



MEMORANDUM

Date: August 4, 2016

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to read "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Public Presentations: How the Multi-Species Conservation Plan and Section 10 Permit Conserve Development**

With the issuance of the Endangered Species Act Section 10 Permit to Pima County and the Regional Flood Control District (RFCD) by the US Fish and Wildlife Service, staff from the Office of Sustainability and Conservation has begun giving public presentations on the benefits of the Section 10 Permit. The attached presentation specifically focuses on those unique, precedent-setting strategies that our Multi-Species Conservation Plan (MSCP) and Section 10 permit employ to conserve resources fundamental for County, RFCD, and certain private sector development, namely time and money.

A copy of this presentation entitled "*Pima County's Multi-Species Conservation Plan: Good for Conservation – Well Duh!... Good for Development – WHAT!?*," is attached for your information and review.

Forums thus far include Development Services' Quarterly Brown Bag Lunch series held on August 3, 2016 and the Arizona Association of Environmental Professionals held last week. These presentations were attended by a collective audience of approximately 80 participants from a variety of stakeholders, including the private sector development community. Feedback has been very positive, and staff is continuing to seek opportunities to share this message with stakeholders and other interested audiences.

Please let me know if you have recommendations for groups or stakeholders that may be interested in hearing this presentation, and I will ask staff to coordinate such.

CHH/mjk

Attachment

c: John Bernal, Deputy County Administrator for Public Works
Nanette Slusser, Assistant Deputy County Administrator for Public Works
Suzanne Shields, Director, Regional Flood Control District
Carmine DeBonis, Jr., Director, Development Services
Linda Mayro, Director, Sustainability and Conservation
Sherry Ruther, Environmental Planning Manager, Sustainability and Conservation
Julia Fonseca, Environmental Planning Manager, Sustainability and Conservation

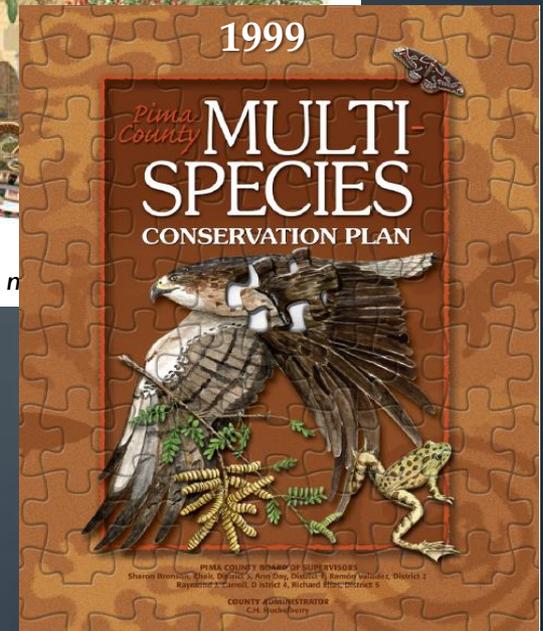
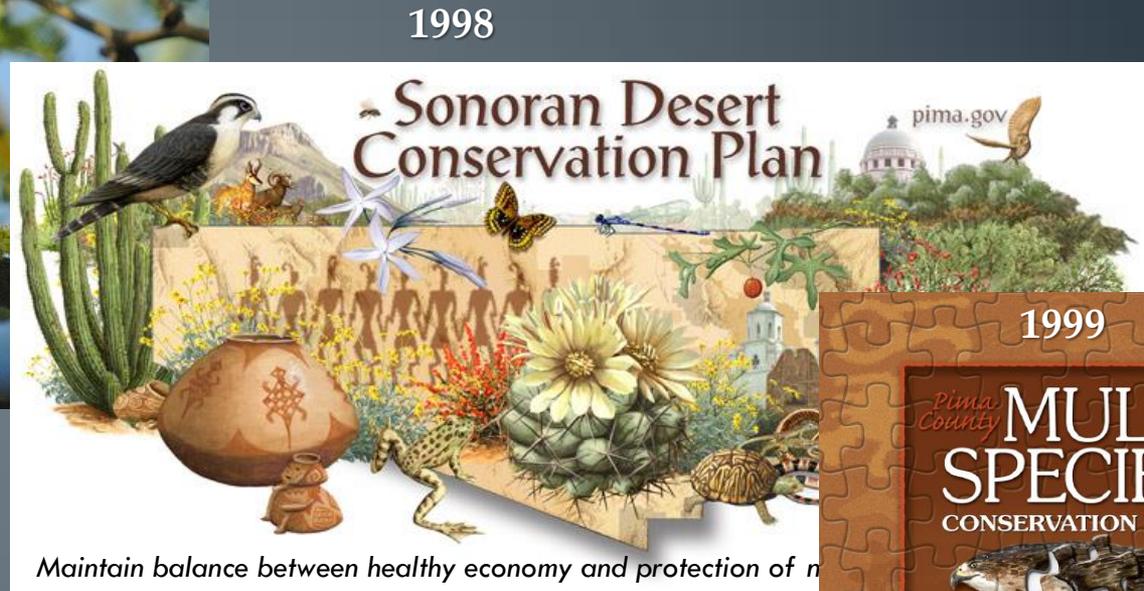
Pima County's Multi-Species Conservation Plan:

Good for Conservation – Well Duh! Good for Development – WHAT!?



Multi-Species Conservation Plan

The Beginning



Multi-Species Conservation Plan



Arizona

www.azstarnet.com

SE

S coach / Sports

Arizona Daily Star

NOVEMBER 16, 2000

U.S. agency questions

Pygmy-owl Thornydale

By Tony Davis
ARIZONA DAILY STAR

Pima County road crews stopped clearing trees and cacti this week for a Northwest Side road-widening project after federal officials raised concerns about the work in endangered pygmy owl habitat, a county official said.

Halted for now is the \$9 million project to widen Thornydale Road from two to four lanes between Ina and Cortaro Farms roads. The county Transportation Department ordered work

stopped Tuesday after the U.S. Fish and Wildlife Service about the clearing of hundreds of ironwood, palo verde and other desert trees, said Brooks Keenan, the department director.

Although county officials asserted that the land-clearing was necessary and legal, arguments that some environmental groups dispute, County Administrator Chuck Huckelberry acknowledged that county communication with federal officials and overall

**SORRY
IT'S THE
LAW**



A lone saguaro and a pile of composted vegetation are all that remain at the west corner of Thornydale and Cortaro Farms roads after a 50-foot wide area, scraping off an estimated 300 ironwood and other trees, has been cleared along some sections of Thornydale.

SEE OWL / A17

Multi-Species Conservation Plan

Endangered Species Act Overview:

Section 9 makes it illegal for any individual or any entity to "take" any species protected under the ESA without authorization from the Service

harm * harass * kill * disturb * remove habitat

Section 7 requires all federal agencies to consult with the Service when undertaking any activity that may impact a listed species

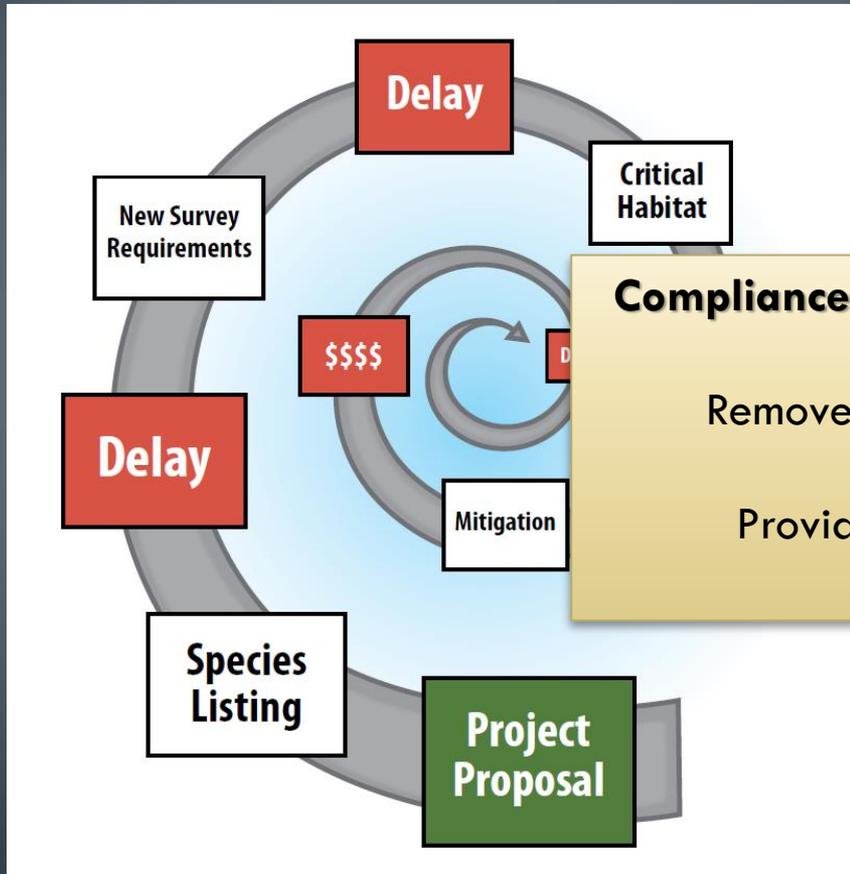
ACOE Section 404 Clean Water Act permits

Section 10 provides a way to comply with the ESA for projects that do not need a federal permit or have a federal permit that only applies to a portion of the project.

Avoid/Minimize/Mitigate Impacts * Assured Funding * Perpetual Monitoring & Management

Multi-Species Conservation Plan

Compliance without §10 Permit :



Compliance with §10 Permit:

Removes uncertainty

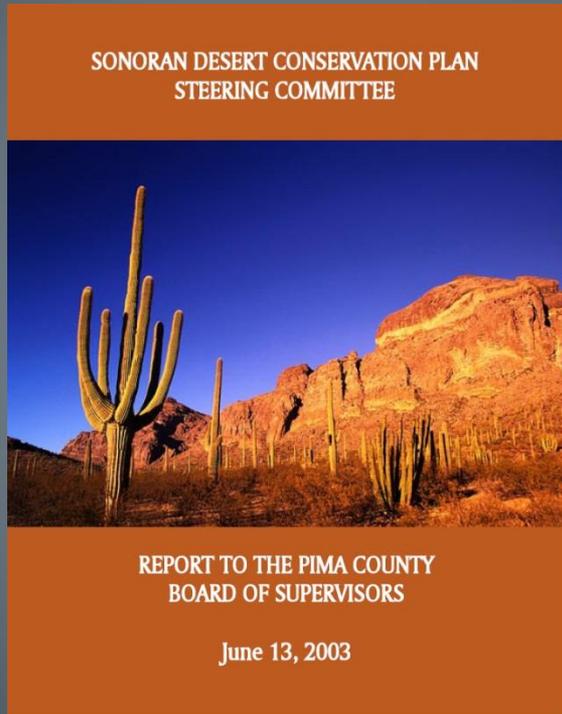
Provides stability

Ineffective Mitigation



Multi-Species Conservation Plan

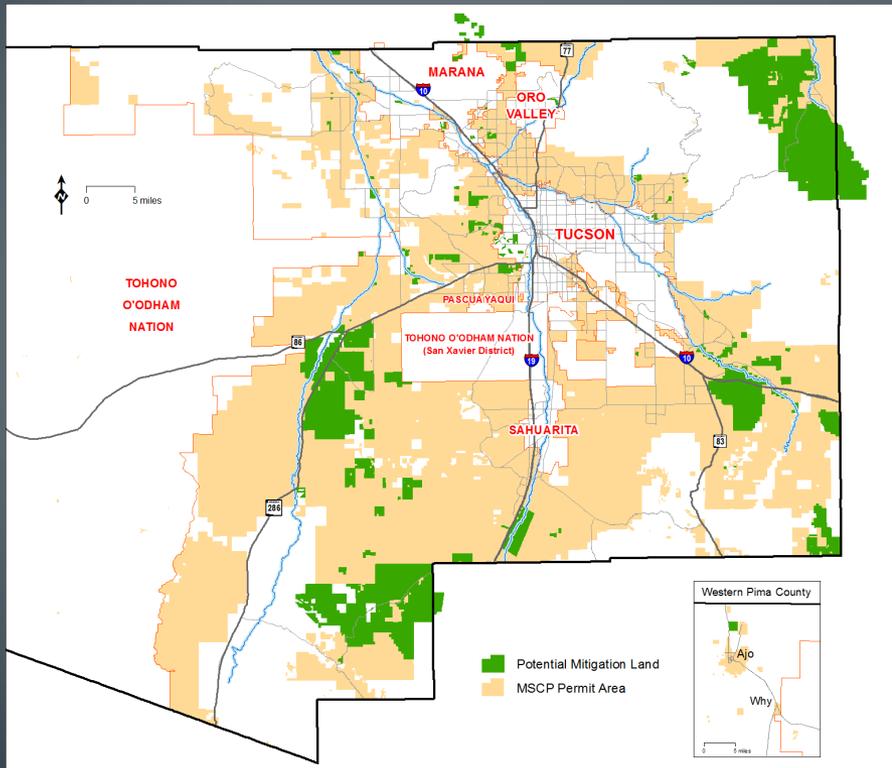
Milestones:



- **2003:** Steering Committee direction and 1st draft MSCP
- **2004:** Bond election
- **2012-2013:** Public comment on 7th draft
- **2016:** FWS issues §10 permit

Multi-Species Conservation Plan

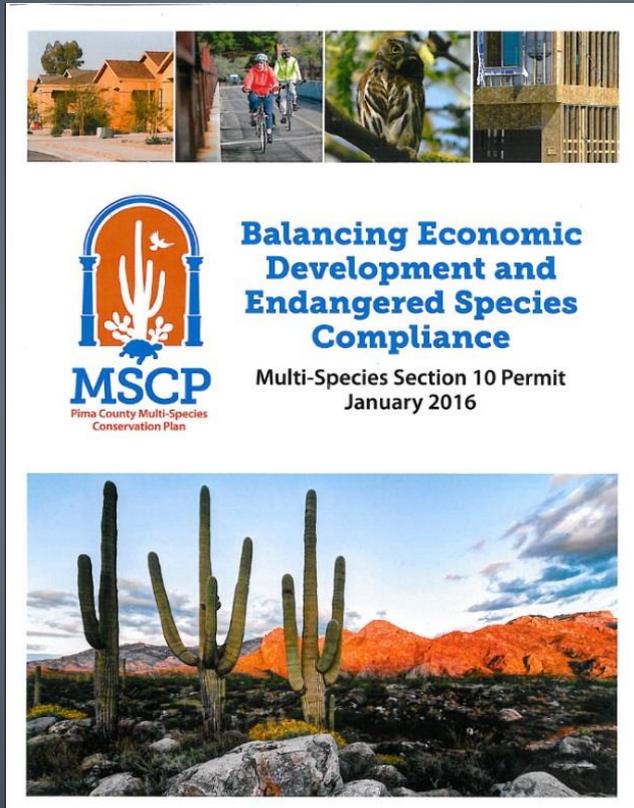
What does the §10 Permit cover?:



- Up to 36,000 acres of impacts in the permit area (orange & green) over 30 yrs.
- County projects & certain private activities in the permit area (orange)
- Impacts to 44 species, including 9 listed spp.
- Ranches to be used as mitigation: 15 (green)

Multi-Species Conservation Plan

What does the §10 Permit do?:

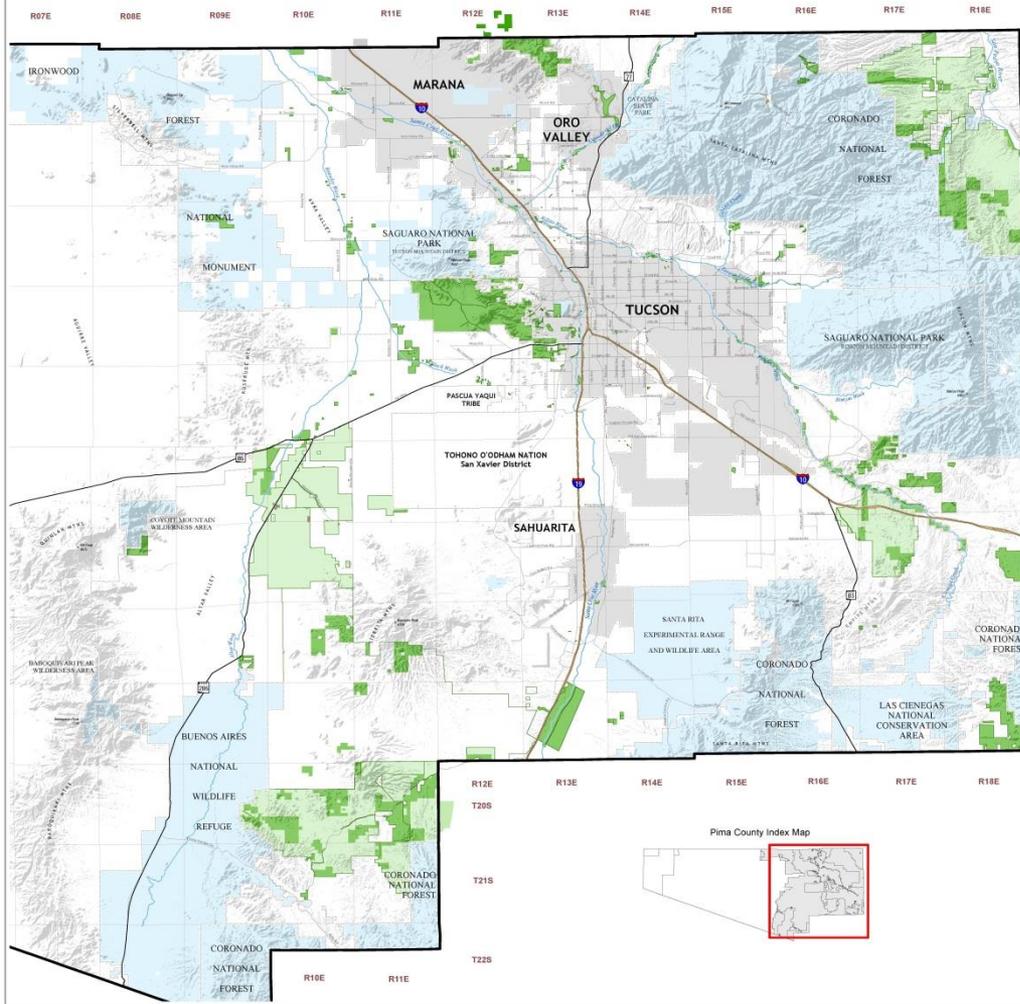


Development gets to move forward without species conflict

Open space amenities that support recreation & sense of place

Multi-Species Conservation Plan

What does the §10 Permit do?:



Pima County Preserves

Lands Owned or Managed by Pima County for Open Space, Habitat, and Resource Protection

County Preserves

- Fee Land or Conservation Easement
- Grazing Lease

- Other Natural Preserve
- Incorporated Jurisdiction
- Administrative Boundary

Species get large blocks of interconnected habitats

Functional ecosystems & intact movement corridors

The information depicted on this study is the result of digital analyses performed on a variety of databases provided and maintained by several governmental agencies. The accuracy of the information presented is related to the accuracy of the data contained on the date of the analyses. Pima County Information Technology Department/Geographic Information Systems makes no claims regarding the accuracy of the information depicted herein. The product is available in the GIS Viewer, Desktop and User Publications.

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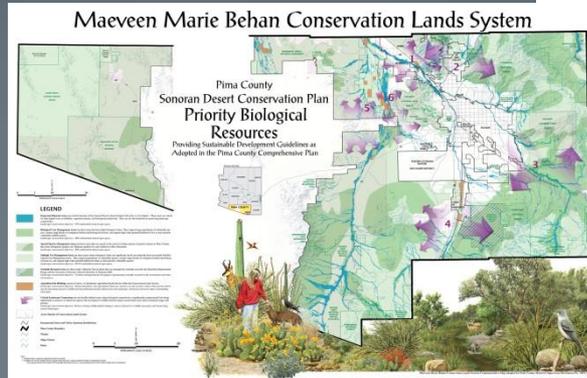


2/26/2014

Multi-Species Conservation Plan

Important Precedents:

Process



Site Analysis * Riparian Ord.
ESRD * Sewer Policy

Coverage for Private Development is voluntary and requires little to no \$

Broad-based financial support & frontloaded mitigation

2004 Conservation Acquisition Bond Program

Program Period: 2004 to 2010
50 individual properties acquired
45,300 acres acquired
127,000 acres managed under grazing leases and permits
\$164.3 million authorized by voters on May 18, 2004
\$157 million spent
\$1.1 million in grant funding spent
\$3,500 average per acre price

~200,000 ac for Mitigation

Using MSCP mitigation to streamline 404 permit endangered species compliance

- 16 NWP
- 2 RGP

Multi-Species Conservation Plan

Conserving Development:

Low to No Cost - Individual lots: \$0

Subdivision/Non-Residential: No more than \$3,170/project

Abbreviated process - No waiting for individual, project-specific consultations w/FWS

Developed & implemented locally - Responsive to what community requested
Flexibility

County responsible for mitigation in perpetuity - No burden to find/buy land
No management or monitoring

Certainty & predictability - Rules don't change
Guarantee no 'take' of MSCP species

Combined federal processes - 404 permits take less time



Multi-Species Conservation Plan

Coverage Available for:

- Development on privately owned, individual lots w/grading \geq 14,000 sq. ft.
- Development of subdivisions & non-residential facilities

* * * * *

Certificate of Coverage Program:

- 31,000 acres
- First come, first serve
- Runs with the land
- Only for private development in un-incorporated Pima County

Multi-Species Conservation Plan

Privately-owned, Individual Lot (Opt-Out)

Application for DSD Building Permit
&
Grading \geq 14,000 sq.ft.



Q: Want Section 10
Coverage?

→ **No** →



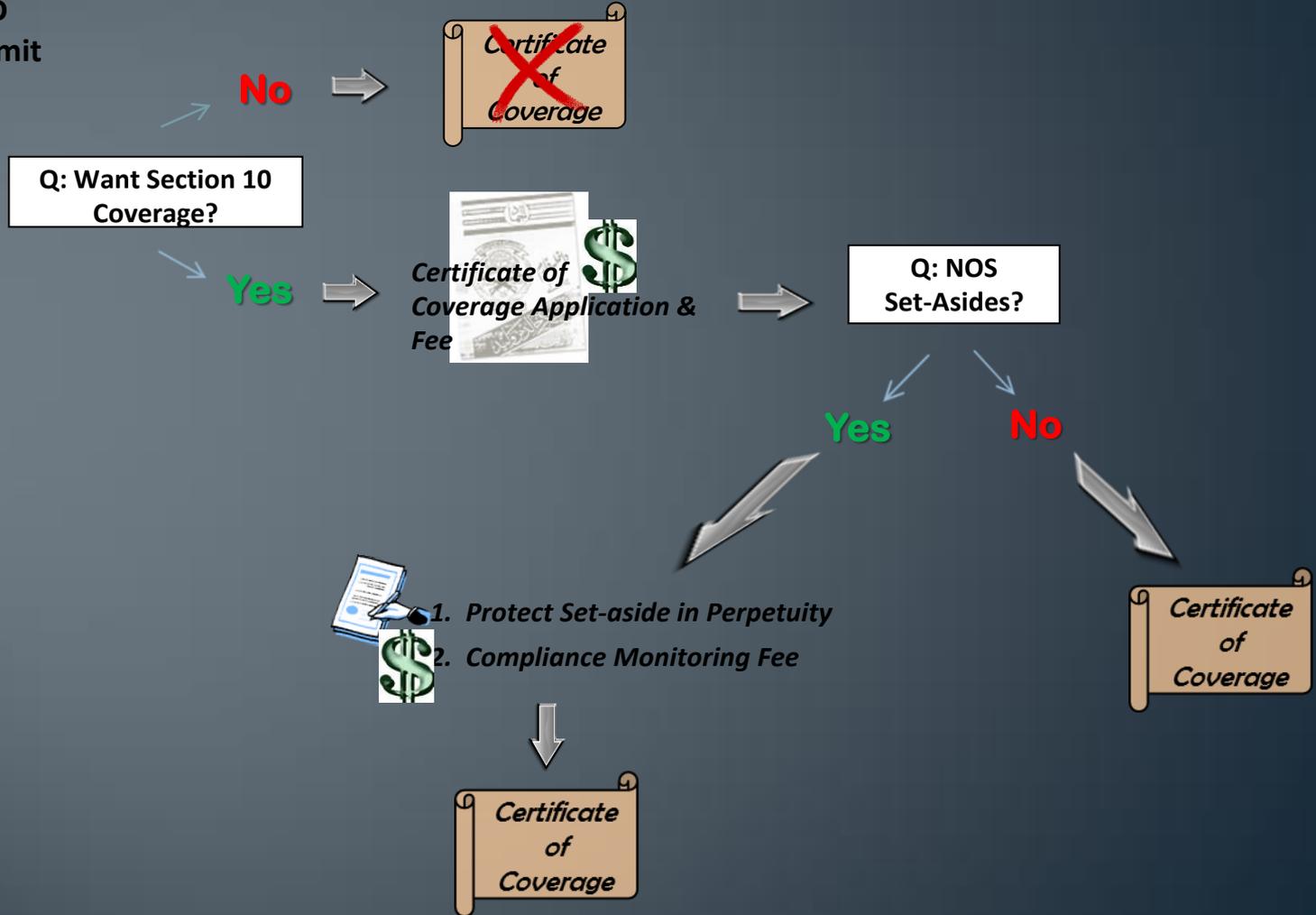
Yes



Multi-Species Conservation Plan

Subdivisions & Non-residential Developments (Opt-In)

Application for DSD
Site Construction Permit



Multi-Species Conservation Plan

What's Next:

August

Launch Section 10 Private Land Webpage
(www.pima/S10 PrivateLand)

September / October

Implementing Agreement

Fee Ordinance re: Subdivision/Non-residential Coverage

Restrictive Covenants for County mitigation land

January 2017

Launch Certificate of Coverage Program

Certificate of Coverage map



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