

Clark County commissioners challenge desert tortoise impact fee

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Clark County commissioners made it clear Tuesday that they think there are better ways to spend the nearly \$16 million that has gone toward conservation efforts to aid the desert tortoise since 2001.

In stark contrast to their view is that of the county's former environmental manager, who attributed the concerns over the tortoise to a lack of both institutional knowledge and understanding about the county's habitat species conservation plan.

The tortoise is a threatened species under the federal Endangered Species Act, and has been listed since 1989. The nearly \$16 million is part of \$95 million that has gone to projects aiding 78 species of animals and plants under the county's multi-species habitat conservation plan.

That plan, started in 2000, requires developers to pay \$550 for every acre that is developed. That money goes toward mitigation efforts to help animals and plants affected by development, whether it's a modest apartment complex or a sprawling hotel-casino.

The county can't just take the tortoise off the list. For now, county officials plan to check with other jurisdictions affected by the desert tortoise's threatened status and see if they have similar concerns. They also plan to contact members of the congressional delegation and voice their concerns.

"This just boggles my mind," commission Chairman Steve Sisolak said.

Other commissioners, including Chris Giunchigliani and Susan Brager, noted that the money would do a lot for efforts such as helping youth and improving mental health. At the same time, commissioners also say they care about animals and believe in protecting the environment.

The tortoise money, on the other hand, pays for such things as fencing, population studies and habitat restoration.

The issue, like the tortoise, will be slow to disappear into the horizon.

Under the county's permit, it likely won't be delisted until at least 2031.

Rob Mrowka, a senior scientist with the Center for Biological Diversity, doesn't share the same sense of outrage about how the system works. Mrowka worked as the environmental manager for the county from 2003 to 2008.

The money from the fees is a dedicated source of revenue for tortoise mitigation work under state law, Mrowka said in an interview Tuesday afternoon. He wasn't at the meeting.

Noting that the commissioners in office now weren't around when the plan began, he said the concerns are misguided.

"That institutional memory has faded and now they're coming up with things that are absolutely ridiculous," he said.

The county's plan was needed to aid development, he said, noting that without the \$550-an-acre fee, developers would have to get federal permits and do their own mitigation projects to make up for the impact to the tortoise.

The federal government needs to monitor it and have a generation of data — 25 years' worth of tortoise information. That work will take until 2026.

Nearly 295,000 adult tortoises are estimated to live in the 25,900-square-mile range of habitat across Nevada, Utah, Arizona and California. Up to 91,000 of those are estimated to live in Nevada.

That's another source of angst for county commissioners, who wonder exactly how threatened the species really is.

Mrowka disagrees.

"First of all it's got a very vast territory, and you have to look at the trend," he said.

Marci Henson, assistant director of comprehensive planning for the county, told officials that applying for delisting would be expensive and require gathering data with hired biologists in other jurisdictions.

Tortoises live in blackbrush and Mojave desert shrub. They have brown shells that can grow longer than 14 inches. They spend much time in burrows, venturing out to eat wildflowers and other plants.

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