



# Balancing Economic Development and Endangered Species Compliance

Multi-Species Section 10 Permit  
January 2016



## What is the Multi-Species Conservation Plan?

In the late 1990s, a tiny but fierce owl protected under the Endangered Species Act (ESA) helped to launch an ambitious effort to identify and protect important places for cultural and natural heritage, realign local land-use decisions, and provide certainty to public and private developers.

Successful voter approvals in 2004 and 2006 for land conservation and transportation funding helped to steer a booming economy away from treasured places such as the Canoa Ranch and Tumamoc Hill. Instead, roads and other infrastructure were extended and re-built in accordance with a locally developed vision that balanced growth and conservation – the Sonoran Desert Conservation Plan.

From this foundation of success, the County worked with the U.S. Fish and Wildlife Service (the Service) to prepare the Multi-Species Conservation Plan (MSCP). This plan was designed to protect a variety of species and their habitats.



*Pima County's Six Bar Ranch*

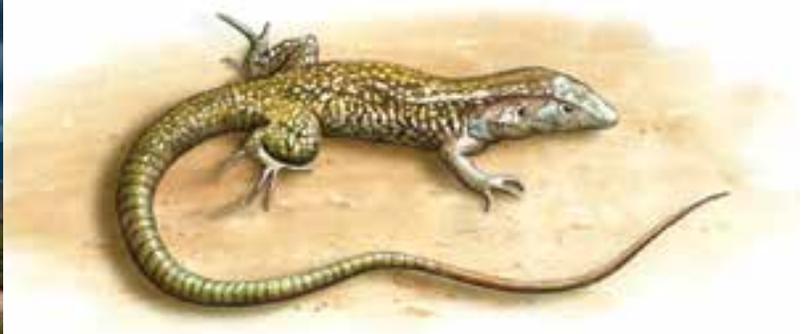
As a result, the Service — the Federal agency responsible for enforcement of the ESA in Arizona — will issue Pima County a federal “Section 10 ” permit that will streamline endangered species compliance for new development and formalize the County’s conservation commitments already made under the SDCP.

The Section 10 permit formalizes a set of commitments and benefits to the County and its regulated development community for a period of up to 30 years. By adhering to Section 10 permit requirements, property owners gain regulatory certainty in our recovering economy. This is possible because through the Section 10 permit, no additional requirements will be imposed, even if future federal decisions mandate the protection of additional species.

In return for this certainty, Pima County is responsible for protecting, managing, and monitoring lands under County management, including some of the lands previously acquired under the 2004 bond election.

This booklet outlines why the Section 10 permit is important and how its implementation will help to protect our economy.

For more information about the development of the Multi-species Conservation Plan and Section 10 permit, go to <http://www.pima.gov/mscp> or contact staff (see back cover).



*Giant Spotted Whiptail*

## Why the Permit is Needed

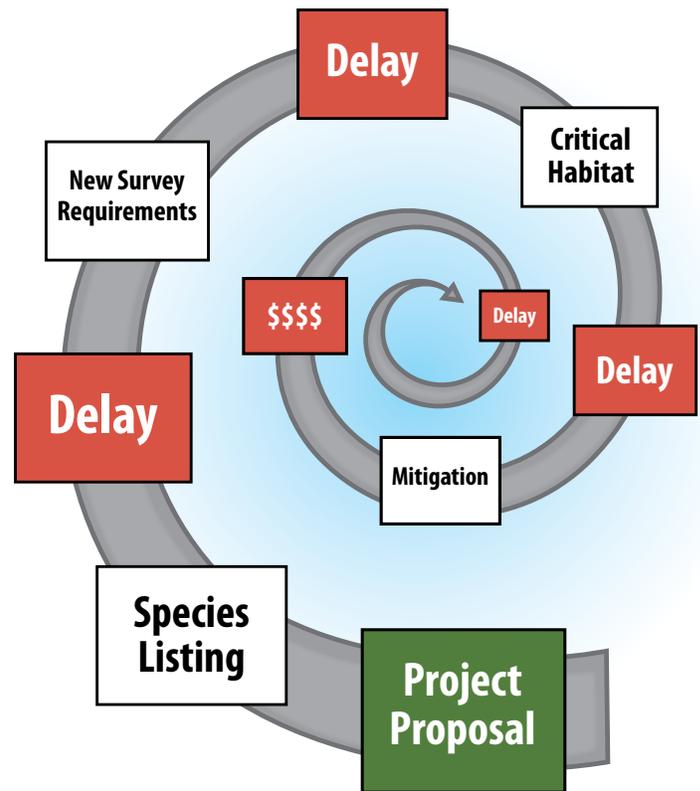
We live in a species-rich environment. The federal government is evaluating petitions to protect additional species whose existence may be threatened or endangered. Without a Section 10 permit, Pima County and its development community will continue to rely on the federal ESA process which requires project-by-project submittals and reviews.

This process is fraught with inefficiencies and inconsistencies that result in costly delays (see graphic). Depending on location and the Service's timing of the new species listing, achieving compliance varies with each project. Because we live in a species-rich environment, the Service is continually considering the merits of protecting new species. A Section 10 permit alleviates the problem of unpredictable delays.

The status quo is also costly and inefficient from a species protection standpoint. The kinds of solutions that can be attained on a project-by-project basis for a species are seldom sufficient to address the broader issues that affect the species. A landscape-level, locally supported plan like Pima County's MSCP will provide more benefits to more species. Coordinated species mitigation can also provide other public benefits like new and expanded outdoor recreation areas, which are unlikely to occur when mitigation is done on a piecemeal basis.

## A More Efficient Solution

The MSCP provides new options for ESA compliance to certain private development actions that occur in unincorporated Pima County. It also provides options for Pima County construction and maintenance projects. In essence, project-by-project permitting and compliance is replaced with a streamlined process that ensures ESA compliance. Streamlined processes and regulatory certainty save time and money. In addition to creating these efficiencies for projects that might be impacted by the current list of federally-protected species, the Pima County MSCP also addresses the species most likely to be listed over the next thirty years. This benefits public and private construction projects because if any of these species are listed or have critical habitat designated, there will be no new rules and requirements imposed on MSCP participants. Regulatory certainty for private and public entities covered under the permit also translates to more effective and coordinated benefits to the species themselves, which further reduces the chances of future ESA listings.



## Benefits of a Section 10 permit:

### To Residents:

Protection of natural areas and scenic views, recreation and a sense of place

### To the Business Community and County Public Works:

Streamlined endangered species compliance and regulatory certainty can lead to lower costs and more rapid project completion

### To Individual Lot Owners:

Allow for development when covered species are present

### To the Environment:

Coordinates protection of sensitive habitat areas for wildlife and watershed health

### To Taxpayers:

Leverages lands already acquired to gain new benefits for the region and assures past investment is protected

## The MSCP Was Developed Locally

The MSCP was crafted with input from many people, groups, and organizations, including an 88-member Steering Committee comprised of interested stakeholders. The Steering Committee recommended the County obtain a Section 10 permit to cover multiple species, and enter into partnerships with area ranchers. Over 600 public meetings and a decade of public and expert review occurred before the County formally submitted its application to the federal government in December 2012.

The lengthy and inclusive planning process created a new standard for County government transparency which continues to influence public processes today. It also resulted in a locally-appropriate balance between regulatory compliance and conservation commitments - a balance which is at the heart of the MSCP. While the MSCP set a new precedent for engaging and incorporating local stakeholder concerns, it has set a national standard for advancing local control and initiative in responding to federal requirements.

## The MSCP Supports Economic Development

The Section 10 permit is designed to enhance our region's reputation as a desirable place to live, work and do business. In relation to economic development, the MSCP and associated Section 10 permit work to:

- Streamline ESA Compliance for County and private sector development projects through a local process which saves time and money.

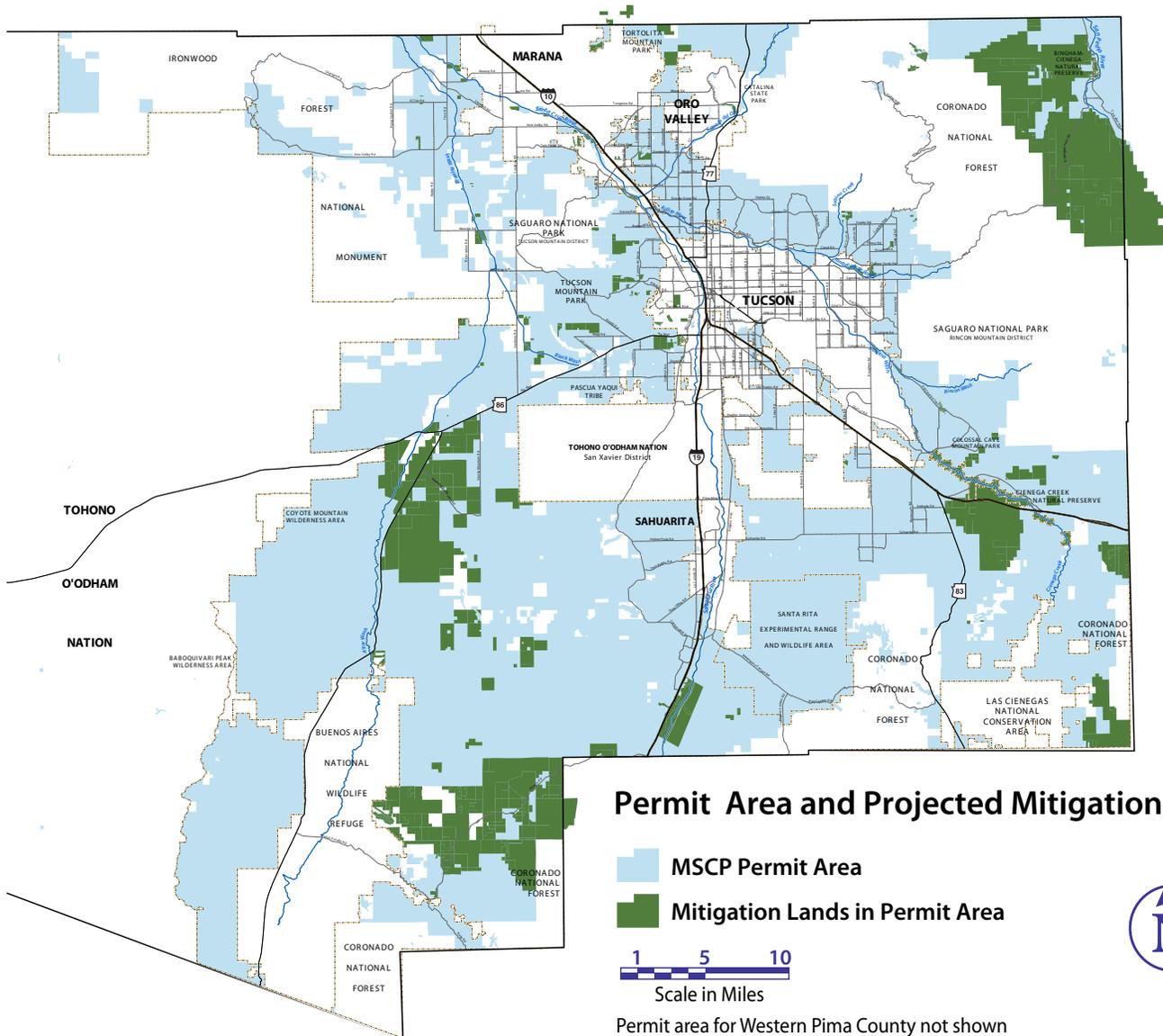
- Provide certainty about what is needed to comply with the law. The “no surprises” policy prevents the federal government from imposing new requirements later.
- Promote long-term conservation of species, reducing the need for future listings.
- Take advantage of existing County ordinances and guidelines to reduce species impacts; these serve as compliance for the Section 10 permit.
- Ensure that no additional purchases of land for mitigation are required of the private sector covered under the permit. This is possible because of County efforts in land conservation.
- Leverage past voter-authorized land acquisitions to protect habitat in a way that also keeps ranchers ranching and maintains hunting and outdoor recreation opportunities.
- Establish mitigation lands that offset impacts to species, while providing other benefits to tourism, recreation and a healthy economy. Our natural environment is the number one reason visitors travel here.
- Reduce costs to developers who choose to have their impacts covered under the County Section 10 permit, which will result in lower costs to the developer than project-level mitigation.
- Provide regulatory protection for future urban growth that would occur on State Trust lands sold to the private sector within unincorporated Pima County.
- Position Pima County to receive federal land acquisition funds for additional habitat protection.

*Pima County's Sands Ranch (foreground)*



# Permit Overview

Permit area:.....~1.3 million acres  
 Number of Covered Species: ..... 44  
 Number of Covered Species currently listed as Threatened or Endangered: .....9  
 Term of permit:..... 30 years  
 Permit holders:..... Pima County, Pima County Regional Flood Control District  
 Amount of future impacts permitted:.....Up to 36,000 acres  
 Ranches to be used as mitigation:.....15  
 Number of MSCPs vetted by the public:.....8 in 12 years



## Where Permit Coverage is Available

The permit area describes where activities of the private and public sectors are eligible for coverage under the Pima County Section 10 permit. Eligible activities are described in the next section. Permit coverage is voluntary for the private sector.

## County and Private Development Activities Covered by the Permit

If a proposed public or private sector activity is covered by the permit, it will no longer be necessary to negotiate with the Service over ESA rules. Additionally, Section 10 permit coverage will not result in the imposition of new rules or regulations on covered activities.

Covered public sector activities include the construction and maintenance of roads, buildings, bank protection, sewer interceptors, and solar facilities undertaken by Pima County or the Regional Flood Control District.

There are two different types of private development activity that can be covered by the

Section 10 permit; however, receipt of coverage is entirely voluntary and at the property owner's discretion.

For development on an individual, private lot where Pima County Development Services is required to issue a building permit authorizing the grading of 14,000 square feet or more, the opportunity to decide whether to receive coverage is part of the building permit application process. These activities will be included in the Section 10 permit unless the applicant for the building permit specifically informs the County not to include them. There are no additional requirements or fees necessary to obtain permit coverage. Coverage in this instance means that the impacts to species habitat on the lot will be mitigated by Pima County at no cost to the owner.

Disturbances from the development of a subdivision or commercial/industrial facility will be excluded

### Both listed and unlisted species are covered under the Section 10 permit, so even if unlisted species become listed, no additional mitigation burdens are imposed.

#### Plants

Pima pineapple cactus  
Needle-spined pineapple cactus  
Huachuca water umbel  
Tumamoc globeberry

#### Mammals

Mexican long-tongued bat  
Western red bat  
Western yellow bat  
Lesser long-nosed bat  
California leaf-nosed bat  
Pale Townsend's big-eared bat  
Merriam's mouse

#### Birds

Western Burrowing owl  
Cactus ferruginous pygmy-owl  
Rufous-winged sparrow  
Swainson's hawk  
Yellow-billed cuckoo  
Southwestern willow flycatcher  
Abert's towhee  
Arizona Bell's vireo

#### Fishes

Longfin dace  
Desert sucker  
Sonora sucker  
Gila chub  
Gila topminnow

#### Amphibians

Chiricahua leopard frog  
Lowland leopard frog

#### Reptiles

Desert box turtle  
Sonoran Desert tortoise  
Tucson shovel-nosed snake  
Northern Mexican gartersnake  
Giant spotted whiptail  
Groundsnake (valley form)

#### Invertebrates

11 species of talussnails



*Gila Chub*

from the Section 10 permit unless the property owner specifically requests coverage. Pending approval by the Board of Supervisors, the County intends to charge a fee for providing coverage and monitoring any mitigation lands that might occur within the developed property.

More information on the proposed fee can be found in the MSCP: <http://www.pima.gov/mscp>.

For development activities not discussed above or for eligible development projects that decline coverage, impacts to species' habitat will not be covered by the County's Section 10 permit. Please contact the U.S. Fish and Wildlife Service for further guidance about habitat disturbance and the Endangered Species Act.

## Mitigation Land Is a Key Component of the Permit

Mitigation lands will be used to offset impacts from activities covered under the permit. Thanks to voter-approved bonds for land conservation issued after 2004, Pima County has secured much of the land needed to mitigate future impacts under the permit. Additional mitigation credit will come from Pima County's ongoing stewardship of state grazing leases. Taken together these lands will likely provide Pima County with enough mitigation land to cover 20 years of development under the permit. The Section 10 permit will allow the Service to regard these lands as mitigation for public and private sector covered activities, thereby reducing development costs and facilitating project completion.

These mitigation lands also provide uses such as hiking, hunting, grazing and bird watching and will continue to do so after the permit is in place. Pima County has an ongoing and operating land management program that works in conjunction with ranchers and local citizens to care for these new parks, preserves and ranches. Land management activities include invasive species removal, grazing management, restoration projects, and providing recreational opportunities. Monitoring of vegetation, water, and wildlife is also important to ensure that lands are maintaining the species and habitats that are central to the goals of the MSCP.

The permit will ensure long-term protection of County-owned parks and conservation lands that

are used as mitigation lands. Pima County will incrementally protect the conservation lands it owns using legal instruments such as conservation easements and covenants.

Protected open space land boosts the value of nearby homes, supports tourism, and helps support a healthier community.

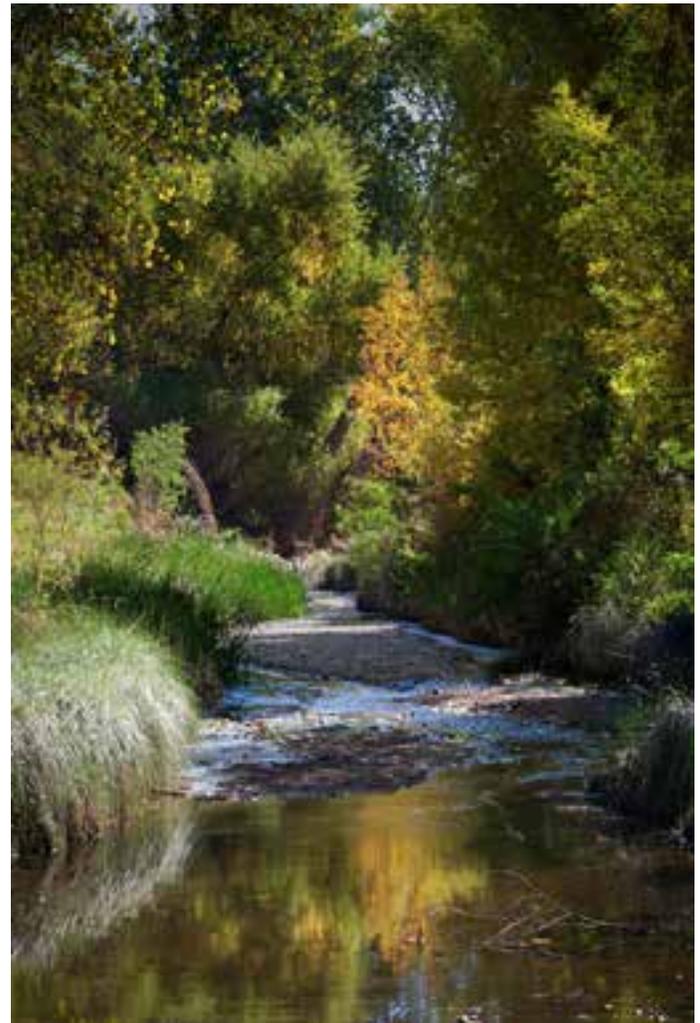
For more information about the MSCP, please visit our website: <http://www.pima.gov/mscp>

Or call Pima County Office of Sustainability and Conservation at **520-724-6940**.



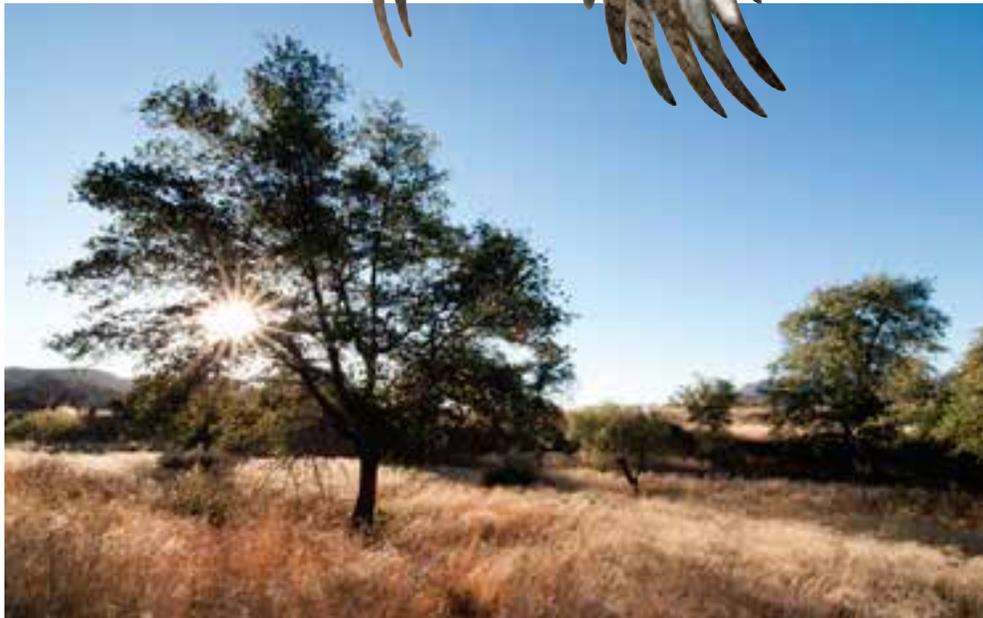
*Abert's Towhee*

*Pima County's Cienega Creek Natural Preserve*





*Swainson's Hawk*



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Sharon Bronson, Chair, District 3

Ally Miller, District 1

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**County Administrator**

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**PIMA COUNTY**

**SUSTAINABILITY & CONSERVATION**

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