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January 8, 2008

Nevada Division of Forestry
Mr. Peter Anderson, State Forester
4747 Vegas Drive
Las Vegas, NV 89108

Re: Las Vegas Buckwheat

Dear Mr. Anderson:

The Nevada Division of Forestry (NDF) is considering the listing of the Las Vegas buckwheat (*Eriogonum corymbosum* var. *nilesli*) as a State of Nevada Critically Endangered Species. In accordance with Nevada Revised Statutes (NRS) 233B.30608, any proposed state regulation is required to be evaluated for potential economic impacts to small businesses as defined in NRS 233B.0382 as a business that employs less than 150 full or part-time employees.

NRS 527.260 requires that projects on public and private land that results in disturbance to occupied habitat or the loss of individual critically endangered plants requires a permit from NDF. The process associated with acquiring permits and/or the resulting mitigation actions may cause a significant economic burden, or restrict expansion of, small business enterprises with subsequent impacts to development of potential lands within the City of North Las Vegas (City).

Based on current surveys for the Las Vegas buckwheat by the Bureau of Land Management (BLM), all known occurrences of this plant within the City are on properties that are under a management agreement for the protection of this plant as approved by the NDF (i.e. Eglinton Preserve) or for which management decisions are currently being developed (i.e. the BLM Conservation Transfer Area.) It is the intent of the City that the remaining plants on private land that will be lost to development have already been fully mitigated through the establishment of the Eglinton Preserve, and that this would satisfy any conservation requirements upon the possible State listing of the buckwheat.

Economic impacts due to the State listing of the buckwheat depends on: whether NDF considers these impacts previously mitigated; if permits would be required by NDF for removal of these plants; and/or if NDF would require additional mitigation actions. Economic impacts to the current property owners of these lands or other properties that may have currently unknown buckwheat occurrences, would include: the cost of preparing the NDF permit application; the cost of delays and lost business opportunities during the processing of the NDF permit; the loss in property value should the permit be denied; and the cost of any additional required mitigation measures. Consequently, these requirements would pose a significant economic burden to small businesses.

Respectfully,



Gregory A. Rose
City Manager

GER/

c: Maryann Ustick
Michael Majewski
Jan Schweitzer