



MEMORANDUM

Date: May 13, 2016

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

From: C.H. Huckelberry 
County Administrator

Re: **U.S. Fish and Wildlife Service Approves Multi-species Conservation Plan and Permit**

Today the U.S. Fish and Wildlife Service (Service) formally announced its decision to issue a Section 10(a)(1)(B) permit to Pima County and Pima County Regional Flood Control District via the Federal Register.

The Federal Register Notice of Availability explains how individuals may access the final Multi-species Conservation Plan (MSCP) and a number of federal documents described below:

- Findings Statement – This document describes the overall process and will present the basis of the Service’s decision to issue this permit under the Endangered Species Act.
- Final Environmental Impact Statement (EIS) – Addresses requirements of the federal National Environmental Policy Act (NEPA) and will include responses to public comments on the previous draft of the MSCP. The County’s Multi-species Conservation Plan is selected as the Service’s preferred alternative.
- Record of Decision – This indicates that the Service intends to issue an incidental take permit (also called the Section 10 permit) for 44 species of animals and plants to Pima County and the Pima County Regional Flood Control District. The permit will provide a new, more streamlined mechanism for the County and others to address compliance with the Endangered Species Act that is described more fully in the MSCP. This document completes the NEPA process.

The documents are available through the County website at www.pima.gov/mscp .

While the Record of Decision brings us to the end stage of our 16-year pursuit of the Section 10 permit, we are not quite finished. There are two final steps that must be completed before the Section 10 permit becomes effective. The federal decision does not become final until thirty days following the publication of the Notice of Availability of the Final EIS. This time period allows the public the opportunity to review and potentially challenge the agency decision. To date, no Service decision related to the NEPA process of a habitat conservation

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plan has ever been challenged. Over the past decade, the Service has worked diligently with Pima County and local stakeholders to comply with both the letter and intention of both NEPA and the Endangered Species Act. We are optimistic that the Service's decision will not be legally challenged.

The second is for the Board of Supervisors and the Board of Directors to sign the Implementing Agreement. The Implementing Agreement was drafted in 2012 and made available for public review and comment prior to the Service's decision. This document will be scheduled for the Board of Supervisors and the Board of Directors consideration after the conclusion of the thirty-day appeal period.

This is a tremendous accomplishment that would not have been possible if not for the support of the Board over all these years. At this time, I invite your office to schedule a briefing for you and your staff to answer any questions you may have.

CHH/dr

c: John Bernal, Deputy County Administrator for Public Works
Nanette Slusser, Assistant County Administrator for Public Works Policy
Linda Mayro, Director, Sustainability and Conservation
Julia Fonseca, Environmental Planning Manager, Sustainability and Conservation