



MEMORANDUM

Date: May 21, 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 "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Open Space Management and Monitoring Costs**

At the May 16, 2018 Board of Supervisors Budget Hearing questions were asked about the cost of the Pima County Multi-Species Conservation Plan (MSCP) and Endangered Species Act (ESA) Section 10 Permit.

Attached please find a Memorandum from the Director of the Office of Sustainability and Conservation that details Pima County's responsibility for approximately 240,000 acres of open space lands and the costs associated with managing these properties and the MSCP Section 10 Permit.

CHH/mp

Attachment

c: Jan Leshar, Chief Deputy County Administrator
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Linda Mayro, Director for Sustainability and Conservation



Sustainability, Conservation
& Historic Preservation

MEMORANDUM

Date: May 18, 2018

To: Jan Leshar, Chief Deputy County Administrator
Carmine DeBonis, Deputy County Administrator for Public Works

From: Linda Mayo, ^{LMM} Director, Office of Sustainability and Conservation

RE: **Office of Sustainability & Conservation: Response Budget Hearing 5/16/2018**

This response pertains to questions raised at the Board of Supervisors Budget Hearings of 5/16/2018 regarding the Pima County Multi-Species Conservation Plan and Endangered Species Act (ESA) Section 10 Permit that was issued to Pima County in 2016. Some portions of this response are excerpted from the response provided in 2017.

1. County Owned and Managed Open Space Lands

The total of County-owned fee lands obtained with voter approved bonds in 1997 and 2004 remains essentially unchanged. At present, Pima County owns just under 100,000 acres of fee lands and manages about 140,000 acres of grazing leases for a total of approximately **240,000 acres** of open space lands. Acquisition of these open space acres (including grazing leases to continue ranching operations) fulfills direction from the public expressed in the 1997 and 2004 bond elections.

At the present time, approximately 64,453 acres of fee lands have been identified as MSCP mitigation land to accommodate future development impacts to environmentally sensitive lands, and approximately 27,012 acres are identified as Conservation Lands that include archaeological and historic sites, flood-prone lands, parks such as Tucson Mountain Park, and other places worthy of conservation in the public interest. Combined County-owned fee lands identified for conservation total some **91,465 acres**. Ecological monitoring and management actions occur on both County owned and leased lands totaling about 240,000 acres.

2. Multi-Species Conservation Plan & ESA Section 10 Permit

Hurdles that traditionally affect the time it takes to get a project to 'shovel ready' include time-consuming consultations with the U.S. Fish & Wildlife Service, uncertainty about how current and yet-to-be-listed endangered species will impact project completion, requirements for seasonal species-specific surveys, and acquisition of mitigation land – all of which impact project budgets and timelines.

In 1997, the listing of the cactus ferruginous pygmy owl as an endangered species was due to the loss and fragmentation of its habitat. This listing essentially halted all public and private development in the Tucson area, and development could proceed only after a minimum of two years of owl surveys confirmed there were no owls present on the property.

A remedy to balance growth and conservation was envisioned in the Sonoran Desert Conservation Plan, which sought to preserve habitat and open space in sensitive environments and promote development in less sensitive locations. Seeing this as a solution, the public and development sectors, as well as local government, supported acquiring and setting aside open space to offset loss of habitat and impacts to species. This approach resulted in the successful 1997 and 2004 County bond elections to set aside lands for conservation.

With the acquisition of open space, Pima County staff began to prepare a multi-species conservation plan to submit to the US Fish & Wildlife Service to formalize the County's conservation efforts through the issuance of an ESA Section 10 Permit as a means to streamline compliance for development projects. The application was made to the USFWS in December 2012. The application fee cost was \$25.00.

Following several refinements and revisions to the draft Multi-Species Conservation Plan, the USFWS issued a Section 10 Permit to Pima County in July 2016, at no additional cost, and Pima County was then able to offer a "Certificate of Coverage Program" that resolves these compliance issues and lessens certain regulatory burdens, ultimately generating time and cost savings. Provided the USFWS requirements of long-term conservation and monitoring of conservation lands continue to be met, the Permit will have a duration of 30 years. In simple terms, the final agreement asserts that because the County satisfied all U.S. Fish & Wildlife Service's regulatory process requirements, including long-term conservation and protection of mitigation land, development projects are deemed to also have satisfied these regulatory requirements. Therefore, County and private development projects that participate in the Certificate of Coverage Program get to:

- Eliminate concerns for endangered species that surface during land development due diligence
- Create certainty that current and future endangered species will not delay or stop it
- Avoid the need for time consuming consultations with the U.S. Fish and Wildlife Service
- Eliminate the need for costly species surveys
- Remove the need to find and acquire mitigation lands
- Streamline the process to get certain Army Corps of Engineers §404 permits
- Simplify compliance with County regulations to mitigate impacts to native vegetation

Collectively, these Program benefits foster a less-restricted path to get development projects 'shovel ready'.

3. What is the Cost for Development Projects to Receive Coverage?

Because County open space property was acquired with voter-approved general obligation bonds, the cost of which was already borne by the public and development community through property taxes, the cost of providing Section 10 Permit coverage for private sector development projects could only be based on a "fee for service" model. This calculation includes County staff time to process application fees, issue coverage, and monitor any lands through remote sensing that might be provided by the developer for conservation purposes. Fees for this service were set as follows:

- MSCP Section 10 Permit Applications = \$720/ ea.
- MSCP Section 10 Land Monitoring = \$2,450/ ea.

4. What is the cost of Implementation related to the MSCP Section 10 Permit?

Open space management by NRPR and MSCP ecological monitoring by OSC are two complementary components of preserving the conservation values of these open space lands while allowing public access, recreation, hunting and ranching to continue.

- (1) **"Open Space Management"** by **County Natural Resource Parks & Recreation** are necessary to manage these open space lands for the public's benefit. Some of these tasks include the following:
- Inventory existing buildings, trails, roads, fencing, water features, utilities, and other infrastructure.
 - Inspect and maintain infrastructure to ensure public access and safety.
 - Work with ranchers and manage ranch management agreements to ensure compliance.
 - Conduct range and forage conditions and usage.
 - Maintain, repair, improve, and add water systems to more evenly distribute livestock grazing use.
 - Ensure that the public in natural areas and trails is observing park rules.
 - Identify and assess levels of use and impacts from recreational and other permitted uses of County conservation lands, as well as illegal use, law enforcement activity, and fire.

Estimated costs for Open Space Management by NRPR for FY18-19 are \$620,000 or \$2.69 per acre.

(2) **"MSCP Section 10 Permit Implementation"** by **Sustainability & Conservation** include the following tasks to meet the terms of the Permit.

- Providing Section 10 Permit coverage for County capital Improvement projects and private development projects, including the private sector development Certificate of Coverage Program.
- Compliance monitoring to ensure that development impacts are appropriately mitigated and in compliance with the terms of the U.S. Fish and Wildlife Service Section 10 Incidental Take Permit
- Ecological monitoring and field collection of scientific data on different animal and plant species, soils, and natural conditions to document and analyze ecological health of mitigation lands, species population trends, and habitat conditions.
- Required reports include annual, biennial, and decadal reports to the US Fish & Wildlife Service and provide a public record to disclose actions relating to covered development impacts, mitigation provided, ecological monitoring results, management and conservation measures, and compliance monitoring issues.

Estimated costs for MSCP Implementation by OSC for FY18-19 are about **\$457,176 or \$1.90 per acre.**

➤ **Combined estimated total costs for Pima County to manage open space and implement the MSCP in FY18-19 is \$1,077,176 or \$4.49 per acre.**

FY 18-19 costs compared to last fiscal year are essentially the same and should remain stable going forward.