

# MSHCP PERMIT AMENDMENT: PROGRESS AND CURRENT STATUS

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MOJAVEMAX.COM



desert conservation  
PROGRAM





# PERMIT AMENDMENT



- Background/Context
- Objectives and Key Changes
- Current Status
- Feedback and Next Steps





# WHY AMEND AND WHY NOW?



30-year permit effective February 2001

- Will expire in less than 6 years on January 31, 2031

Authorizes up to 145,000 acres of development

- 130,564 acres reported disturbance (as of June 2025)
- 14,433 acres remain under current permit (less than 10% remaining)
- Average development (2001-2024) = 5,347 acres/year (2.7 years left)
- Average development (2014-2024) = 4,019 acres/year (3.6 years left)

***We will likely run out of permitted acres in 3-4 years***



# IF THE MSHCP EXPIRES...

Absent a regional permit, developers would have to pursue individual project-level permits

Individual permits can take several months (very small projects) or can take several years (large, complex projects)

The cost of an individual permit is also widely variable, from several hundred thousand dollars (small projects) to millions of dollars (large-scale developments)

Impacts to the economy and housing prices by artificially increasing scarcity

## Developers lose verdict to tortoises

By Mary Manning  
SUN Staff Writer 12/14/89

The U.S. Court of Appeals upheld the emergency listing of the Mojave Desert tortoise Wednesday, denying a preliminary injunction sought by Nevada, Las Vegas and developers.

The 18-page decision said Interior Secretary Manuel Lujan Jr. acted properly to protect the tortoises vanishing from their homelands in Southern California, Southern Nevada and parts of Southern Utah by issuing the emergency listing Aug. 4.

"More troubling is appellants' contention that the secretary acted irrationally by including the Nevada portion of the Mojave population," the decision said.

Nevada, the city and developers claimed there was no proof that tortoises within the state suffered from an upper respiratory disease apparently cutting down populations in Southern California.

"Appellants face a heavy burden in establishing that the secretary acted irrationally by including Nevada but not including the Arizona Sonoran population in the listing," the decision said. "Since the agencies have great discretion to treat a problem partially, we would not strike down the listing if it were a first step toward a complete solution, even if we thought it 'should' have covered both the Mojave and Sonoran populations."

A District Court decision already denied the Nevada governments and developers relief. The Appeals Court reaffirmed that decision.

"So the tortoise has won," said Michael Bean of the Environmental Defense Fund, one of the organizations that petitioned the federal government to issue the emergency declaration. That was April 2, but the court asked for a

Page 4A

## 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 Promer, 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.

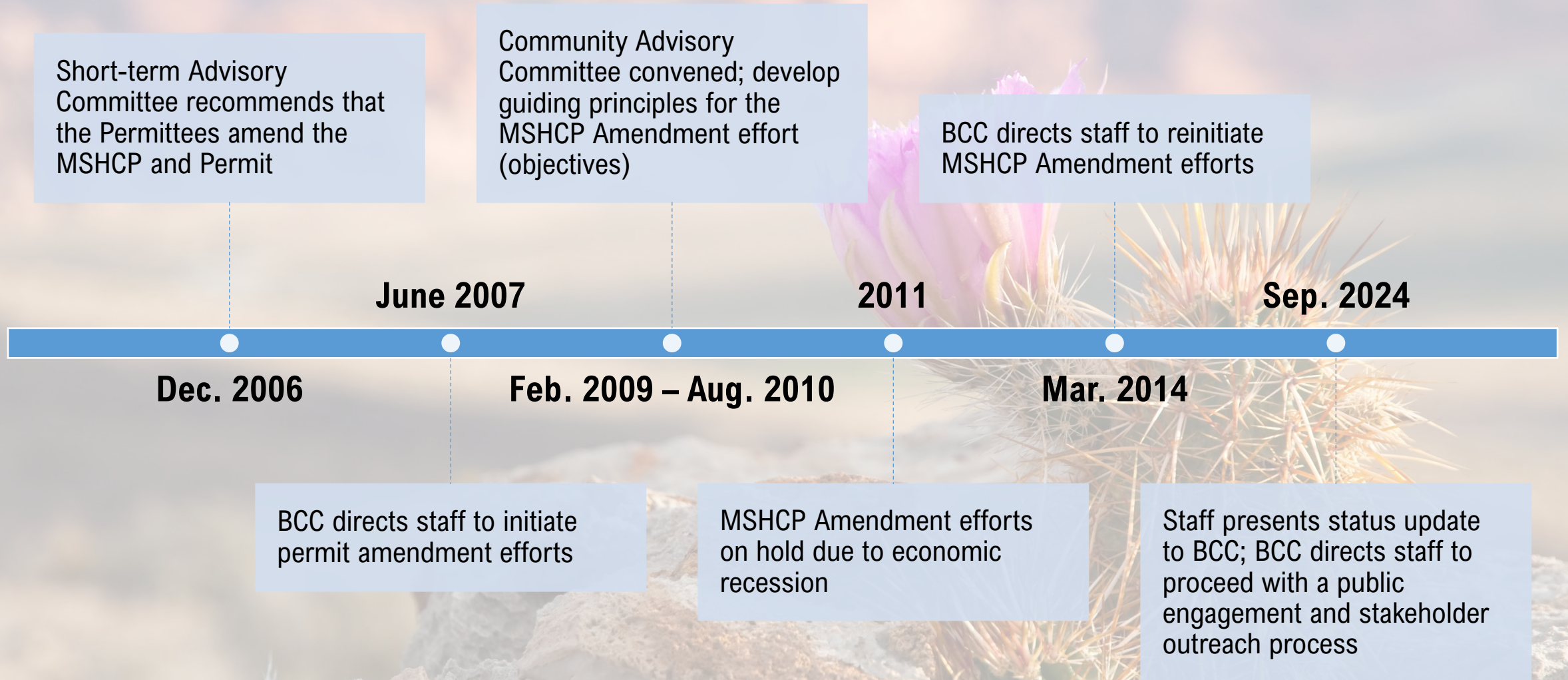
Terry Murphy, representative for the 750-member Southern Nevada Homebuilders Association, was pleased with, but wary of, the new deadline.

"I would be thrilled to death if we were granted an accidental take permit by January 1991, but the preliminary discussions I've had indicate it would be 12

Please see TORTOISE/4A



# MSHCP AMENDMENT TIMELINE





## Public Engagement and Stakeholder Outreach November 2024 – February 2025

- Interviews with key stakeholders (Nov - Jan)
- Introductory Information Sessions (Jan 14 and 15)
- Focus Group Meetings (Feb)
- Final Information Sessions (Feb 25 and 26)
- Summary Report



# OUTREACH TAKEAWAYS



- No one wants the current permit to expire without a replacement and to end up in a situation where developers must obtain individual permits.
- There is a need to provide public education about what the MSHCP is, why it is important, and what it has achieved.
- Stakeholders would like to stay informed about MSHCP activities and additional opportunities to review future drafts of the plan.



# OVERVIEW OF OBJECTIVES



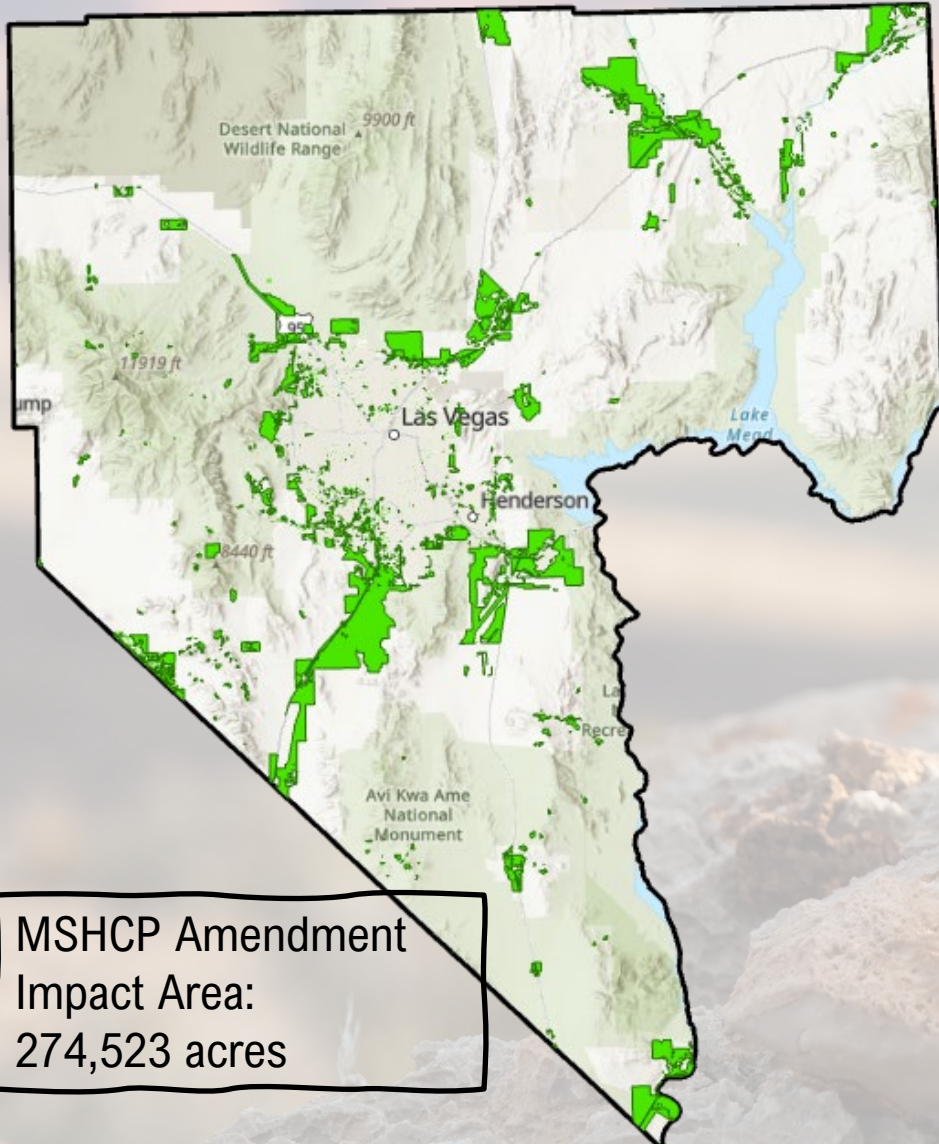
## Objectives for Obtaining an Amendment:

1. Increase Allowable Development
2. Reduce the number of Covered Species
3. Revise the Conservation Strategy
4. Fund the Plan





# OBJECTIVE 1: INCREASE ALLOWABLE DEVELOPMENT



- Only 14,433 acres of take (or development) remaining under the current incidental take permit.
- Approximately 275,000 acres of land potentially available for development
  - Undeveloped BLM land within disposal boundaries
  - Undeveloped private property across Clark County
  - Proposed legislation would add to the Las Vegas Valley Disposal Boundary
  - Lands to be conveyed around the Southern Nevada Supplemental Airport
- Application will request 200,000 acres of development with a permit term of 50 years



# OBJECTIVE 1: INCREASE ALLOWABLE DEVELOPMENT

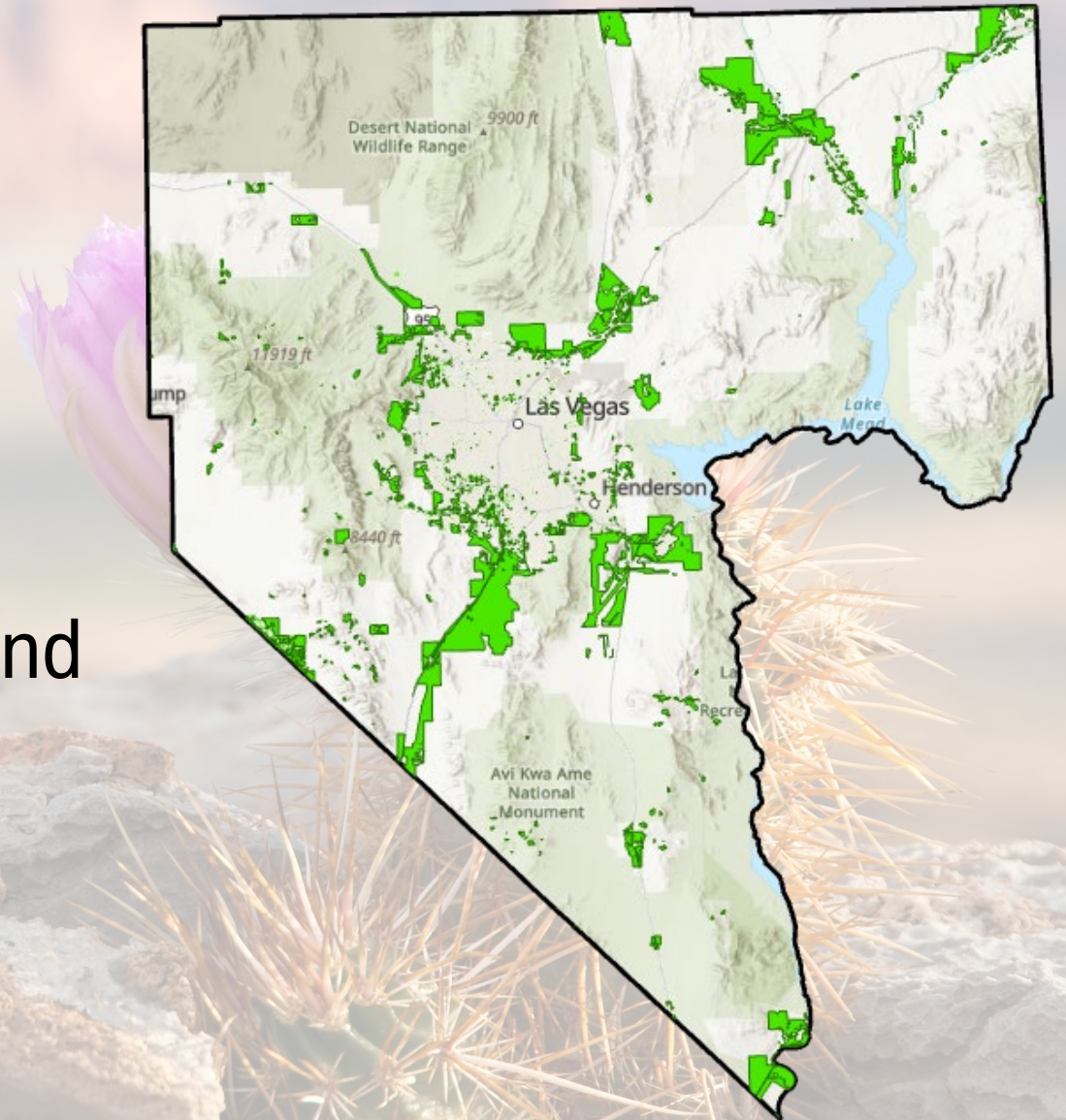


## Feedback

- Concerns about urban sprawl
- Concerns about water

## Follow Up Action

- Clarify what the MSHCP does, and what the MSHCP does not do





# OBJECTIVE 2: REDUCE COVERED SPECIES



**Objective 2.** To reduce the number of species covered by the MSHCP

- Focus on those most at risk from non-federal development activities.
- Allow us to make better use of our mitigation dollars to secure better species outcomes

Taxon	Covered Species	Evaluation Species	Watch List Species	Total
Mammals	4	15	8	27
Birds	8	7	15	30
Reptiles	14	7	1	22
Amphibians	1	2	3	6
Fish	0	8	1	9
Invertebrates	10	34	10	54
Vascular Plants	37	21	10	68
Non-vascular Plants	4	8	3	15
Total	78	102	51	231



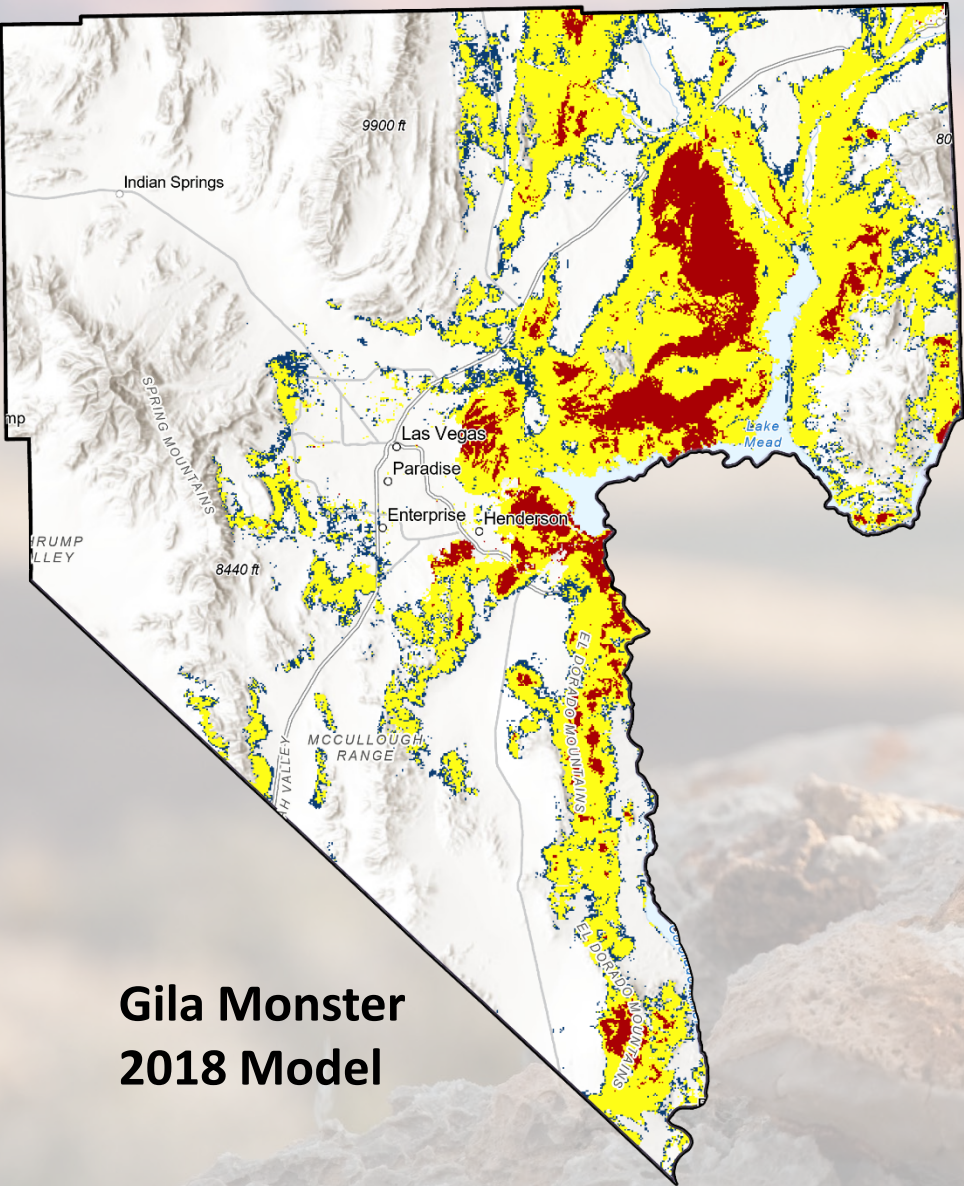
# OBJECTIVE 2: REDUCE COVERED SPECIES

- Started with over 450 species for consideration; reduced to 56 for further evaluation
- Created preliminary species distribution models; further refined list to 31 species
- Field verified models; collected additional species occurrence data
- Developed detailed spatial vegetation dataset

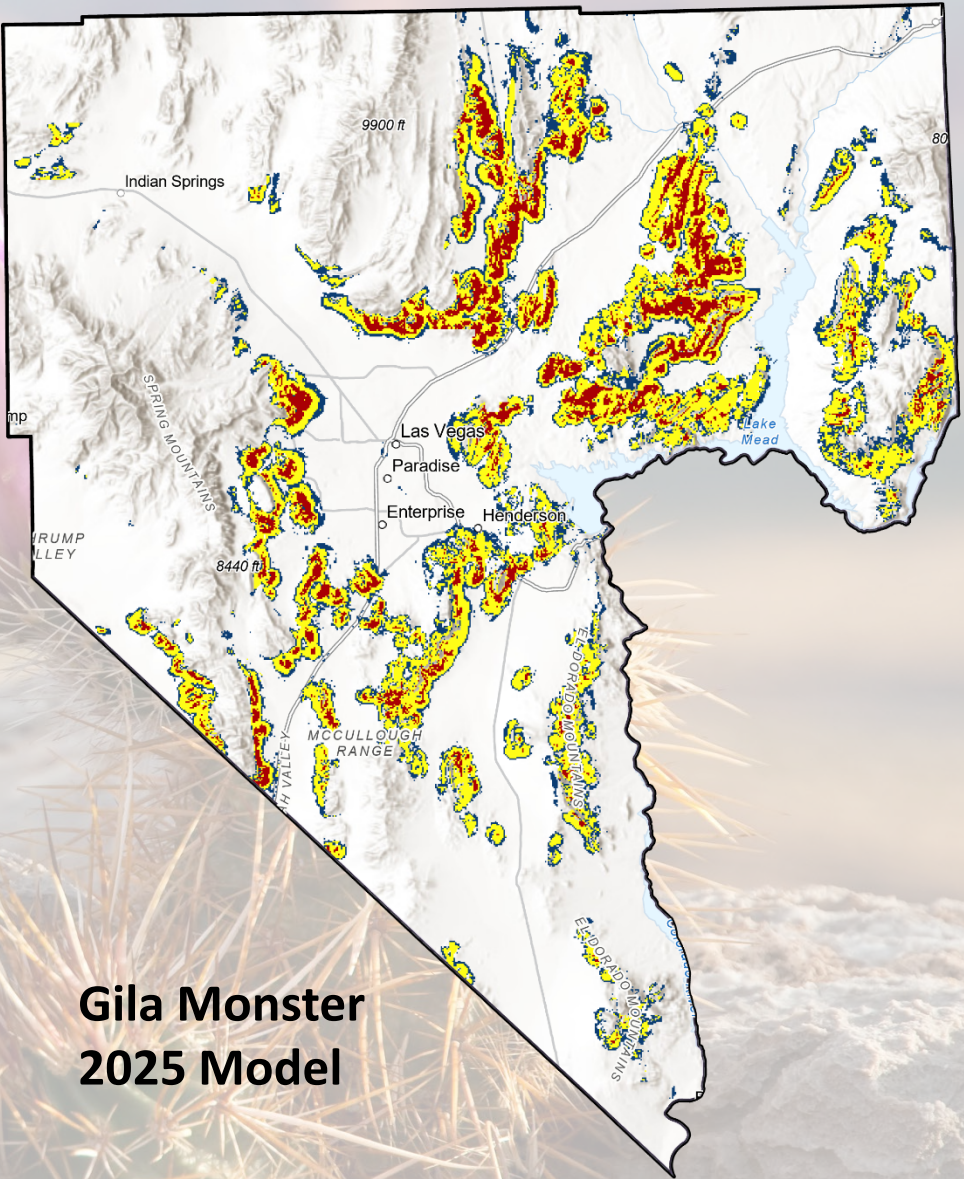
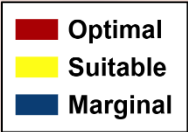




# OBJECTIVE 2: REDUCE COVERED SPECIES



Gila Monster  
2018 Model



Gila Monster  
2025 Model



# HABITAT FUNCTIONALITY: Mojave Desert Scrub/Acacia

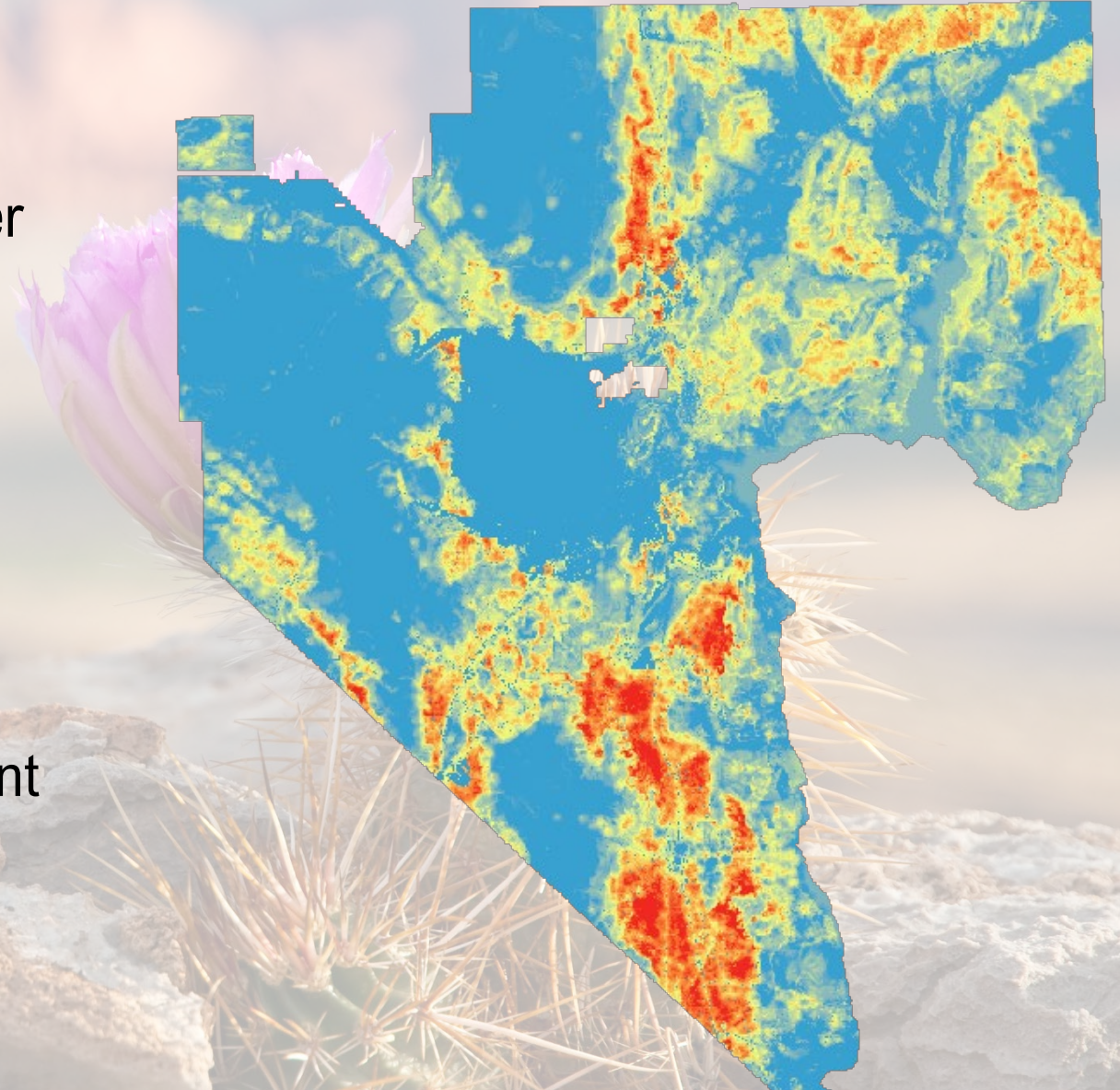


## Species Included:

- Desert tortoise
- Banded Gila monster
- Burrowing owl
- LeConte's thrasher

## Quality Factors:

- Known populations (occurrence data)
- National Hydrology dataset
- Designated Critical Habitat
- Tortoise omni-directional connectivity model
- Transmission infrastructure
- Roads
- Historical fires
- Urban development





# COVERED SPECIES

## Feedback

No concern about the shortened list

Recommendations to consider additional species

Review latest information

## Follow-

up

## Action:

Updated models for species being reconsidered

Revise and update Covered Species  
Recommendations Analysis report (October)



# OBJECTIVE 3: REVISE CONSERVATION STRATEGY



**Objective 3.** To revise the conservation strategy to improve mitigation effectiveness and accountability.

Avoid, Minimize, and Mitigate to the Maximum Extent Practicable

## Key Components of the Conservation Strategy

- Biological Goals and Objectives
- Avoidance and Minimization Measures
- Mitigation (Reserve System)
- Adaptive Management and Reporting



# BIOLOGICAL GOALS AND OBJECTIVES



## Biological Goals:

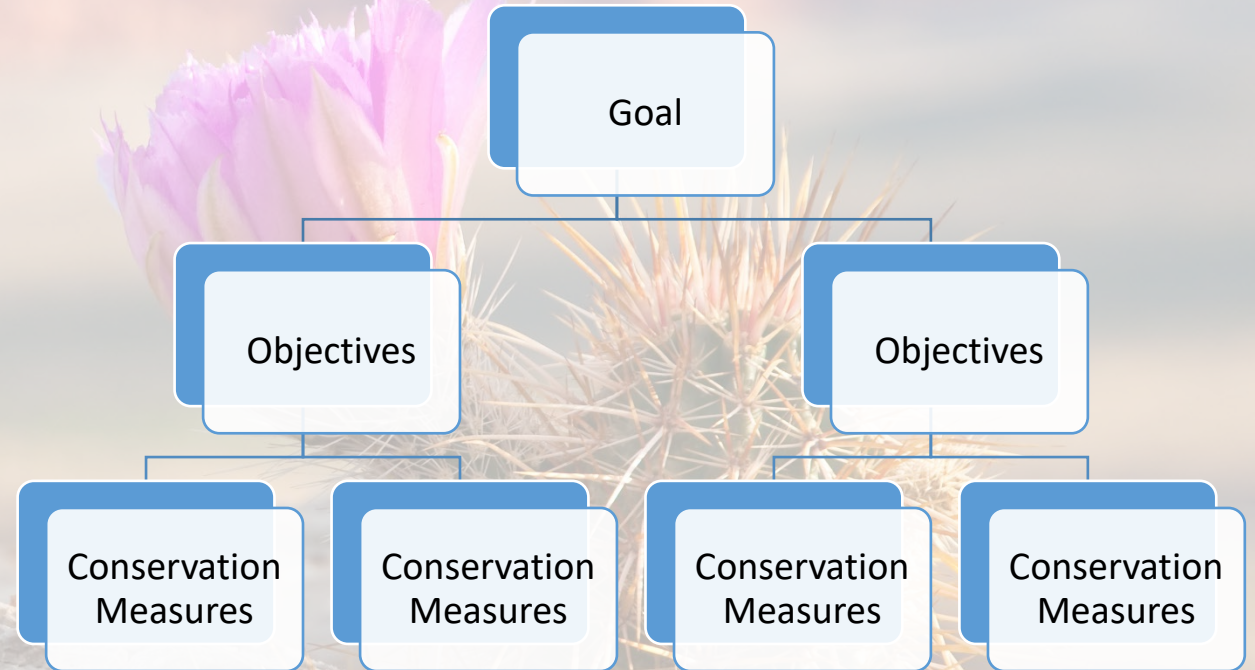
- Broadly describe the desired future conditions of an HCP in succinct statements
- Step down to one or more objectives

## Biological Objectives:

- Describes how to achieve the desired future condition (goal) in measurable terms

## Conservation Measure:

- The means to achieve biological goals and objectives





# AVOIDANCE AND MINIMIZATION



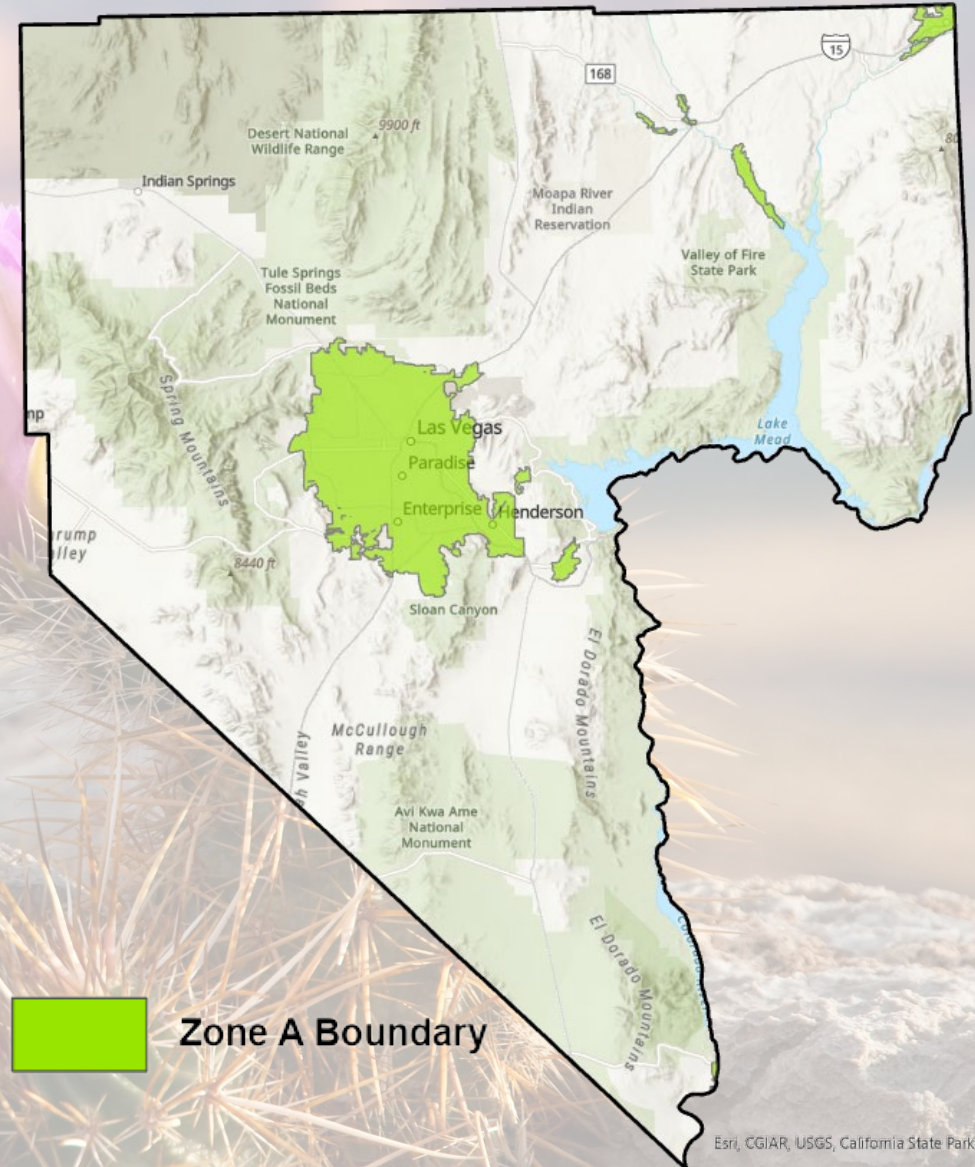
- **Project Design Measures:** reduce indirect effects to species and as a result of project implementation. These measures are intended to limit edge effects in adjacent habitats and provide corridors for species movements with buffers from sensitive habitats.
- **General Construction Measures:** reduce direct impacts to species during project implementation.
- **Species Specific Measures:** Additional avoidance and minimization measures for Covered Species will be implemented when disturbance-related project activities (construction or maintenance) are conducted in areas designated as potential to be occupied by the species.



# AVOIDANCE AND MINIMIZATION



- Zone A: Infill within urban/developed areas
- Zone B: natural areas
  - Desert tortoise clearance surveys within suitable habitat
  - Burrowing owl clearance surveys within suitable habitat
- Urban Wildland Interface
  - Limit edge effects



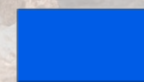
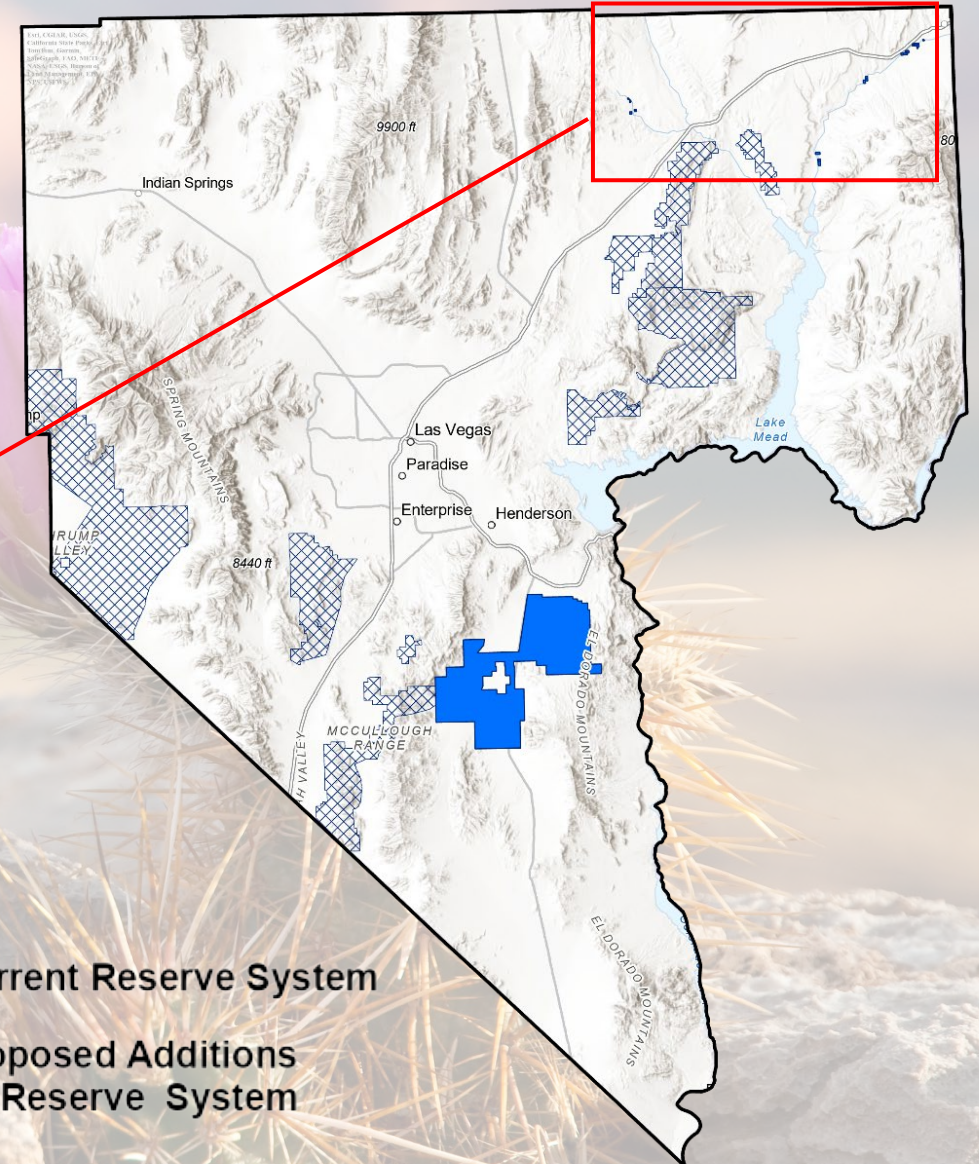
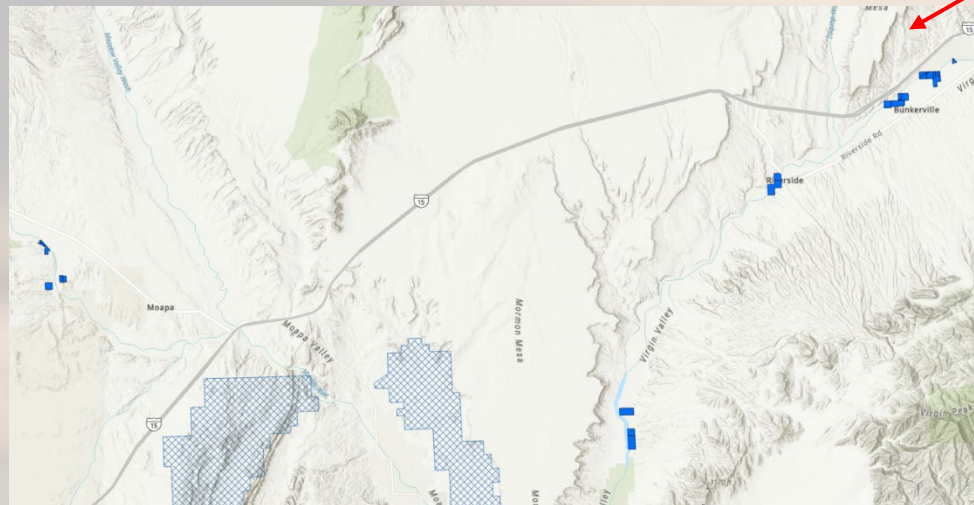


# MITIGATION (RESERVE SYSTEM)



Current properties = 88,049 acres

Proposed Additions = 358,964 acres



Current Reserve System



Proposed Additions  
to Reserve System



# MITIGATION (RESERVE SYSTEM)



Two paths to establishing the Reserve System:

## Administrative

- Amend the BLM Las Vegas Resource Management Plan (RMP)
- Attempted in 2007; terminated in 2019 due to political circumstances
- State-wide update to RMPs; status is uncertain

## Legislative

- BCC directed staff to begin negotiations in 2018 in a resolution that outlined 14 objectives for federal legislation
- Southern Nevada Economic Development and Conservation Act (SNEDCA)



# ADAPTIVE MANAGEMENT



## What is it?

- A tool for addressing uncertainty in the conservation and management of Covered Species and their habitat
- Identify problems, design and implement strategies, monitor and evaluate results, then adjust approach to achieve desired outcomes

Uncertainties: ecosystem functions, effectiveness of management actions, survey approaches or models, or changed climatic conditions



# ADAPTIVE MANAGEMENT

## Adaptive Management Evaluation

- Occurs every 10 years
- Evaluate species monitoring results against pre-defined triggers
- If a trigger is met, begin Adaptive Management Process
- Continues until actions are successful in resolving or improving upon an issue





## Feedback

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- Incorporate new information that has been published
- Some avoidance and minimization measures were unclear and should be better defined
- Concern about the timing of species surveys and potential impact to development processes
- Suggestions to increase/decrease the size of the Reserve System
- Suggestions to consider specific monitoring techniques
- Concern about the feasibility of getting the Reserve System designated



## Follow Up Actions

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- Update Conservation Strategy to incorporate latest plans and data
- Convene an Avoidance and Minimization Measures work group
- Review proposed Reserve System boundaries
  - Incorporate changes related to a revised Covered Species list
  - Submit new nominations later this year



Increasing avoidance, minimization, and mitigation measures will require additional revenue to fund

- A per-acre fee increase will be necessary
- Desert Conservation Program will be required to demonstrate that they can fully fund the entire plan and that revenue sources are guaranteed (i.e., we cannot use grant funding)
  - This is a permit issuance criterion – without a funding guarantee, U.S. Fish and Wildlife Service will not approve the application.



# FUNDING

- Preliminary funding analysis: 50-year plan will cost \$474 million (2023 dollars)
- Approximately \$2,304 per acre
- Fee must be periodically adjusted for inflation



## CLARK COUNTY DESERT CONSERVATION PROGRAM

### LAND DISTURBANCE/MITIGATION FEE FORM

Project # \_\_\_\_\_

Receipt# \_\_\_\_\_

City/County \_\_\_\_\_

All project proponents in the permit area are required to complete this form and submit it to the appropriate local agency. Authorization to develop property will not be granted by the local agency until this form has been submitted and is accepted as complete. The project proponent is responsible for securing all signatures required below and for accurately providing all required information.

#### PROPERTY SITE DESCRIPTION

Assessor's Parcel Number(s) \_\_\_\_\_

Attached:

- ☐ Site Boundary outlined on Assessor's Parcel Map (Required if Engineer Stamp not provided)  
☐ Legal Description (If Required)

Engineer Stamp

Type of Development Permit Being Sought: COMMERCIAL ☐ RESIDENTIAL ☐

Total acreage in parcel: \_\_\_\_\_ (2 decimal places only)

Number of on-site acres within parcel to be disturbed: \_\_\_\_\_  
(2 decimal places only)

Number of off-site acres within parcel to be disturbed: \_\_\_\_\_  
(for Clark County use) (2 decimal places only)

Location (City, Town, Cross Streets) \_\_\_\_\_

Property Owner/Project Proponent (Print Name or Company Name) \_\_\_\_\_

Address, City, State, Zip \_\_\_\_\_ Telephone Number \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

#### FOR OFFICIAL USE ONLY

MITIGATION FEE ASSESSED: \_\_\_\_\_ acres (2 decimal places only) X \$550.00 = \$ \_\_\_\_\_

Compliance Report Fee (Administrative Fee) = \$ \_\_\_\_\_

Total Fees Paid = \$ \_\_\_\_\_

If exemption of fee applies, please explain below: (ATTACH DOCUMENTATION)

Mitigation Fee Previously Paid: ☐ Permit Number: \_\_\_\_\_

Property Previously Developed, Fee Not Applicable. Explain \_\_\_\_\_

Other, Explain: \_\_\_\_\_

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

CALCULATION OF ACRES DEVELOPED AND FEES PAID WILL BE AUDITED

Original – Agency Copy – Customer Copy – DCP



# FUNDING: Key Win!



## 2025 Legislative Session

- Senate Bill 15 – Amends NRS 244.386 and NRS 268.4413
  - Allows the collection of a fee for the establishment of plans and programs for the conservation of habitats or ecosystems for the preservation of species listed pursuant to the ESA
  - Fee must be based on an economic analysis of the approved plan/program
  - Beginning in FY 2026-2027 fee may be adjusted for inflation
  - Requires 2/3rds vote of the Board of County Commissioners



## Feedback

Developers concerned about an increased fee

Conservation groups are concerned the fee may not be high enough to accomplish goals and objectives

## Follow Up Actions

Prepare a final funding analysis based on the final revised Covered Species list and the revised Conservation Strategy

Conduct periodic reviews of the fee to determine if grant funds or other revenue sources allow for adjustments

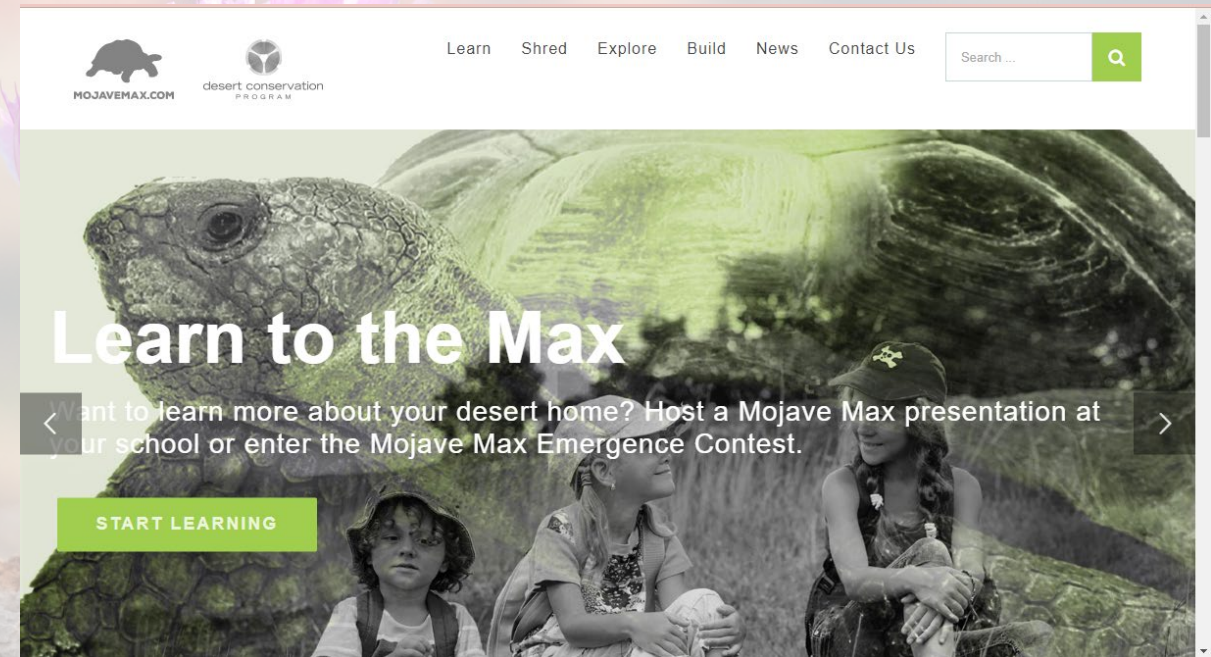
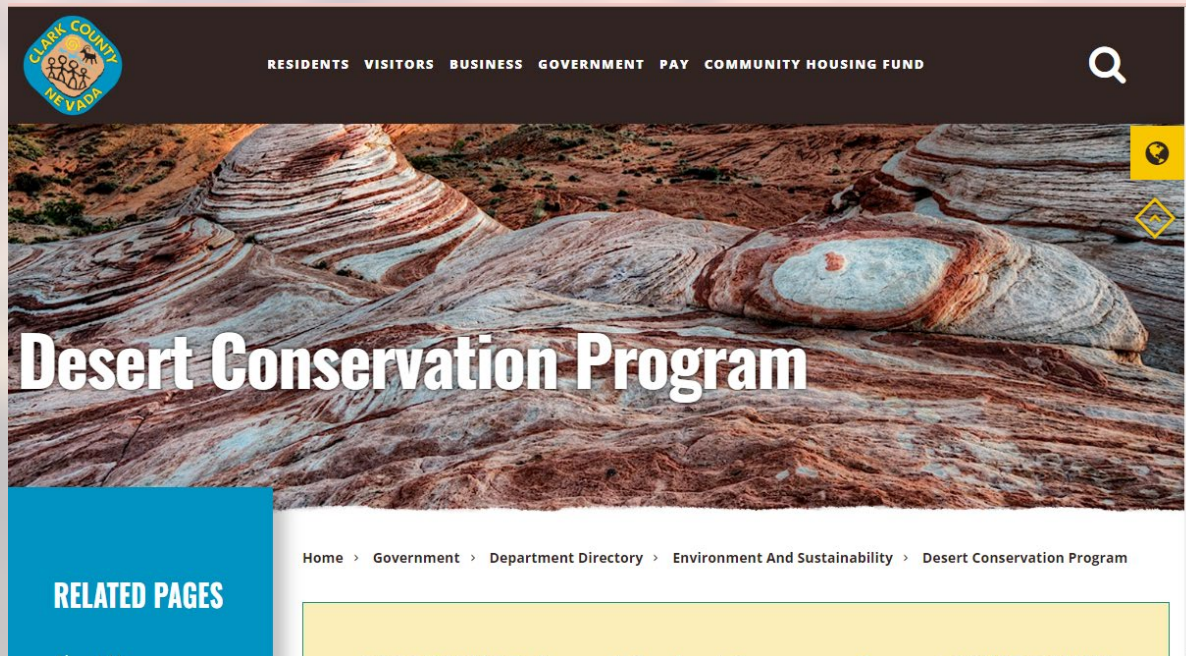


# FUTURE STEPS

- Finalize application package
- Brief BCC and County leadership; receive authorization to submit application.
- Designate Reserve System
- Initiate NEPA review; receive Record of Decision – 2-year process
- Receive amended incidental take permit
- Legal challenges



To learn more, please visit our websites:



**QUESTIONS?**