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# MEMORANDUM

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Date: May 23, 2018

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

From: C.H. Huckelberry  
County Administrator

A handwritten signature in black ink, appearing to be "C.H. Huckelberry", is written over the typed name and title.

Re: **Benefits and Costs Associated with a Section 10 Permit**

During the Budget Hearings, a question arose regarding costs and benefits of the Section 10 Endangered Species Act Permit the County received through the completion of the Sonoran Desert Conservation Plan (SDCP). The costs incurred in the SDCP were primarily staff driven costs paid through annual budget appropriations. Staff developed the SDCP and it has been implemented largely through voter-approved open space acquisition bonds and development related policies and ordinances. The benefits of this plan and permit will accrue to the County for the next 30 years.

The attached May 22, 2018 memorandum from Regional Flood Control District Director Suzanne Shields shows an example of benefits to a single project from the SDCP and subsequent receipt of a Section 10 Endangered Species Act Permit. This example involves the implementation of the Santa Cruz River major flood control (rail and interstate highway) bank stabilization project on the Santa Cruz River designed to protect critical infrastructure from failure should flooding cause a catastrophic breach of historic sand and gravel mining operations.

A receipt of the Section 10 Permit allows us to automatically qualify for regulatory approval from the US Fish and Wildlife Service for this project. If the County did not obtain a Section 10 Permit, we would have to develop an environmental study and mitigation plan estimated to cost at least \$200,000. In addition, the project likely would have been delayed at least two years. Given cost inflation associated with construction projects, this would have cost an additional \$1.5 million in construction costs. Hence, the receipt of a Section 10 Permit in the attached single project example has saved the County and taxpayers nearly \$1.7 million.

The attached memorandum does not mention two additional maintenance projects along the Santa Cruz River, one of which was along the levee in Marana. There is also the clearing and maintenance that the Regional Flood Control District does after floods to restore flow to the Marana Highplains Effluent Recharge Facility, the benefits of which accrue to many

The Honorable Chairman and Members, Pima County Board of Supervisors  
Re: **Benefits and Costs Associated with a Section 10 Permit**  
May 23, 2018  
Page 2

partners. Each of these projects would also have been in subject to individual permitting and the resulting costs and delays, if not for the Section 10 Permit.

These savings will be repeated for every County Public Works project that requires land disturbance for the next 30 years. As you can see, the cumulative savings from receipt of a Section 10 Permit clearly outweigh the cost of developing the plan and receiving the Permit. At the end of the Permit period, the County will continue to retain ownership of the conserved natural resource system and ecosystem that protects the environment for future generations.

CHH/anc

Attachment

c: Carmine DeBonis, Jr., Deputy County Administrator for Public Works  
Suzanne Shields, Director, Regional Flood Control District  
Nicole Fyffe, Executive Assistant to the County Administrator

**DATE:** May 22, 2018

**TO:** Carmine DeBonis  
Deputy County Administrator – Public Works

**FROM:** Suzanne Shields, P.E.  
Director

**SUBJECT:** Section 10 Permit under the Endangered Species Act – Santa Cruz River Gila Topminnow

The purpose of this memorandum is to address the questions raised during the Public Works Budget Hearing concerning the costs and benefits of the Section 10 permit.

Pima County undertook the technical and scientific work to obtain a Section 10 permit for 44 species, including the Gila topminnow. This permit provides coverage for Pima County’s public improvement projects and private development within unincorporated Pima County. With this broad, 30-year permit, and the associated conservation lands, the process for federal approval of the Endangered Species Act (ESA) and Clean Water Act (CWA) Section 404 permits is streamlined and projects can proceed without additional costs or delays.

The benefit of the Section 10 permit has been demonstrated with the recent finding of Gila topminnow in the Santa Cruz River downstream of the Agua Neuva and Tres Rios wastewater treatment facilities. Pima County has improved the water quality of the effluent with these new treatment plants, which increased fish diversity and species in the river. As a result of these improved conditions, Gila topminnows have been recorded at one site on the effluent-dominated stretches of the river downstream of Tucson. This is a favorable outcome of Pima County’s considerable investment in improved wastewater treatment facilities.

The Pima County Regional Flood Control District (District) has designed a critical bank protection project in this reach of the Santa Cruz River between the Rillito River and the Cañada del Oro Wash, known as El Corazón. This project as well as other flood control improvements and maintenance, are explicitly covered under our permit, and the Conservation Lands System, Priority Conservation Areas for the Gila topminnow, provides mitigation.

Attached is a copy of a US Fish and Wildlife Service (USFWS) July 3, 2017 letter from Steve Spangle, Field Supervisor, regarding ground disturbance activities by the RFCD in the effluent dominated reach of the Santa Cruz River. The letter concludes that, “there are no additional regulatory requirements (pertaining to covered species) for the District for these activities.” The USFWS’s only request is to be notified if potential effects to covered species from any proposed work could be reduced through salvage and relocation.

If Pima County and the RFCD had not secured the Section 10 permit, then an individual ESA permit for the bank protection project would have been required. The environmental assessment and development of a mitigation plan would cost an estimated \$200,000. Equally important is the time to prepare and process an individual permit, which could take two years or more, and would result in additional construction costs due to inflation. Currently, inflation rates for construction have been five

Carmine DeBonis, Deputy County Administrator – Public Works

**Section 10 Permit under the Endangered Species Act – Santa Cruz River Gila Topminnow**

May 22, 2018

Page 2

percent with a recent increase to 12 percent, which could drive up the project cost from \$6,000,000 to approximately \$6,615,000 to \$7,526,000. There would also be costs incurred for mitigation. The cost savings from just this one project demonstrates the benefits of the Multi-Species Conservation Plan and the Section 10 Permit.

Please let me know if you have any questions or would like more information.

SS/tj

Attachment

c: C. H. Huckelberry, County Administrator  
Jan Leshner, Chief Deputy County Administrator  
Linda Mayro, Director – Conservation and Sustainability  
Chris Cawein, Director – Natural Resources, Parks and Recreation  
Eric Shepp, P.E., Deputy Director – Regional Flood Control District  
Andy Dinauer, P.E., Division Manager – Regional Flood Control District



# United States Department of the Interior

## Fish and Wildlife Service Arizona Ecological Services Office

9828 North 31<sup>st</sup> Avenue

Phoenix, Arizona 85051

Telephone: (602) 242-0210 Fax: (602) 242-2513



In Reply Refer to:  
AESO/SE  
22410-2006-F-0459

July 3, 2017

Suzanne Shields, Director  
Pima County Regional Flood Control District  
201 N. Stone Avenue, 9<sup>th</sup> Floor  
Tucson, Arizona 85701

RE: Clarification of compliance requirements for Pima County Flood Control District Projects under Pima County's Multi-species Conservation Plan

Dear Ms. Shields:

During a meeting with members of Pima County's Office of Sustainability and Conservation and others on June 22, 2017, we became aware of potential concerns the Pima County Regional Flood Control District (District) may have with future conservation actions undertaken through the implementation of Pima County's Multi-species Conservation Plan (MSCP). Concerns your office may have could include a perceived need for additional environmental compliance for temporary and permanent water diversions and bank protection work along the river in reaches where covered species (species identified in the MSCP, both listed and non-listed) are reintroduced or naturally migrate.

Any "take" of covered species associated with these activities, or any other covered activity undertaken by the District, falls under the umbrella of Pima County's Section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. § 1531-1544), as amended, through the implementation of the MSCP. Section 4.8 of the MSCP entitled "Conservation and Recovery of Aquatic and Riparian Species," describes how various conservation activities or strategies are considered in the MSCP. In short, there are no additional regulatory requirements (pertaining to covered species) for the District for these activities. Our only request is to be notified if potential effects to covered species from proposed work could be reduced through salvage and relocation, or the temporary holding of animals (see Section 4.8 of MSCP).

We consider the MSCP to be a model for modern-day conservation of wildlife and habitat and are fortunate to have Pima County as an active partner in achieving our mutual goals for preserving the unique biodiversity of southern Arizona. The overall objective of the MSCP is to outline consistent measures to address endangered species compliance while providing certainty for Pima County with regard to required actions and mitigation. The "no surprises" benefit of

Ms. Suzanne Shields

2

the MSCP is that no additional actions, including mitigation, are required if the MSCP is being properly implemented. Should you have any further questions or require additional clarification, please contact Jeff Servoss of staff (520) 670-6150 (x231) or acting Assistant Field Supervisor, Scott Richardson (520) 670-6150 (x242).

Sincerely,

A handwritten signature in black ink, appearing to read "Steven L. Spangle", with a long horizontal flourish extending to the right.

Steven L. Spangle  
Field Supervisor

cc (hard copy):

Field Supervisor, Fish & Wildlife Service, Phoenix, AZ ( 2 copies)  
Assistant Field Supervisor, Fish & Wildlife Service, Tucson, AZ

cc (electronic):

Julia Fonseca, Environmental Planning Manager, Pima County Office of Sustainability and  
Conservation, 201 N. Stone, 6th floor; Tucson, AZ 85701  
Fish & Wildlife Service, Tucson, AZ (Jeff Servoss, Doug Duncan)

Filename: Letter to Flood Control District (06-2017).docx.js