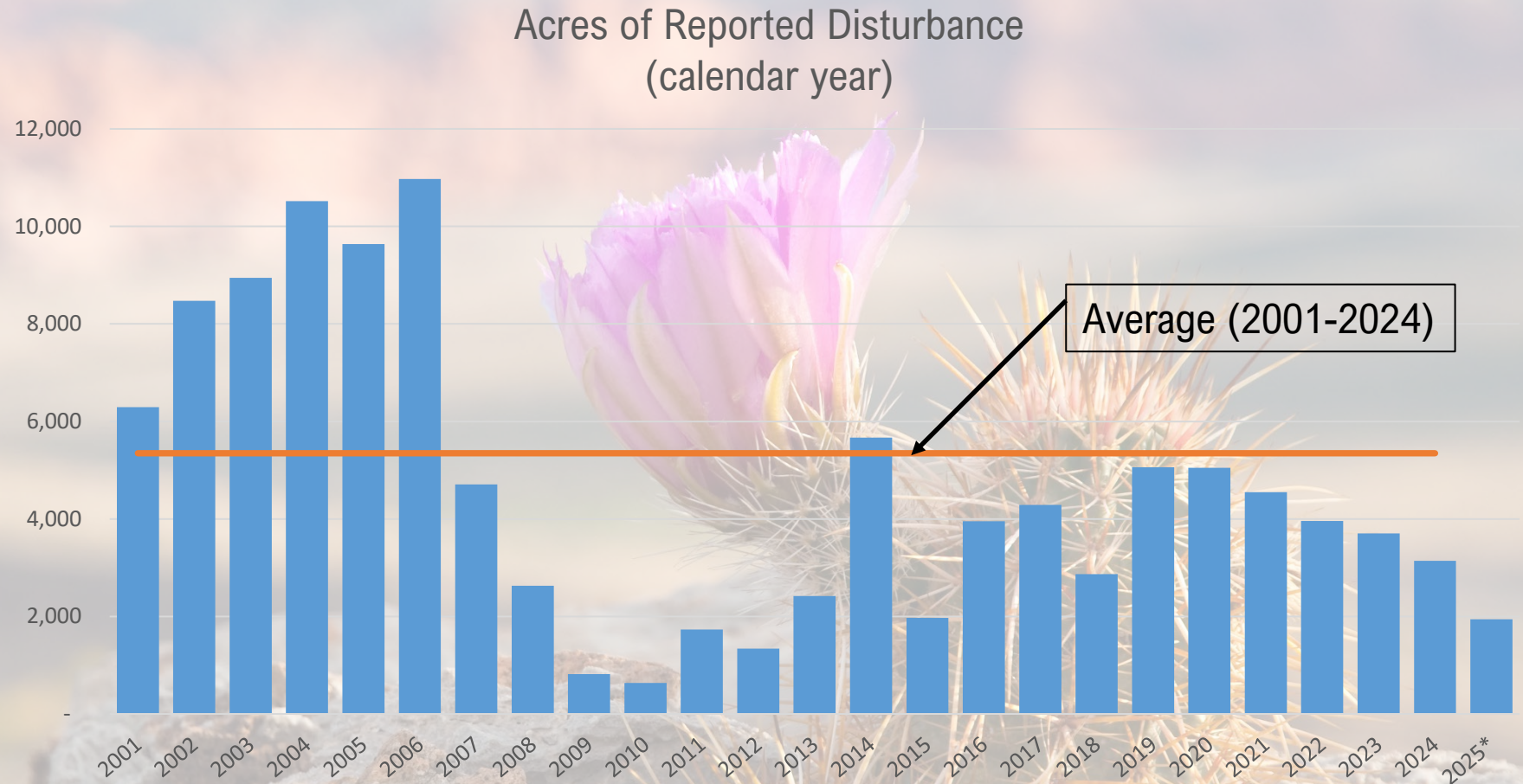
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ANNUAL DISTURBANCE

- **130,564 acres**
reported disturbance
(as of June 2025)
- **\$63.6 million**
disturbance fees
collected
- **5,347 acres**
average disturbance
per year (2001-2024)
- **14,433 acres**
remaining under
current permit



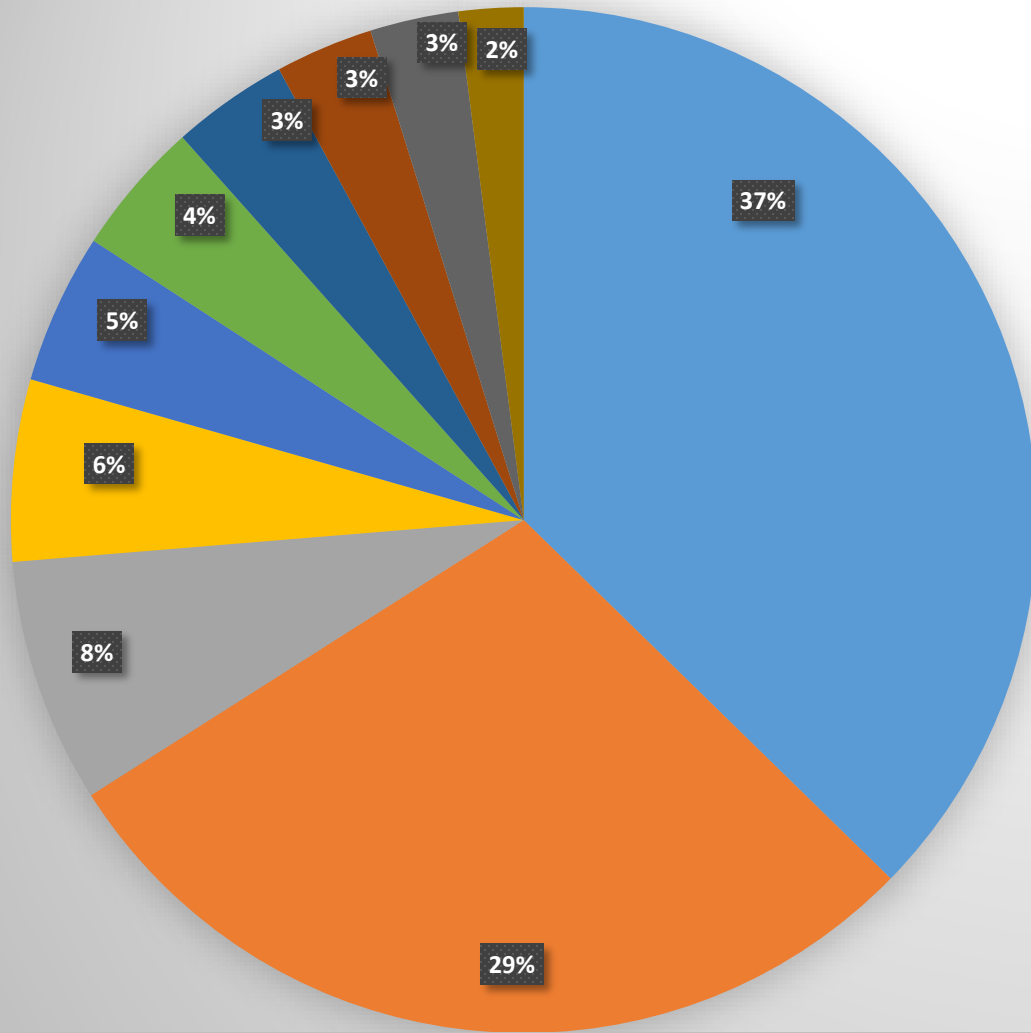
*Total acres reported in this chart do not include acres of municipal development, which were exempt from the payment of mitigation fees through January 2010. Total number of acres of municipal development that were exempted from mitigation fee payment is 15,000 acres.

*Partial year data.

FUNDING BY CATEGORY

\$178.7 million from 2001 - Present

Percent of Total Allocated Funding

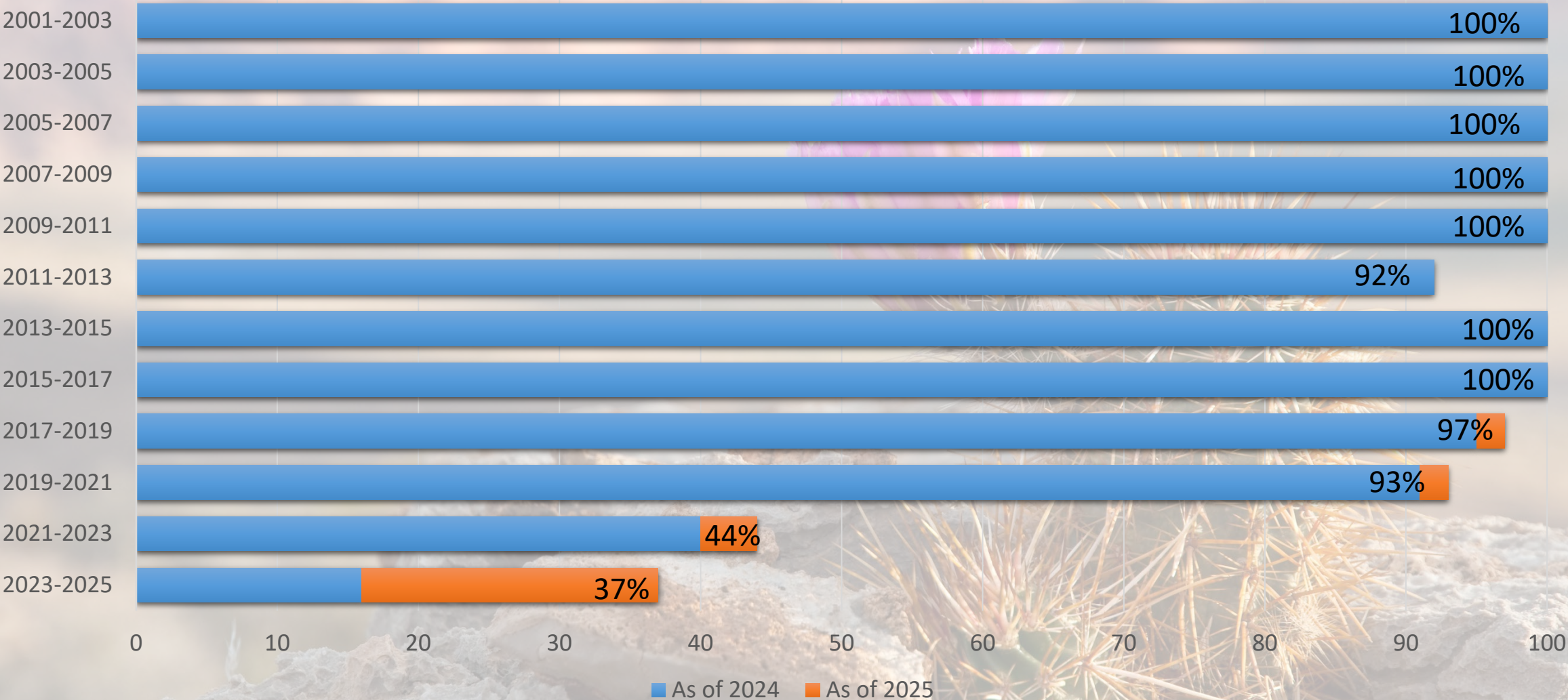


- Adaptive Management (science advisors, monitoring, research, and data management) (37%)
- Administration (staff salaries, permit amendment application and related studies, and outside legal counsel) (29%)
- Property Acquisition and Management Activities (BCCE and Riparian Reserves) (8%)
- Species and Habitat Management, Restoration, and Enhancement Actions (6%)
- Translocation of Desert Tortoises and Translocation Monitoring (5%)
- Public Information and Education (4%)
- Federal and State Land Management Assistance (4%)
- Desert Tortoise Fencing (installation, inspection, maintenance) (3%)
- Conservation and Management Planning (3%)
- Route Inventories, Maintenance, and Transportation Planning (2%)

PROGRESS PER BIENNIUM



Progress per Biennium (percent complete)



CONTRACT MANAGEMENT

From July 1, 2024 through June 30, 2025

- **78** contracts administered
 - **20** new contracts initiated
 - **23** contracts completed/closed
- **25** Purchase Orders/Goods
- **280** milestones achieved
- **308** deliverables accepted
- **259** invoices processed



SNPLMA FUNDING



- Administered 7 SNPLMA funded projects – \$10.7 million
 - Completed 3 projects under R17
- Executing Cooperative Agreements for 3 additional projects under R20 - \$4.1 million





OVERVIEW OF THE MSHCP:

Some Project Highlights



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PROJECT HIGHLIGHTS



- Currently have 55 active contracts that we are managing
- Today's presentations will cover 19 of these projects
- Lot of work that is done by staff – no contract
- 9 full-time staff and 2 part-time staff

WILD DESERT TORTOISE ASSISTANCE HOTLINE



From July 1, 2024 – June 30, 2025

- 105 calls received
 - 23 calls about tortoises
 - 7 calls about turtles or other tortoise species
 - 2 desert tortoises picked up



DESERT TORTOISE TRANSLOCATION



- 4 hotline tortoises translocated to BCCE
- 6 tortoises removed from a Greenlink West project site; translocated to an approved site near Red Rock
- Ongoing telemetry of translocated tortoises at BCCE; completed telemetry at Eldorado Valley

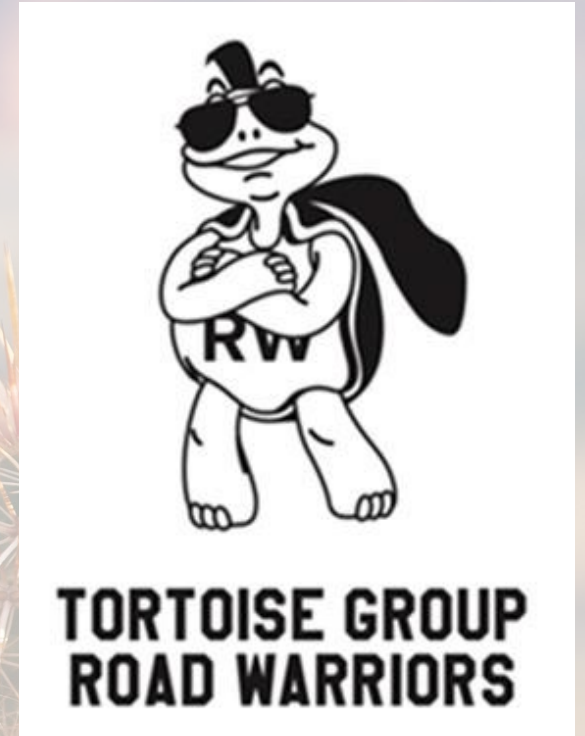


Road Warriors

- Collect data about road mortalities
- Validate road prioritization models
- Inspect fencing and culvert condition
- Conduct minor repairs; report major repair needs to NDOT

Tule Springs Phase II – In planning

- Awarded under SNPLMA R20
- 5 miles of post-and-cable with tortoise fencing and related infrastructure



RIPARIAN PROPERTIES



Maintenance

- Replaced two entrance gates – Bunkerville West
- Repaired 100 ft of fenceline - Bunkerville West
- Repaired Hillside Drive access road (Muddy River)
- NPS Treated tamarisk resprouts on Mormon Mesa and Bunkerville West

Restoration

- Planted 500 screwbean mesquite in Bunkerville West
- Planted 1500 riparian species (honey mesquite, cottonwood, ash, Gooddings and Coyote willow, juncus species, yerba mansa, sedge species, wolfberry, saltgrass) on Bunkerville West
- 50 acres tamarisk mastication scheduled for the fall/winter!

Maintenance

- Completed 2 fence inspections and made repairs
- Removal of 2 illegal dump sites
- Cleaned out 2 tortoise crossings and one cattle guard crossing
- NPS completed winter, spring, and summer weed surveys and control
- Subsidized predator management

Law Enforcement

- 172 days patrolled (11,383 miles)
- Investigating proliferation of illegal disturbances



RESTORATION



Rainbow Gardens

- Bearpoppy reintroduction trials – kicked off
- Construct 10 miles of post and cable barrier.
- Upcoming restoration activities: restore ~125 acres of illegal disturbances; treat ~175 acres to remove invasive species and hazardous fuels; removal of graffiti and trash on ~160 acres

Piute-Eldorado

- Restoration Plan complete
- Upcoming: restoration of 74 linear disturbances and 2 areas of non-linear disturbance; installation of OHV deterrents

BCCE

- Autogenic restoration experiment

To learn more, please visit our websites:



QUESTIONS?