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# MEMORANDUM

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Date: June 20, 2012

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

From: C.H. Huckelberry,  
County Administrator 

Re: **Multi-species Conservation Plan Update Memorandum 1**

This memorandum is the first of several that will provide updates and additional information regarding Pima County's efforts to develop a new approach for endangered species compliance.

In 1999, federal funding associated with the Endangered Species Act (ESA) helped launch a local effort to identify important places of cultural and natural heritage and align federal, state and local land use planning. The result is the Sonoran Desert Conservation Plan (SDCP), an effort to conserve the large interconnected landscape around Tucson for the benefit of the economy and other public values. The idea took form in the Maeveen Marie Behan Conservation Lands System, first adopted by the Pima County Board of Supervisors on December 2001, just before a large upswing in housing construction.

The SDCP did not slow the boom in the housing market, but the community consensus that had developed around the SDCP did steer development away from treasured places such as the Santa Cruz River at Canoa Ranch and the Tucson Mountain foothills at Sweetwater Preserve. Public support for the SDCP also resulted in passage of open space bonds and transportation funding in 2004 and 2006.

As part of the SDCP, Pima County and other local governments began to develop Section 10 permit applications, which can provide legal coverage of development activities under the ESA. Pima County's first draft of the permit application, also known as the Multi-species Conservation Plan or MSCP, was produced in 2003. The table below chronicles the development of the MSCP.

## PIMA COUNTY MSCP CHRONOLOGY

Date	Activity
October 2003	Draft 1 MSCP, scoping meetings and Federal Register notice
February 2005	Draft 2 MSCP released by Pima County
January 2006	Draft 3 MSCP and Environmental Impact Statement (EIS) issued for public comment
August 2006	Draft 4 MSCP and EIS revised and reissued for public comment

**PIMA COUNTY MSCP CHRONOLOGY**

<b>Date</b>	<b>Activity</b>
January 2007	Pima County announces delay to develop a monitoring plan
October 2007	Pima County receives grant funds to develop monitoring plan
December 2008	Draft 5 MSCP released for public comment with monitoring plan
January through March 2009	Public meetings held. Public comments and informal US Fish and Wildlife Service (USFWS) comments received
December 2009	Draft 6 MSCP released by Pima County to public and USFWS. Public meetings held and public comments received
December 2010	Section 10 application (Administrative Draft MSCP) submitted to USFWS
January 2012	USFWS comments received on Administrative Draft MSCP

With the delisting of the cactus ferruginous pygmy-owl in 2006, the urgency to obtain the permit diminished, even as open space bond funding allowed the advance acquisition of mitigation lands for the permit.

Lands available to Pima County to mitigate urban impacts stand at over 70,000 acres of deeded land and over 130,000 acres of land leased from State – not counting the additional conservation commitments made by developers. Pima County now has an operating land management program that works in conjunction with ranchers and local citizens to care for the new reserves. In addition, Pima County has in place all the regulations needed for the permit.

Formal application to the USFWS was made in December 2010 following the release of the sixth draft MSCP and a number of public meetings. During 2011, staff received additional input on issues of particular concern to the development sector, the environmental community, Arizona Game and Fish Department, and Pima County Public Works. The USFWS provided written comments on the application in January 2012.

This summer, we expect the USFWS will announce the availability of the County’s revised MSCP and the USFWS revised EIS in the Federal Register. The timing of the announcement and the actual release of the documents is controlled by the USFWS, and USFWS is responsible for accepting formal public comments about the MSCP/EIS under the National Environmental Policy Act (NEPA).

At the same time the Service is conducting the NEPA process, they are processing a backlog of species listing decisions that may affect our region. The potential for new listings to affect development in our region is increasing. One of the species that will be

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considered for listing by 2014 is the desert tortoise, a creature whose distribution in the urban periphery is more extensive than was the case for the cactus ferruginous pygmy-owl. In the event the desert tortoise or other species would be listed as threatened or endangered, Pima County would like to have in place a Section 10 permit to reduce the uncertainties that typically attend new listings.

A Final MSCP (i.e., the Section 10 permit) and EIS will not be available for at least a year from now. The permit would require the Board's authorization, as well as that of the USFWS.

When completed, the County's Section 10 permit would provide a new way to mitigate the effects of development authorized by the County under the ESA that would not be subject to change from listing of species covered in the permit. The private sector seeks broad, discretionary access to the County's Section 10 permit to reduce the potential for existing or new species listings to slow the funding or construction of their development. For the same reason, the permit would benefit Pima County's own public works construction. Neighborhood and environmental groups and natural resource agencies also see benefits in the MSCP's requirements for protection, management and monitoring of the mitigation lands acquired under the 1997 and 2004 open space bonds.

In the coming weeks, I will describe in greater detail the ways the MSCP is being crafted to meet the requirements and needs of the USFWS, the private sector and the public. Additional information about the NEPA process will also be provided.

CHH/mjk

c: John Bernal, Deputy County Administrator for Public Works  
Linda Mayro, Director, Conservation and Sustainability  
Julia Fonseca, Environmental Planning Manager, Conservation and Sustainability  
Nicole Fyffe, Executive Assistant to the County Administrator