

PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT TECHNICAL PROCEDURE

PROCEDURE NO.: Technical Procedure, TECH-110 **EFFECTIVE DATE:** May 18, 2021

PROCEDURE NAME: Using Certificates of Coverage to Reduce Certain Important Riparian Area (IRA) Mitigation Requirements under *Watercourse and Riparian Habitat Protection and Mitigation Requirements* (16.30)

PURPOSE: To allow for the reduction of certain Important Riparian Area (IRA) Mitigation Requirements under *Watercourse and Riparian Habitat Protection and Mitigation Requirements* for developments that participate in the Certificate of Coverage Program.

BACKGROUND: In July 2016, Pima County and the Pima County Regional Flood Control District (collectively, County) received an Endangered Species Act Incidental Take Permit (TE84356A) from the U.S. Fish and Wildlife Service. This permit allows certain public and private development projects (Covered Activities) to proceed in compliance with the Endangered Species Act in exchange for the County's fulfillment of conservation measures identified in the Multi-Species Conservation Plan (MSCP). Under the MSCP, the County is obligated to provide mitigation for Covered Activities' impacts to IRAs at a 5:1 mitigation ratio.

Separately, under the *Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines*, a private development that disturbs more than 1/3 of an acre of IRA is required to mitigate that disturbance at a 1.5:1 ratio; when the underlying classification of the riparian habitat is Xeroriparian and there is no IRA classification, the mitigation ratio is 1:1. Additionally, IRA mitigation areas must be maintained and monitored for five calendar years following installation, and submittal of a monitoring report is required annually; when the underlying classification of the riparian habitat is Xeroriparian and there is no IRA classification, monitoring reports are required only in years 1, 3, and 5.

In an effort to leverage coverage under the MSCP as a mechanism to ease the regulatory burden on private development without diminishing the County's ability to achieve its conservation objectives, this procedure allows private developments that seek a Certificate of Coverage to rely on that coverage to reduce certain mitigation requirements for disturbance to IRAs with underlying Xeroriparian habitat.

Private developments have two options for seeking coverage under the MSCP. The mitigation requirements subject to reduction under this procedure are determined by which option is used:

- **Residential single-lot developments:** Eligible for a Certificate of Coverage when applying for a building permit authorizing the grading of 14,000 sq. ft. or more. These developments receive a Certificate of Coverage unless they opt-out of the program, and coverage is free.
- **Subdivision, commercial, or industrial projects:** Eligible for a Certificate of Coverage when applying for a site construction permit. These developments must apply, or opt in, to the program and pay minimal associated fees.

PROCEDURE: The reduced mitigation requirements for private developments that receive a Certificate of Coverage are as follows:

1. For Residential Single Lot Developments: Submittal of monitoring reports for IRA mitigation areas with underlying Xeroriparian habitat will be required in years 1, 3 and 5. To receive this reduction in mitigation requirements, the applicant is required to:

A. Confirm eligibility for Certificate of Coverage. Applicants must confirm their eligibility by contacting the Office of Sustainability and Conservation (OSC), which administers the Certificate of Coverage Program, at 520-724-6940 or S10PrivateLandAdmin@pima.gov. OSC staff will provide written confirmation of eligibility upon request. Projects must meet the following requirements to be eligible:

- Located on private property in unincorporated Pima County; and
- Need a building permit authorizing the grading of 14,000 sq. ft. or more.

B. Note Certificate of Coverage eligibility on RHMP. Applicants must include a general note on their RHMP that: 1) confirms their eligibility for a Certificate of Coverage; 2) indicates that because they will receive coverage they will be submitting the required monitoring reports in years 1, 3 and 5 instead of annually; and 3) includes an agreement that, in the event a Certificate of Coverage is not obtained, the applicant will submit monitoring reports annually as otherwise required by the *Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines*.

C. Provide proof of authorized coverage prior to RRH disturbance. Building permit applicants will receive confirmation of authorized coverage as a note on the building permit itself.

2. For Subdivision, Commercial and Industrial Developments: Impacts to IRA with underlying Xeroriparian habitat will be mitigated at a 1:1 ratio. To receive this reduction in mitigation requirements, the applicant is required to:

A. Confirm eligibility for Certificate of Coverage. Applicants must confirm their eligibility by contacting the Office of Sustainability and Conservation (OSC), which administers the Certificate of Coverage Program, at 520-724-6940 or S10PrivateLandAdmin@pima.gov. OSC staff will provide written confirmation of eligibility upon request. Projects must meet the following requirements to be eligible:

- Located on private property in unincorporated Pima County; and
- Need a site construction permit to develop a subdivision or commercial or industrial facility.

B. Request Certificate of Coverage at time of Site Construction Permit Submittal. The opportunity to request a Certificate of Coverage occurs when an application for a site construction permit is submitted to Development Services. Coverage cannot be issued once the applicant's site construction permit has been issued, so coverage should be requested early in the permitting process. It is the applicant's responsibility to request coverage in a timely manner and to meet any Certificate of Coverage application requirements that may apply.

C. Express intent to seek Certificate of Coverage on RHMP. A general note on the RHMP that 1) indicates their intent to seek a Certificate of Coverage; 2) confirms eligibility for Certificate of Coverage; 3) indicates that the 1:1 mitigation ratio for underlying riparian classification instead of the 1.5:1 IRA mitigation ratio; 4) includes an agreement that, in the event a Certificate of Coverage is not obtained, the applicant will provide the additional mitigation for their IRA disturbances to satisfy the

1.5:1 mitigation ratio required under the *Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines*.

D. Provide proof of authorized coverage prior to RRH disturbance. Site construction applicants will receive confirmation of authorized coverage via email to the applicant on record.

APPROVED BY:



Suzanne Shields
Director

5/19/21

Date

Original Policy Approved:

Date(s) Revised: