

## DISCLAIMER

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**Talking Points**  
**Lincoln County Commissioner Hal Keaton**  
**AB 136**  
**Assembly Government Affairs**  
**February 27, 2003**

1. Southeastern Lincoln County includes habitat for the Desert Tortoise and the Southwestern Willow Flycatcher, both protected by the U.S. Fish and Wildlife Service (FWS) pursuant to the Endangered Species Act (ESA).
2. Lawful take of Desert Tortoise and Southwestern Willow Flycatcher (including habitat alteration) requires preparation of a habitat conservation plan and issuance by FWS of an incidental take permit.
3. Large planned-unit developments in southwestern (Coyote Springs) and southeastern (Lincoln County Land Act) Lincoln County require compliance with Section 10 of ESA to proceed.
4. The Board of Lincoln County Commissioners support development of the Coyote Springs and Lincoln County Land Act projects.
5. Assembly Bill 641 of the 70<sup>th</sup> Nevada Legislature (Preservation of Endangered and Threatened Wildlife in Certain Rural Counties, Chapter 349, Statutes of Nevada 1999) authorized the Board of County Commissioners of Esmeralda, Lincoln and Nye counties to create an area or zone for the preservation of species or subspecies of wildlife that are threatened with extinction; and to impose an collect a fee for that purpose, as in a land development fee, of not more than \$550/acre.
6. The Board of Lincoln County Commissioners adopted Resolution No. 2000-06 in November of 2000 indicating the County's intent to develop and implement a multi-species habitat conservation plan and to obtain a Section 10 incidental take permit for southeastern Lincoln County thereby facilitating compliance in that area with the ESA.
7. A twenty-two member technical steering committee (including representatives of private landowners, non-governmental organizations and federal, state and local agencies) has met 12 times in the past 26 months to develop the draft Southeastern Lincoln County Multi-species Habitat Conservation Plan (SLCMSHCP).
8. The Board of Lincoln County Commissioners anticipates considering the SLCMSHCP for adoption and submission to the FWS in late April.

9. The Board of Lincoln County Commissioners anticipates receipt of a Section 10 Incidental Take Permit from the FWS in December of 2003.
10. Initial implementation of the SLCMSHCP is anticipated for January 2004.
11. Coyote Springs Investment is developing a project specific multi-species habitat conservation plan on approximately the same schedule as the SLCMSHCP.
12. In determining whether to grant a Section 10 Permit to Lincoln County and Coyote Springs Investment, FWS must conclude that the County and CSI have the administrative and financial capacity to implement the respective habitat conservation plans.
13. The Board of Lincoln County Commissioners and existing and prospective developers of the Coyote Springs and Lincoln County Land Act projects have concluded that establishment of project specific general improvement districts will be the most effective way to develop and maintain community infrastructure and services in each area.
14. The Board of Lincoln County Commissioners and existing and prospective developers of the Coyote Springs and Lincoln County Land Act projects have concluded that vesting of said general improvement districts with responsibility for funding the initial startup, administration and long-term implementation of respective multi-species habitat conservation plan activities will ensure that related costs and responsibility are shouldered by benefiting communities rather than Lincoln County as a whole and that habitat conservation funding will be effectively focused where impacts to habitat are most likely to occur.
15. Lincoln County has requested AB 136 to expand the authorize responsibilities of general improvement districts found in NRS 318 to include administration and implementation of habitat conservation plans.
16. AB 136 would enable an assessment by the general improvement district to finance initial startup of the habitat conservation plan administrative and implementation process.
17. Per-acre disturbance fees authorized by NRS 349 (up to \$550/acre) would be used for long-term implementation of the habitat conservation plan within each general improvement district.
18. Examples of activities which might be undertaken by a general improvement district responsible for administration and implementation of a habitat conservation plan include:
  - Financial management, staffing, record-keeping
  - Public information and education

- Acquisition and management of real property, including land, water rights and grazing permits as necessary to conserve/enhance key habitat
- Weed control
- Law enforcement
- Installation and maintenance of desert tortoise fencing
- Pre-disturbance surveys and clearance
- Desert tortoise predator control
- Sensitive habitat mapping

**The Board of Lincoln County Commissioners encourages the Legislative Committee on Government Affairs to pass AB 136 today to facilitate the bills' continued progress through the Nevada Legislature.**

