



Pima County's Certificate of Coverage Program

Sherry Ruther • published in the June 2018 issue

Everyone is keen to distinguish their properties, projects, and products from the run-of-the-mill. Perhaps surprisingly, Pima County may have just the program to help with that. This program can directly benefit various aspects of bringing a project from concept to fruition, from property due diligence, to regulatory approvals, and even to marketing the final product. If that hasn't gotten your attention, let me say this—this program is all about providing regulatory relief!

The Backstory There was a time not too long ago when the booming development in northwest Tucson came to loggerheads with an endangered species. Project timelines were delayed and budgets were stressed while waiting to complete consultations with the U.S. Fish and Wildlife Service (Service), which almost always required multiple years of surveys before a project could begin construction. This situation resulted in unplanned project costs and stalled projects, some never coming to fruition.

This chaos wound up being the catalyst for the County to launch a lengthy negotiation process with the Service to find a local solution that would make conflicts with endangered species a thing of the past. County negotiations sought a long-term solution for development projects (public and private) and included a willing commitment to provide all the mitigation necessary to compensate for these projects as required by the Service. Negotiations concluded and the final, 30-year agreement became effective in 2016. In effect, this agreement means that private development projects can rely on the County's agreement and avoid the regulatory uncertainty and time consuming individual consultations to which they were once subject. But, in order for private development projects to enjoy the benefits of that agreement, they must participate in the Certificate of Coverage Program.

Program Details First and foremost, participation in this program is completely *voluntary* and is restricted to private development projects located in un-incorporated Pima County. Because a Certificate of Coverage is only necessary when grading and ground disturbance activities occur, it is available only when applying for a grading permit from Pima County Development Services and applies only to the grading authorized by that permit. When applying for the grading permit, the only action necessary to initiate program participation is to indicate such in the application. (Prompting questions are included in Development Services' application processes.) Participation is available to projects on individually-owned private property as well as bigger projects such as subdivisions, commercial developments, or industrial facilities. A Certificate of Coverage for those smaller projects on individual properties comes at no cost; however, the bigger projects are assessed a nominal fee. Fees are assessed on a per project basis as opposed to project acreage.

The program also easily accounts for phased projects that require multiple grading permits. Each grading permit presents a new, independent opportunity to participate in the program irrespective of whether previous grading was covered. So, regardless of how many permits are required or how much time lapses between phases, each grading event can be covered.

Benefits to Participation By now, you're likely wondering just how this program relates to the various life stages of a project I mentioned at the top... Read on!

- **Due Diligence** The Certificate of Coverage Program helps reduce future risk. Even though participation in the program is not technically available until permitting, the fore-knowledge that this program can be accessed down the road can, if acknowledged during due diligence, soothe concerns that a known endangered species, or potential unknown endangered species, will jeopardize future endeavors.
- **Permitting** Receipt of a Certificate of Coverage offers regulatory relief by streamlining compliance with several federal regulations and County ordinances. For those private development projects that receive a Certificate of Coverage, consulting with the Service, paying for endangered species surveys, and securing mitigation land are no longer necessary. It can also open access to simpler processes when getting certain §404 permits from the Army Corps of Engineers and complying with County rules for mitigating impacts to specific types of native vegetation. Because these opportunities are not mutually exclusive, the cumulative effect can have a noticeable impact on project timelines and budgets.
- **Marketing** Receipt of a Certificate of Coverage creates unique marketing opportunities. Under the terms of the agreement, the County must provide mitigation for every development project. Translation: the County must conserve and protect undisturbed native desert and riparian areas for every acre that is developed. The more projects that participate in the program, the more areas of native desert get protected. Therefore, those projects having a Certificate of Coverage can assert they are making a valuable and voluntary contribution to saving our precious Sonoran Desert.

Pima County's Certificate of Coverage Program is unique and offers benefits not typically available to development of private land. There are only a few local governmental entities in the country that include private development projects in similar agreements with the Service, and Pima County is the only one in Arizona. Significantly, we are the only one that leaves participation completely at the project owner's discretion and at such a modest cost.

So, next time you have the opportunity, take advantage of the benefits available through the Certificate of Coverage Program and set your property, project, or product apart from the ordinary.

Sherry Ruther is the Environmental Planning Manager in Pima County's Office of Sustainability and Conservation. She also is a wildlife biologist who for nearly 30 years has been engaged in what she refers to as "BioPolitics"—integrating conservation science into land use planning and public policy. Born of first-hand experience, she passionately believes that conservation of natural resources, especially in urban environs is best achieved when biologists, land use planners, policy makers, property owners, and development interests engage in genuine conversation to find mutually meaningful solutions. She can be reached at Sherry.Ruther@pima.gov.

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