

**SONORAN DESERT CONSERVATION PLAN
STEERING COMMITTEE**



**REPORT TO THE PIMA COUNTY
BOARD OF SUPERVISORS**

June 13, 2003

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Sonoran Desert Conservation Plan Steering Committee Report to the Pima County Board of Supervisors

I. Introduction and Background

In 1998, the Pima County Board of Supervisors initiated comprehensive land planning efforts “with the goal of combining short-term actions to protect and enhance the natural environment and long-range planning to ensure that our natural and urban environments not only coexist but develop an interdependent relationship, where one enhances the other.”¹ Born out of these efforts was the Sonoran Desert Conservation Plan (SDCP), a far-reaching initiative that will address natural and cultural resource protection for several decades into the future. The SDCP contains six elements. They are²:

- 1) Ranch Conservation;
- 2) Cultural Resources Element;
- 3) Mountain Parks Element;
- 4) Riparian Protection Management and Restoration Element;
- 5) Habitat Protection Element; and
- 6) Corridors Protection Element

In addition to the elements described above, the SDCP also envisions development of a Multi-Species Habitat Conservation Plan (MSHCP) in order for Pima County to seek and receive an Endangered Species Act (ESA) Section 10 permit.

In 1999, as part of its decision to pursue an ESA Section 10 permit, the Pima County Board of Supervisors appointed members of the community representing diverse viewpoints to serve on a “Steering Committee.” When established, the stated purpose of the Steering Committee was to provide “advice to the Board [of Supervisors] about which reserve design alternative the County should prefer in making application for a multi-species habitat conservation plan to the United States Fish and Wildlife Service.”³ The Steering Committee’s mandate was reaffirmed in October 2001 when the Pima County Board of Supervisors directed the Steering Committee to “continue formulating alternatives for the Section 10 permit.”⁴

Purpose of this Steering Committee Report

Consistent with its charter, this document reports the Steering Committee’s recommendations on issues related to Pima County’s ESA Section 10 permit

¹ Pima County, *Preliminary Sonoran Desert Conservation Plan*, September 2000, p. 3

² Pima County, *Preliminary Sonoran Desert Conservation Plan*, September 2000, p. 4

³ Pima County, *Preliminary Sonoran Desert Conservation Plan*, September 2000, p. 4

⁴ Memo from Pima County Administrator Chuck Huckelberry, October 9, 2001 and Transcript of October 9, 2001 Pima County Board of Supervisors Meeting

application and the associated MSHCP. With a few exceptions, it does not address the issues associated with the other elements of the SDCP.

Given that this report focuses primarily on the Steering Committee's recommendation and the relevant background information, more detailed supplementary materials are included as appendices.

Steering Committee Background

As mentioned previously, the Steering Committee was appointed by the Pima County Board of Supervisors in 1999. It initially consisted of 89 members representing various stakeholder interests. There are individuals representing environmental groups, real estate development and housing interests, the business community, ranchers, neighborhood associations and mining interests. There are also a number of Steering Committee members that consider themselves unaligned with any stakeholder group.

In February 2002, the Pima County Board of Supervisor adjusted the Steering Committee membership removing those members that had not indicated a desire to continue participation as well as designating organizations that should have permanent representation on the Steering Committee^{5,6}.

Since its inception in 1999, the work of the Steering Committee can be grouped into three distinct phases. The first phase commenced in May 1999 with a series of educational sessions that were intended to provide the Steering Committee with baseline knowledge about the SDCP and its component elements. Twelve educational sessions were held on almost a monthly basis until June 2000.

After an approximate 11 month hiatus, the Steering Committee began its next phase in which it developed the organizational structure and operating procedures under which it would operate. In May 2001, the Steering Committee was reconvened by Pima County Administrator Chuck Huckelberry. At this meeting, Mr. Huckelberry indicated that the Steering Committee had the discretion to develop its own organizational framework to fulfill its mandate to the Pima County Board of Supervisors. At this meeting, Mr. Huckelberry also made available to the Steering Committee the facilitation services of the Strategic Issues Management Group, Inc.

During this phase, the Steering Committee on its own initiative received a briefing from the Arizona Attorney General's Office on compliance with the Arizona Open Meeting Law, conducted a workshop on decision-making led by a professional facilitator and as a result, developed detailed Operating

⁵ See Appendix A for a current roster of Steering Committee members

⁶ See Appendix A for the listing of organizations designated by the Pima County Board of Supervisors having permanent representation on the Steering Committee

Guidelines under which it operated (attached as Appendix C.) While having to be amended several times as circumstances dictated, these guidelines are important as they were the first significant decisions the Steering Committee made and provided the framework that enabled it to productively engage the more difficult issues that would come later.

The next and final phase of the Steering Committee's work resulted in the recommendations contained in this report. After hearing from among others, scientific experts, economists, the Fish and Wildlife Service, Pima County, the public and affected stakeholders, the Steering Committee developed the substantive recommendations on the issues associated with Pima County's Section 10 Permit application and the MSHCP contained in this report.

II. Steering Committee Recommendations

In the course of developing specific recommendations, the Steering Committee was guided by the key assumptions listed below. These assumptions were developed by the Steering Committee after hearing the various views of the stakeholder interests. They represent areas of general agreement among the Steering Committee.

- i. The near-term goal for the Steering Committee is to recommend an alternative for Pima County's MSHCP.
- ii. The Steering Committee recognizes that all development must comply with the Endangered Species Act where applicable.
- iii. The MSHCP should protect both the covered species and habitat.
- iv. The MSHCP should reflect a balance among the science-based conservation of natural resources, economics, and quality of life issues such as affordable housing, recreation, cultural resources, historic preservation and production agriculture.
- v. The Section 10 permit application should cover all relevant County projects and permits, and other willing entities within Pima County.
- vi. The Steering Committee recognizes that land use and development patterns will be different from those in the past.
- vii. The Steering Committee recognizes that water availability will be a critical factor in limiting development and growth.
- viii. The regional economic impacts (costs and benefits) of the MSHCP need to be analyzed consistent with the National Environmental Policy Act and the Endangered Species Act and other relevant statutes.
- ix. The regional economic impact (costs and benefits) for the Sonoran Desert Conservation Plan needs to be analyzed.
- x. MSHCP development and implementation should have broad participation from the public, the affected stakeholders and relevant government entities.
- xi. The Section 10 Permit application should have sufficient acreage for mitigation to permit both development and conservation.
- xii. Costs of the SDCP should be fairly distributed.
- xiii. Funding for new MSHCP land acquisition should be shared fairly between the public and private sectors. Not more than 50% of MSHCP funding should come from affected private landowners. Not less than 50% of MSHCP funding should come from publicly-funded sources.
- xiv. Voter-approved funding should be considered for the acquisition of lands and other rights within the Conservation Lands System.

- xv. The SDCP should use voluntary incentives to the largest extent possible in both planning decisions and in the implementation of the CLS.
- xvi. Under current law, Pima County has no authority to “(p)revent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is five or more contiguous commercial acres.” (ARS 11-830)
- xvii. The National Resources Conservation Service (NRCS), and their information should be integrated into the design, implementation and continuing biological monitoring efforts throughout the life of the Section 10 permit. The Steering Committee further recommends that Pima County pursue a cooperative agreement with the NRCS.

Specific Steering Committee Recommendations

Scope of the Section 10 Permit Application

The Steering Committee considered a number of issues associated with the scope of the Section 10 permit application. These issues related to the duration of the Section 10 permit, what entities and projects would be covered under the permit and what species would be covered by the MSHCP.

Plan Duration

The Steering Committee recommends that Pima County apply for a permit for a duration of 20-50 years. The decision on the specific duration of the permit should be made after other details of the application are completed.

Coverage of the Section 10 permit application

The Steering Committee recommends that the Section 10 permit application cover all relevant County projects and permits, and other willing entities within the County.

Species to be covered

The Steering Committee recommends the adoption of the ecosystem approach that has resulted in a Conservation Lands System map that protects the habitat of 55 priority vulnerable species.

In addition, the Steering Committee recommends that the Environmental Impact Statement (EIS) for the MSHCP clearly describe and analyze five alternatives:

- 1) The 55 priority vulnerable species and the conservation measures enacted for their protection;
- 2) The 9 listed species plus those that would be adequately addressed by the conservation measures enacted for the species;
- 3) A combination between the 8 and 55 species;
- 4) The species within the 55 that are currently listed as threatened and endangered or are candidates or proposed for listing; and
- 5) The no action alternative as required by law.

The Steering Committee further recommends that this analysis should include an economic analysis of all five alternatives and other important topics that would include, but not be limited to, reserve requirements and regulatory requirements

Implementation of the MSHCP

The Steering Committee spent a great deal of time dealing with issues relating to the implementation of the Section 10 permit and MSHCP. In U.S. Fish and Wildlife Service vernacular, these are known as measures to minimize and mitigate impacts.

Essential Elements of the Multiple Species Habitat Conservation Plan

The Steering Committee believes that there are several essential elements to the success of the MSHCP that should be included in the program to ensure a balance between urbanization and conservation of natural resources. These elements are also necessary to ensure that the program meets the Endangered Species Act legally and practicably; to ensure funding; and ensure that permitted activities will improve the conservation status of these species. The elements that the Steering Committee believe essential include:

- Measurable conservation goals and objectives;
- Conservation lands;
- Consolidated land use regulations;
- Protective management and monitoring of conservation lands;
- Assured funding; and
- Periodic independent review of documents and implementation.

Building the Conservation Lands System

The Conservation Lands System approach, adopted by the Steering Committee on February 1, 2003, should be used to guide implementation of the following MSHCP components:

- Acquisition areas, including new land acquisitions and other similar protections such as purchases of development rights;
- Re-dedicated, existing protected lands;
- Regulated areas, including set-aside and mitigation areas; and
- Mitigation banks.

The amount and location of land ultimately included in each of these components should reflect MSHCP goals and objectives.

Habitat Protection Priorities for Pima County's Section 10 HCP Permit

Land should be protected and managed for the MSHCP through direct purchase, conservation easements, and other mechanisms. The County should adopt, subject to the takings analysis that will be necessary for MSHCP approval and permitting, the following set of biologically-based goals and criteria as applied to the Conservation Land System by The Nature Conservancy and Arizona Open Land Trust. Application of these goals and criteria results in the identification of the most important lands to protect first, provides guidance on the sequencing of land protection efforts, and can be a method for prioritizing that is easily incorporated into an adaptive conservation management program. Figure 1 attached provides an illustrative example of these priorities.

A. Conservation Goals:

1. Maximize the benefit of existing protected areas by increasing their size.
2. Emphasize protection of the rarest habitat types or "special elements" as per STAT.
3. Maintain a network of connected protected lands where native habitat and natural corridors remain.
4. Systematically evaluate lands throughout eastern Pima County so that priorities are identified in all of the County's biologically important areas.

B. Selection Criteria:

1. Lands identified in the most biologically important Conservation Land System categories of Biological Core, Important Riparian and Recovery Management Areas.
2. Private lands equal to or greater than 10 acres in size in vacant or agricultural status.
3. State Trust lands within the priority Conservation Land System categories of Biological Core, Important Riparian and Recovery

Management Areas emphasizing lands eligible for conservation under the Arizona Preserve Initiative.

State Lands as a Component of the MSHCP

The Steering Committee recommends that the Pima County Board of Supervisors give full support to a constitutional amendment that would provide the opportunity to conserve biologically important state trust lands in perpetuity.

Benchmarks to Measure the Implementation of the MSHCP

The Steering Committee recognizes that the successful implementation of the Plan over an extended period requires the inclusion of reasonable benchmarks. The Steering Committee recommends that benchmarks to monitor the plan's implementation be identified. The benchmarks would be defined primarily in terms of acres to be conserved. There would be special emphasis on the benchmark(s) to be reached in the first five years.

Protective Management and Monitoring of Conservation Lands

The Steering Committee believes that protective management and monitoring are necessary to carry out MSHCP goals and objectives, and to ensure long-term maintenance of biological resource values as mandated by the U.S. Fish & Wildlife Service. The Steering Committee recommends that a protective management and monitoring plan be prepared and approved by all participating agencies, with specifics of the plan included as conditions of the take permit and assurances. The following are important components of the protective management and monitoring plan:

- Methods to identify non-profit stewardship organizations;
- Measures to minimize the harmful edge effects of development in and adjacent to the Conservation Lands System;
- Measures to conserve covered species populations and habitats; and
- Measures to identify necessary management adjustments.

The monitoring provisions of this section should be implemented so as to result in deliverables that facilitate other reviews as recommended by the Steering Committee.

Conservation Incentives

The Steering Committee recommends that a variety of incentives be considered to encourage private property participation in the implementation of the MSHCP. Financial incentives should be utilized that acknowledge private property values. For example, one of these incentives is the purchase of development rights from willing sellers, resulting in conservation easements. Accordingly, the Steering Committee

recommends that land valuation by the County and tax rates by the state should be reduced on lands with voluntary conservation easements.

Transfer of Development Rights

The Steering Committee recommends that legislation be sought to permit the Transfer of Development Rights in unincorporated areas. This legislation should also permit transfer of development rights across jurisdictional boundaries.

Conservation Easements

The Steering Committee supports legislation with clear and simple guidelines that gives incentives to property owners who want to use Conservation Easements to protect or preserve their properties. These incentives could include reductions in their property taxes. Any law should be consistent with the federal tax guidelines for Conservation Easements.

The Steering Committee further recommends that the Board of Supervisors work with the County Assessor to provide a reduction in the assessed value of properties with conservation easements, thus creating a tax incentive to property owners to grant conservation easements without adding value from any perceived benefit from conservation.

This incentive would be achieved by subtracting the assessed value of the conservation easement from the assessor's full-cash value. Thus, for example, if the full-cash value of the property is \$300,000 and the conservation easement is appraised at \$150,000, the value of the property with the conservation easement is \$150,000 for Pima County Assessor taxation purposes.

Mitigation Banks

The Steering Committee believes that mitigation banks should provide one alternative of several for participating MSHCP agencies to accomplish a number of program goals. The County should act to establish mitigation banks as part of the MSHCP to build the Conservation Lands System, ease and improve the efficiency of mitigation for development impacts, reduce the burden of searching for suitable mitigation lands on private land owners and others, and direct mitigation towards high conservation value lands. Sufficient land should be acquired as mitigation banks prior to, or concurrent with development.

The Steering Committee recommends that mitigation banks contribute additional land to the Conservation Lands System when participating MSHCP agencies or others purchase high conservation value properties inside the Conservation Lands System. The Mitigation Banks should subsequently sell credits from these properties to private land owners,

agency departments or other MSHCP participants with mitigation obligations.

The various Conservation Lands System approaches should guide mitigation bank acquisition priorities.

Mitigation Ratios

The Steering Committee recommends that the types of mitigation-- acquisition of existing habitat, protection of existing habitat through conservation easements, restoration or enhancement of disturbed habitat, creation of new habitat in some situations --- be considered in the development of the multi-species habitat conservation plan. These issues are concepts and more discussion needs to take place to develop specific recommendations.

Additionally, the Steering Committee further recommends that prescriptive management on private land be the result of negotiations.

Private Property Rights

The Steering Committee recommends that Pima County recognize the rights of property owners to use their property, provided such use is consistent with planning, zoning, and ordinances.

Components of the MSHCP should also include, to the maximum extent practicable, measures to minimize expense and to streamline decision making for property owners generally. This should include assurances that an individual property owner may construct one single family dwelling on their property. If the property owner is prohibited from constructing a single family dwelling, the property owner shall be compensated by one of the following mechanisms:

- Outright acquisition;
- Transfer of development rights;
- Purchase of development rights;
- Trade or exchange of property; and
- Acquisition through condemnation

The Steering Committee recognizes the possibility that there may be instances in which the implementation of the MSHCP compels the County to restrict the use of private land within the CLS, even if the recommended reassurances are included in the Plan. Therefore, the Steering Committee recommends that Board of Supervisors include provisions in the MSHCP to the effect that:

When the County purchases from willing sellers, they will do so at fair market value, in good faith and unaffected by land use

restrictions that may be created following the date this recommendation is adopted by the Steering Committee.

To the extent the County may need to restrict the existing uses of lands and that the owners are not willing to agree to the restriction(s) and are not willing to sell, the County shall have the option to offer a Transfer of Development Rights, which shall be the preferred option. When Transfer of Development Rights is not feasible or is unacceptable to the landowner, the County shall also have the option to condemn such properties by the power of eminent domain, which option triggers the constitutional rights of the landowner(s). (The references to ‘existing’ and ‘current’ zoning and other land use restrictions and legislation are intended to mean those that are in place at the time of the Steering Committee’s adoption of this recommendation.)

Plan Funding

The Steering Committee spent a considerable amount of time discussing methods to fund the implementation of the Section 10 permit and the MSHCP. The Fish and Wildlife Service conveyed to the Steering Committee that secure funding is necessary prior to plan approval.

Distribution of Costs

The Steering Committee recommends that the costs of the implementation of the Section 10 permit and the MSHCP be fairly distributed among the community. Funding for new MSHCP land acquisition should be shared fairly between the public and private sectors. Not more than 50% of MSHCP funding should come from affected private landowners. Not less than 50% of MSHCP funding should come from publicly –funded sources.

Funding Priorities

The Steering Committee recommends that Pima County use public funds for conservation efforts in areas with high biological value.

Assured MSHCP Funding

Consistent with Fish and Wildlife Service policy, the Steering Committee believes it is critical that assured MSHCP funding be in place throughout the life of the program notwithstanding varying political climates so that the program’s goals and objectives can be implemented.

Purpose for the assured funding

The Steering Committee recommends that assured funding be provided to carry out the following components of the MSHCP:

- New land acquisitions and other similar protections to build the Conservation Lands System;
- Creation of mitigation banks;
- Protective management and monitoring of the Conservation Lands System;
- Contingency funding for private property compensation for takings pursuant to U.S. or Arizona constitutions;
- Contingency funding for changed and unforeseen circumstances;
- Periodic independent review; and
- Administration

Segregated Fund

The Steering Committee recommends that the County establish a segregated fund from the following sources to be used solely for the acquisition and management of habitat and the purchase of development rights within the Conservation Land System. The Committee also recommends that the County establish a citizen's oversight and review committee to oversee management of this fund.

Voter-approved funding

The Steering Committee recommends that voter approved funding be considered for the acquisition of lands and other rights within the Conservation Lands System. One of the funding mechanisms that should be considered is a voter-approved bond. The Steering Committee specifically requests that the Board of Supervisors authorize a bond election for 2003.

The Open Space Acquisition Review Committee (a citizen's group appointed by Pima County) recommended a 2003 bond in the amount of \$250 million. The Steering Committee recommends that the November 2003 bond should be at least \$250 million to support funding of the MSHCP. Bonding should be sufficient in size to provide a significant portion of the total funding of the County's Section 10 permit.

The Steering Committee recommends that the County place the highest priority on acquisition and protection of lands necessary to achieve the goals of the MSHCP over the duration of the permit.

The Steering Committee understands and acknowledges that in order to implement the MSHCP, public support will be needed to gain a successful vote for an open space bond measure and the County will need to acquire lands to attain the goals of the broader

Sonoran Desert Conservation Plan. This includes but is not limited to lands included in the 1997 open space bond that are yet to be acquired. The County should acquire as many 1997 open space bond parcels as feasible to implement the goals of the MSHCP, as soon as possible. The Steering Committee also recommends that the County pursue means to protect lands within the CLS not identified in the habitat protection priorities.

Heritage Fund

The Steering Committee recommends that Pima County request that the legislature abide by the will of the voters when establishing the Heritage Fund in 1990 (A.R.S. §5-22), and maintain the Heritage Fund as dedicated funding for the purposes for which it was established.

Arizona Preserve Initiative

The Steering Committee recommends that Pima County encourage legislators to assist Pima County in working with the State Land Department so that the Arizona Preserve Initiative can fund conservation efforts in this region. It is fiscally beneficial for Pima County to maximize use of the Arizona Preserve Initiative program since State funds from Growing Smarter can pay one-half of the acquisition costs.

Public Lotteries

The Steering Committee recommends that legislation be sought to establish County-by-county lotteries, the proceeds for which will be spent in the County in which the tickets are sold. Fifty percent of it will go to fund Arizona Preserve Initiative projects in the respective County. Other revenues generated by these games would go for the purchase of development rights.

Sales Tax

The Steering Committee recommends that Pima County explore the feasibility of presenting to the voters a sales tax proposal as non-regressive as possible consistent with law. This increase should be placed in the segregated fund described above and be used to obtain lands for the MSHCP.

General Fund Line-Item

The Steering Committee recommends that the County expand the \$2.25 million designated open space budget line-item as the County budget permits.

Flood prone Land Acquisition Program

Flood prone lands are purchased with money from two sources; (1) general obligation bonds designated especially for this purpose; and (2) a flood control line-item that is part of the existing County property tax formula.

The Steering Committee recommends that the County authorize a general obligation bond for flood prone land acquisition and accelerate and expand the flood control budget line-item as economic conditions allow.

Impact Fees

The Steering Committee recommends that statutory authority be pursued at the State level so that counties may impose open space impact fees.

Mitigation Fees

The Steering Committee recommends that the County implement an equitable mitigation fee program. As an alternative, a “property owner responsibility program” should be implemented, whereby property owners can be given the option to mitigate independently of the County fee program.

Federal Grants

The Steering Committee recommends that Pima County aggressively pursue federal funding from federal sources such as:

- The Land and Water Conservation Fund
- Fish and Wildlife Service Challenge Grants
- Applicable Farm Bill funding
- Other Federal programs

Direct Congressional Appropriations

The Steering Committee also recommends that Pima County encourage our Congressional Representatives continue pursuing Federal line-item appropriations.

Adaptive Management

In order for a Section 10 permit application to be approved by the Fish and Wildlife Service; it must contain an Adaptive Management component. Adaptive Management is a mechanism that allows the Fish and Wildlife Service to work with the applicant [Pima County] to reach mutual agreement upon changes in the mitigation strategies within the [MS]HCP

area, if new information about the covered species indicates this is needed.⁷

The Steering Committee recommends the inclusion of a strong adaptive management program.

Pre-approval and Periodic Independent Review of Compliance and Progress

Independent review of the MSHCP is critical to ensure sound science, legal compliance, program transparency, public trust and to improve the likelihood that program goals and objectives will be fully achieved. Independent review of the MSHCP document should be conducted prior to program approval. The MSHCP implementation should also be reviewed independently over the life of the program. Both levels of independent review should be conditions of the take permit and related assurances. Periodic independent review of the MSHCP implementation should occur at years three (3) and six (6), with subsequent reviews at intervals not to exceed five (5) years. The review committee should include citizens and individuals with professional qualifications or experience to address results generated by the adaptive management and monitoring program.

Public Availability of Annual Monitoring Reports

An annual report prepared by the County summarizing progress on implementation and compliance with the terms of the MSHCP should be made available for public review.

Consolidated and Improved Land Use Regulations

The Steering Committee recommends that land use regulations be an important tool for minimizing and mitigating the impacts to MSHCP biological resources and should apply to all development permitting activities. These regulations should support MSHCP goals and objectives and be crafted as conditions of the take permit and related assurances.

They should include:

- Site analyses;
- Avoidance of the rarest resources;
- Mitigation for impacts; and
- Protective management and monitoring.

In addition, these regulations should simplify, consolidate, and improve existing regulations, as well as provide various compliance options to improve regulatory flexibility in support of MSHCP goals and objectives.

The regulations should also include, to the maximum extent practicable, measures to minimize expense and to streamline decision making for

⁷ U.S. Fish and Wildlife Service, *Habitat Conservation Plans, Section 10 of the Endangered Species Act*, February 2002

property owners generally, with assurances that an individual property owner may construct one single-family dwelling.

The Steering Committee further recommends that draft regulations be provided for public review as part of a draft MSHCP package.

The monitoring provision of this section should be implemented so as to result in deliverables that facilitate the other reviews recommended by the Steering Committee.

Recreation

After receiving a presentation from the Recreational Technical Advisory Team (RECTAT), the Steering Committee recommends the following:

- That decision makers consider natural resource based outdoor recreation as they develop the Section 10 permit application and the SDCP;
- That the benefits of the SDCP and the Section 10 permit application related to the natural resource based outdoor recreation be identified when the plan is presented for public review;
- That a comprehensive study be conducted by the appropriate land management agency and jurisdiction to document the scope and distribution of natural resource based outdoor recreation in eastern Pima County and identify trends and projected future demand for natural resource based outdoor recreation in Pima County;
- That recreation interests be included in the development and implementation of adaptive management plans.

Mining Issues

The Steering Committee recommends that in seeking to acquire State Land, Pima County should consult mineral potential data, and explore alternatives to acquiring State Land with high mineral potential if conservation goals can be accomplished by acquiring an alternative parcel.

The Steering Committee further recommends that Pima County, in conjunction with the appropriate industry concerns, should review potential source areas for sand, gravel and aggregate, and come to some agreement on which areas can be mined for these materials, consistent with the conservation goals of the MSHCP.

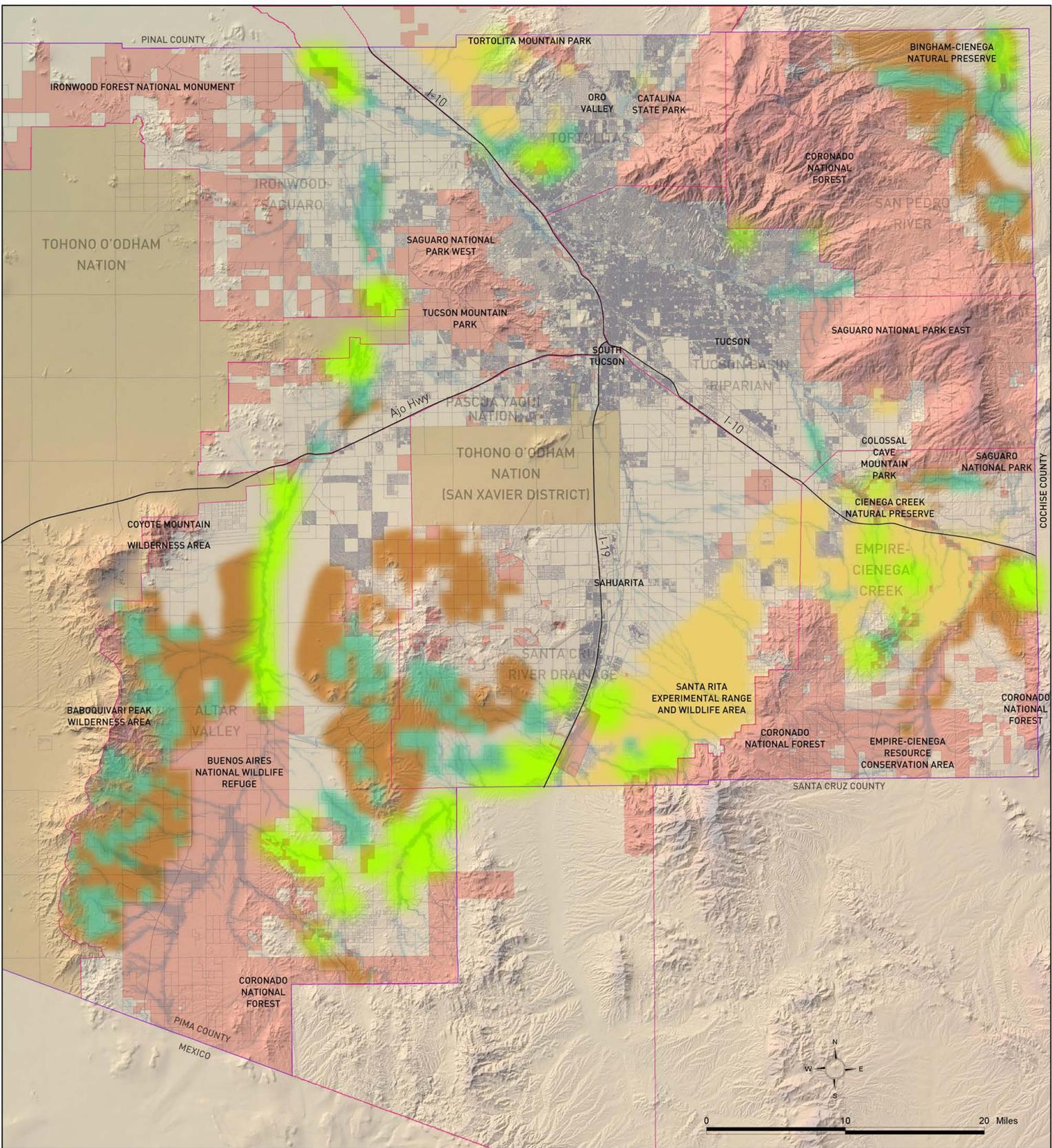
III. Conclusion

It is an understatement to say that the process for arriving at these recommendations has been difficult. There were divergent viewpoints on the Steering Committee on many of the issues that needed reconciliation. This was a collaborative process in which many compromises were made. No one party is either completely satisfied or completely dissatisfied with the final product. However, the Steering Committee attempted to reach consensus on all issues, and where that did not occur, they relied on a voting procedure that required a super-majority of two-thirds plus one to move forward with issues of substance.

Moreover, Steering Committee members voluntarily gave up many of their valuable weekends and evenings to fulfill their responsibilities to the Board of Supervisors and the citizens of Pima County.

In the face of these challenges, the Steering Committee persevered for almost four years to arrive at the recommendations contained in this report. While the Steering Committee always recognized that its role was strictly advisory with the final decision-making authority remaining with elected office holders, it is hoped and expected that given the members' personal commitment, the Board of Supervisors will meaningfully consider these recommendations as it moves forward with submitting an ESA Section 10 permit application.

6/13/2003



Habitat Protection Priorities in Eastern Pima County

CONSERVATION PRIORITIES

- Highest Priority Private
- Secondary Priority Private
- Highest Priority State
- Secondary Priority State

PROTECTED AREAS

- Various City, County, State and Federal Areas

MISCELLANEOUS

- Major Highways
- Study Subarea Boundary
- Pima County Boundary
- Riparian features

Appendices

Appendix A: Current Steering Committee Membership and Organizations with Permanent Representation on the Steering Committee

Appendix B: Steering Committee Member Minority Views

Appendix C: Steering Committee Operating Guidelines

Appendix D: Steering Committee Quarterly Reports

Appendix E: Steering Committee Meeting Notes

APPENDIX A:

CURRENT STEERING COMMITTEE MEMBERSHIP AND ORGANIZATIONS WITH PERMANENT REPRESENTATIONS ON THE STEERING COMMITTEE

Current Membership of the Sonoran Desert Conservation Plan Steering Committee

1. VACANT, Sonoran Desert Museum – Vacancy created by Nancy Laney
2. Ken Abrahams, Pres/Foothills Resort Property Ltd
3. Neale Allen, Mountain view Homeowners Association
4. Bill Arnold
5. Peter Aronoff, AF Sterling
6. Charles Award, Southern Lago del Oro Community
7. Ellen Barnes, Landowner
8. Dan Beckel, Andrada Property Owners Association
9. Robyn Benson, Lou Benson Construction Co.
10. Lou Benson, Lou Benson Construction Co.
11. Larry Berlin, Attorney/Private Property
12. Tim Blowers, Developer/Landowner
13. John Bordenave, Enchanted Hills Neighborhood Association
14. Carolyn Campbell, Coalition for the Sonoran Desert Protection Plan
15. Joe Cesare, Hotel/Property Owner
16. Sue Chilton, Chilton Ranch
17. Sue Clark, Pima Trails Association
18. Ernest Cohen, Neighborhood Coalition of Greater Tucson
19. Hector Conde, Oro Valley Coalition
20. Cindy Copping, Avra Valley/Silverbell Conservation Alliance
21. Vicki Cox Golder, Real Estate/Golder Ranch
22. William Crosby, Environmental & Cultural Conservation Organization
23. Carl Davis, Silverbell Mountain Alliance
24. Mary Darling
25. Carol Duffner, NW Coalition for Responsible Development
26. Jonathan DuHamel, President, Tucson Chapter of People for the USA!
27. Ken Fleshman, GVCCC, Inc.

28. Heather Fox, Serrita Mining and Ranching
29. Richard Genser, Real Estate
30. Gay Lynn Goetzke, Property Rights
31. David Goldstein, Real Estate Developer
32. Bruce Gungle, Tucson Mountain Association
33. Trevor Hare, Sky Island Alliance
34. Richard Harris, McGee Ranch, Sierrita Mountain Coalition
35. Lynn Harris, Sierrita Mining and Ranching
36. Gayle Hartmann, Buffers
37. Deborah Hecht, Tucson Mountains Association
38. David Hogan, Southwest Center for Biological Diversity
39. Gerald Juliani, Pure Water Coalition
40. Patricia King, Anvil Ranch
41. Rob Kulakofsky, Center for Wildlife Connections
42. Alan Lurie, Southern Arizona Home Builders Association
43. Teresita Majewski, Chair, Tucson-Pima Historical Commission
44. Dr. Rob Marshall, The Nature Conservancy
45. Mitchell McClaran, Ph.D., UA Range Management
46. Andrew McGibbon, Altar Valley Alliance
47. Micaela McGibbon, Altar Valley Alliance
48. Christine McVie, Desert Watch
49. Doug McVie, Landowner
50. John Menke, Saguaro Forest Associates
51. Mary Miller, Elkhorn Ranch
52. Chris Monson, Rocking K Development
53. Joe Murray, NW Coalition for Responsible Development
54. Jenny Neely, Defenders of Wildlife
55. Luther Propst, Sonoran Institute

56. Patricia Richardson, Tucson Association of Realtors
57. Barbara Rose, North Tucson Mountains Resource Conservation Project
58. Chris Sheafe, C. Sheafe Company
59. Victoria Sikora, Neighborhood Coalition of Greater Tucson
60. Quinn Simpson, Center for Environmental Ethics
61. Lisa Stage, Women for Sustainable Technologies
62. Lucy Vitale, Line by Line Editorial Services
63. Frances Werner
64. Michael Winn, Ecological Restoration/Management Associates
65. Carl Winters, Winters & Association
66. Nancy Young Wright, Buffers
67. Nancy Zierenberg, Wildlife Damage Review
68. Michael Zimet

**Organizations with Permanent Membership on the
Sonoran Desert Conservation Plan Steering Committee**

The Center for Biological Diversity

Coalition for Sonoran Desert Protection

Defenders of Wildlife

Green Valley Coordinating Council

Pima Trails Association

Sky Island Alliance

Sonoran Desert Museum

Sonoran Institute

Southern Arizona Homebuilders Association

Southern Arizona Leadership Council

The Nature Conservancy

Tucson Association of Realtors

Tucson Chamber of Commerce

Pima Property Rights Association

The Avra Valley/Silverbell Conservation Alliance

APPENDIX B:

STEERING COMMITTEE MEMBER MINORITY VIEWS



Southern Arizona Home
Builders Association

2840 N. Country Club
Tucson, AZ 85716
Phone: (520) 795-5114
Fax: (520) 326-8665
Web: www.sahba.org

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Alan Lurie

2003 Executive Officers

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The Genesee Company

1st Vice President
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Canoa Development, Inc.

2nd Vice President
Chris Kemmerly
Kemmerly Homes, Inc.

Secretary
Martha Wright
Southwest Gas Corporation

Treasurer
Chuck Myers
Compass Bank

2002 Past President
Robert Storie
ContraVest Properties, Inc.



Minority Report
Sonoran Desert Conservation Plan
Steering Committee Recommendations:

SAHBA appreciates the opportunity to comment on the Steering Committee Recommendations.

Steering Committee Composition and Productivity:

The Steering Committee was supposed to represent all of Greater Tucson's citizens, but there were no Native American or Hispanic members; and no one who could adequately address the shortage of available affordable housing and the anticipated worsening situation if the MSHCP was passed.

The duties of the Committee were not appreciated. No one, or very few outside Pima County, understood that the Committee would be dogged with a four-year effort where no decisions were made until the last two or three months. Those decisions were the final votes of the Committee after endless meetings where information was requested, but requests vetoed by the County.

The process intentionally drove business people away from the Committee and added environmentalists – a desirable result for the people representing the non-business, environmental position. As a result, when the Committee took the votes, there was an overwhelming majority supporting a 55 species-based conservation land system plan.

The Science

The science was as troubling. I recall listening to the initial science meeting at the UMC Auditorium where the "pink" map was first made public. The speakers said that the land identified as necessary for the SDCP was a best situation wish list for the Plan – a Utopia – something that would certainly be tailored down to more usable figures as the process continued. That moderation never took place. My requests to get a copy of the data, assumptions, the model, and results that created the plan were never granted. The process that they announced as science could not be independently verified because the data were not made public. If it was "best available science," why was the data not made available?

55 vs. 9 Species

The selection of 55 species for the MSHCP of the SDCP was a bad choice for the following reasons:

1. Several species have never been known to inhabit Pima County
2. The topic of how many more species may soon be added to the threatened or endangered species list in Pima County was emphatically thought to be zero by USFWS representatives. Why then, would we add 46 additional species to the MSHCP for federalization and all of the additional land use restrictions, survey requirements, etc. that accompany such action? The consequence of having more species than necessary in the MSHCP is that decision made at Plan development will last for the duration of the MSHCP. Our information base will increase during the 20 to 50 year life of the plan. We might wish to change policies, but we will be unable to do so.

Social consequence of the MSHCP

Dan Eckstrom (District 2) made an important point to the Board of Supervisors when they started to discuss the Habitat protection plans available to the County. Supervisor Eckstrom asked the Board to consider a "People Protection Plan" to keep the County's most valuable resource-- its people-- healthy and safe. Mr. Eckstrom evidently saw the potential for our citizens to fall behind in the competition for available resources. Unfortunately, the lack of follow up on this important concern will make the American dream of home ownership even more difficult to realize. Arizona is second to last in home ownership in the US and getting worse. The social ramifications of the SDCP plan have been quietly overlooked.

The SDCP Cost

When people asked me what I thought of a SDCP, I would tell them that until I knew the answer to several questions, I could not reply. The information that was necessary to know and understand before being able to cogently respond to the inquiry were:

- How much would the plan cost?
- Who would pay for the indebtedness?
- When would the payments be made and what would trigger them?

After more than five years of asking those questions, I am no closer to having an answer. Pima County signed a contract with the Morrison Institute to do

an economic analysis of the SDCP. PhD. Rob Melnick, head of the evaluation team, was forced to "fire" Pima County as a client because Pima County would not answer questions necessary to complete a meaningful analysis. Melnick also complained that he could not find a document entitled, "The Sonoran Desert Conservation Plan."

Mr. Chuck Huckelberry, Pima County Administrator, considered doing an evaluation using County staff instead of an outside resource. He finally hired ESI Corp., a Phoenix economics firm, and SWCA Environmental Consultants, Inc., of Tucson.

But instead of measuring the cost of the SDCP, he decided to measure the cost of the Multi-Species Habitat Conservation Plan. This, at best, was a mis-direction strategy: the MSHCP is only a small part of the cost of the SDCP yet it could cost up to two billion dollars. We still are in a situation where the community does not know if it can afford to take on the entire SDCP, as envisioned.

We must know the answer to these questions before we can engage in the plan. To do otherwise is unconscionable.

Submitted by,



Alan Lurie, Executive Vice President
June 10, 2003

Sonoran Desert Conservation Plan

Business Community

Landowner

Private Property Rights

Recommendations

Submitted by David Goldstein

October 2, 2002

Key Concepts

- SDCP acknowledges existing rights of landowners of currently zoned or platted lands, or lands covered by a Development or Specific Plan during this transition period until this land is developed
- Allows development to proceed under current entitlements, “grandfathers” existing zoning, plats, and recorded Development Plans and Specific Plans
- Provides necessary mitigation acreage
- Compensates landowners for lost or reduced value

Key Concepts

- Complete economic analysis of the regional impact of SDCP, and of HCP as required by ESA
- Participation in Regional HCP is voluntary. Landowners may opt to negotiate directly with USFW
- Small and low-impact projects are expedited
- Primary funding will be determined by a community vote of approval for a conservation sales tax or bond issue

Key Concepts

- Minimizes inflation on land prices by keeping balance between amount and type of land in market circulation for development
- Guarantees sufficient acreage in mitigation banks to allow both development and conservation
- Plan proceeds based upon habitat conservation specifically for Species that are listed as Threatened or Endangered by the USFW
- Includes incentives for voluntary conservation initiatives
- Peer review by a scientific organization with qualifications comparable to the National Academy of Science

Areas of Consensus

- Rights of individuals with current zoned, platted land, or land covered by a Development Plan or Specific Plan
- Protection of species and habitat
- Future land use and development patterns will be different than past
- We are in transition period until existing zoned land that is currently “in the pipeline” is developed
- To date the focus has been on biology / science. Current focus is on balance between the biology / science, economic impact (mitigation cost and affordability) and social considerations
- An Economic Impact Analysis Report must be completed
- All development will comply with Endangered Species Act, where applicable

Quantitative Considerations

- Amount of habitat acreage to preserve
- Mitigation Ratios
- Site Disturbance Ratios
- Land valuation methods
- Land acquisition funding methods
- Number of species to cover

Compensation

- Clear, equitable, enforceable policy, granting compensation to landowners for loss or reduction in property value or use which results, directly or indirectly, from conservation land use restrictions placed on currently zoned, platted, or Development or Specific Planned property
- Develop non-litigious method for equitable appraisal, which finally resolves all issues of value

Existing Zoning

- Recognize existing zoning, recorded plats, and Development or Specific Plans. Acknowledge the rights of landowners to develop and use their lands in accordance with that zoning, recorded plats and Development or Specific Plans
 - “Nothing in this guideline shall alter, modify, decrease or limit existing land uses, zoning, permitted activities, or management of lands within the Conservation Land System.”

Economic Analysis

- Complete a comprehensive economic analysis of the impacts of the SDCP
- Economic impact analysis should include acquisition costs, impact on property tax base, impact on developable land and affordability of housing, various density assumptions, scenarios regarding release of State lands, additional costs or delays in construction of road & other infrastructure, impact on key industries, estimates on maintenance costs, recognition of market preference and land consumption trends, etc.
- The economic analysis should meet the ESA/NEPA requirements for a regional habitat conservation plan to obtain a Section 10 permit

Mitigation Banks

- Recognizing the likelihood of values appreciating over time, it would be most cost effective for the County to expedite acquisition of sufficient mitigation bank lands in each Geographic Service Area to allow development to continue while meeting conservation goals

Land Supply & Demand / Affordability

- A reduction in land available for housing will increase housing costs and negatively impact economic development and industrial growth
- Adequate land to meet future population growth, at a use pattern consistent with consumer preference, needs to be specifically identified in order to assure future affordability, new housing investing, and protection of the area's attractiveness to employers
- There should be a zero net effect on land available for development that will support densities and allow for growth
- Future planning decisions should support development and provide incentives in recognized growth areas

Who Pays?

- There are numerous stakeholders and partners in regional conservation. The primary funding source for buying and conserving habitat should be based upon a community vote approving a conservation sales tax or bond issue
- Balanced regional conservation should be supplemented by participation from public jurisdictions and the private sector including Federal, State, County, City & Towns, residents, visitors, taxpayers and landowners

Government / Public Share

- **PUBLIC**
 - Re-designate existing public lands to guarantee permanent conservation status
 - Adopt management plans which protect species and habitat
 - Trade lands with other public entities to accomplish conservation and development goals
 - Collaborate with Indian Tribes and integrate Indian Lands
 - Pass bond to purchase conservation lands or conservation easements
 - Maintain conservation lands, enforce conservation easements
 - Manage mitigation banks
 - Access grant funding opportunities

Citizens / Individuals Share

- CITIZENS – provide for participation in sharing cost of acquisition and maintenance of conservation lands. Provide for multi-use benefits on conserved land where compatible, i.e. trails, education, etc.
 - Voter approved open space / conservation bond
 - Property tax increments, sales tax
 - Permit and user fees

Landowner Share

- LANDOWNER – ensure that development meets regional conservation goals; existing zonings are “grandfathered” and will comply with ESA, when applicable
 - Purchase of Mitigation Acreage / Conservation Credit
 - Earn award of Mitigation or Conservation Credit through voluntary reduction of intensity of use in support of conservation goals
 - On-site mitigation
 - Trade or exchange land to meet conservation and development goals
 - Ownership of Private Mitigation Banks for regional use to ensure availability and competitive pricing

“Conservation Credits” as Currency

- A regional standard of the value of one mitigation acre will be established as a baseline. Subsequently, as acreage is acquired, land will be valued against the standard.
- Conserved Lands within mitigation banks will be assessed a value based upon current computer habitat modeling, field science verification, and future costs of managing.
- A method for assuring accessibility to mitigation acreage will be established.
- One acre of mitigation land, or its equivalent value will equal one “CONSERVATION CREDIT”

Buy, Sell, Trade, Earn

- Conservation Credits for mitigation acreage may be purchased from public or private conservators at the time of development
- A fee in lieu of purchase of mitigation acreage via a Conservation Credit may be paid
- Conservation credits can be earned or awarded for voluntary set-asides as an incentive for conservation

Conserved Lands

- Identify and prioritize sensitive lands for ESA listed Endangered or Threatened Species for conservation acquisition
 - Largest land owners, Federal, Indian Lands, State, other Public lands
 - Identify private lands currently zoned, platted or covered by Development Plans or Specific Plans in sensitive areas. Compensate for lost or reduced value
 - Consider impact of ESA compliance on regional lands designated for conservation

Summary

- “Grandfathers” development rights on existing zoning, plats & Plans
- Completes comprehensive economic analysis of impacts of SDCP and regional HCP
- HCP Section 10 is goal, participation voluntary, small projects exempt
- Costs of SDCP are primarily funded by a conservation sales tax or bond and supplemented by stakeholders
- Net zero effect, balance between land available for development and conserved land to prevent inflation
- Sufficient acreage in mitigation banks
- Based upon ESA Threatened & Endangered species
- Includes strong incentives for voluntary conservation



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TO: Pima County Board of Supervisors
 c/o David Steele, SIMG

FRROM: Bill Arnold, REALTOR®
 Patty Richardson, Senior Vice President, TAR

RE: Minority Report / Tucson Association of REALTORS®

June 11, 2003

Thank you for the opportunity to further comment on the SDCP/Section 10 permit application. The Tucson Association of REALTORS® submits the following items for consideration by the Pima County Board of Supervisors for it's deliberation and consideration in the adoption of the SDCP and the Section 10 application.

- 1.) Develop and maintain an implementation schedule. Slippage should not be tolerated or rewarded.
- 2.) Prohibit the practice or implementation of tactics, policies or ordinances which, by design or intent, have the effect of reducing the value of real property which is to be acquired via the SDCP. It's simply a matter of fairness.
- 3.) Insure that the remaining processes related to the final adoption of the SDCP and the Section 10 application are open, community based and participatory.
- 4.) If, in the Board's wisdom, the need for downzoning property is deemed appropriate, TAR strongly encourages the Board to set up a TDR "sending" and "receiving" system as a form of compensation to the affected property owner(s). If the downzoning is targeted to moving residential densities the matter is relatively simple. If the downzoning is targeted to removing a specific use (i.e., the Gates Pass commercial downzoning), we would encourage the same mechanism be employed. See attachment #1.

As such, we believe that Pima County should make the passage of appropriate TDR legislation one of it's top priorities during the 2004 legislative session.

- 5.) TAR believes it appropriate for the Board to institutionalize the assurances made by the County Administrator in his 4/5/2002 memo to Michael Zimet (see attachment #2) in the SDCP. These assurances will go a long way to calm the fears of many property owners and would be an excellent demonstration of the Board's good faith in this process.
- 6.) TAR believes it appropriate for the Board to adopt a ³small property owner exemption.² In one of our many meetings, Dr. Paul Fromer was asked what his opinion was on the subject. Dr. Fromer indicated that there are zoning categories, in place, which have the effect of being self mitigating (those categories being SR and lower densities). Small property owner exemptions exist in most, if not all, other Section 10 permits which have been issued by USFWS.
- 7.) TAR believes it appropriate to state that a goal of the SDCP should NOT be to create a system which is so costly, burdensome or restrictive as to cause, as an intended or unintended consequence, the development community to relocate their business to Pima's contiguous counties. Any plan which accomplishes this is self defeating. Stopping sprawl, leapfrog, disjointed or uncoordinated development is

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one of the many SDCP goals which can only be accomplished through balancing regulation and creating a system which rewards the location of development in our urbanized valley.

8.) TAR concurs with all of the recommendations made by ESI Corporation in their May, 2003 Economic Analysis.

9.) TAR supports the inclusion of an appropriate ³Safe Harbor² policy. See attachment #3. This document was one of the handouts provided to the Steering Committee by Pima County.

TAR has approached this process in good faith, expecting that property owners would be treated fairly in the processing and implementation of the final form SDCP and processing the Section 10 permit. We respectfully request that the Board proceed in the same fashion.

Please consider TAR a partner in this process. We are available to participate in additional SDCP and Section 10 related processes and look forward to the ultimate conclusion to our joint efforts - the granting of a Section 10 permit to Pima County by USFWS.

While in many respects this process has been grueling, TAR appreciates the opportunity to have participated in what we hope will become a model planning document to which other communities aspire.

Thank you.

News Release



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700 11th Street, NW
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For Further Information Contact:
Walter Molony 202/383-1177
wmolony@realtors.org
Linda Johnson 202/383-7536
lmjohnson@realtors.org

GROWTH MANAGEMENT AFFECTS HOUSING AFFORDABILITY

WASHINGTON (May 15, 2003) – Activities to manage growth are impacting housing affordability in communities across the country, according to presentations at the Land Use, Property Rights and Environmental Forum at the National Association of Realtors® Midyear Legislative Meetings & Trade Expo. Approximately 7,000 Realtors® and guests are attending the May 13-17 meetings.

Samuel Staley, president of the Buckeye Institute, a nonprofit think-tank in Ohio, opened the panel by referring to a study that attributed 20 to 25 percent of housing price increases in Florida and Washington to each state's compliance with statewide growth management laws. "One of the practical pitfalls of conventional growth management is that a closed system often prescribes solutions inconsistent with what consumers want," he said. According to Staley, the key to maintaining affordability in the face of growth management is to focus on preserving choice, getting prices right, minimizing micromanagement and politics, and concentrating on long-range infrastructure planning.

John McIlwain, senior fellow at the Urban Land Institute, explained that the challenge is how to manage the growth of suburban counties and towns without increasing the cost of housing. Although reducing the supply of land traditionally increases costs, protecting the land does not reduce the supply if the intensity of development on the remaining lands is increased by an equal amount and transferable development rights compensate down-zoned land owners," he said.

Richard Voith, executive director of the Greater Philadelphia Transportation Initiative, explained that while some critics say smart growth policies impose restrictions on the supply of land, these policies "are unlikely to lower the prices of all types of housing and can actually restrict the supply of land for some uses while expanding the supply for other uses."

-more-

#051



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, TUCSON, AZ 85701-1317
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C. H. HUCKELBERRY
County Administrator

April 5, 2002

Michael Zimet, Chairman
The Vanguard Companies
4055 East River Road
Tucson, Arizona 85718

Re: **Clarification of County Policy Related to the Conservation Lands System Environmental Element of the Pima County Comprehensive Plan and Interrelationship with the Sonoran Desert Conservation Plan**

Dear Mr. Zimet:

As per your request, this letter is being written to clarify the position of Pima County regarding use of the Conservation Lands System contained in the environmental element of the Pima County Comprehensive Land Use Plan. Unfortunately, the purpose and intent of the Conservation Lands System contained in the Environmental Element of the Comprehensive Plan continues to be misinterpreted or not clearly understood.

This misinterpretation is clear from your and Mr. Barney Brenner's comments at the stakeholders meeting called by Representative Marian McClure in the House of Representatives on Monday, April 2, 2002. I indicated at that discussion that the Conservation Lands System does not alter, modify, decrease or limit existing land uses, zoning or presently permitted activities.

Despite my repeated attempts to clarify this position, it is clear from the comments by you and Mr. Brenner that this confusion remains. I am grateful that Supervisor Ann Day scheduled our meeting yesterday to discuss this matter further, and to allay any fears you or Mr. Jonathan DuHamel may have regarding the Conservation Lands System affecting existing zoning.

As I indicated in our meeting, Arizona Revised Statutes §11-821 D.3. requires the County to adopt an Environmental Element in our Comprehensive Plan "that contains analyses, policies and strategies to address anticipated effect, if any, of plan elements on . . . natural resources."

Michael Zimet

Clarification of County Policy Related to the Conservation Lands System Environmental Element of the Pima County Comprehensive Plan and Interrelationship with the Sonoran Desert Conservation Plan

April 5, 2002

Page 2

This requirement was fulfilled by adoption of the Conservation Lands System, which essentially inventories and analyzes the natural environmental resources of the County and how they may be affected by development. In fact, the guidelines relate specifically to how land use change proposals are evaluated from a natural resources perspective. This means how the Board of Supervisors, the legislative body of the County, evaluates requests by private property owners to change Comprehensive Plan designations or the zoning classifications for their property. It is perfectly reasonable to use the best available information, in this particular case the biological findings of the Sonoran Desert Conservation Plan, to measure how these proposals impact the natural environment of Pima County and our biological resources.

At no time have we indicated that this biological resources classification would be used to impair or inhibit the use of property in Pima County, provided those uses conform to the existing zoning of the particular property and the codes of Pima County that have been adopted and in use, in some cases, since 1952, when the County's first Zoning Code was adopted by the Board of Supervisors.

During our meeting you cited from a memorandum by former Supervisors' Chair Raúl Grijalva with an attachment of a document related to interim guidelines produced by the Coalition for Sonoran Desert Protection. I indicated in our meeting with Supervisor Day that these guidelines had been interpreted by memorandums from myself, which have been concurred in by the County Attorney. To reiterate, the scientific findings of the Sonoran Desert Conservation Plan apply only to land use change proposals that require a legislative decision by the Board of Supervisors. Hopefully you now understand this position and will forward this information to Mr. Brenner. To assist you in understanding the applicability of any interim guidelines, I directed a memorandum dated June 25, 2001 to the Development Services Director, that says,

"First, the interim guidelines are exactly that. They are not ordinance, they are not law. They are intended to signal the Board's desires when measuring future land use proposals against the goals of the Sonoran Desert Conservation Plan."

Furthermore, in closing that memorandum, it is stated that,

"In applying these interim guidelines to present land use proposals, they are to apply only when a subsequent legislative act of the Board is required in order to approve a specific land use change proposal. They are not applied to any future land use code administration where only subsequent ministerial approvals of the Board are required. This means that the interim guidelines do not apply to subdivision plats, development plans, or the issuance of building permits where the Board has already given the legislative approval required for same."

Michael Zimet

Clarification of County Policy Related to the Conservation Lands System Environmental
Element of the Pima County Comprehensive Plan and Interrelationship with the Sonoran
Desert Conservation Plan

April 5, 2002

Page 3

This should answer your questions regarding these guidelines being applied to existing zoning. In your example used in Supervisor Day's office, an individual with 10 acres of property in the biological core with an existing CR-1 zoning or one resident to the acre will not be required to set aside 80 percent of their property as natural area, as might be suggested in the guidelines. They will be able to subdivide the property, file a subdivision plat for 10 units, and only need to comply with the County's existing Zoning Code regarding allowable uses, grading, and floodplain identification. In essence, the property owner is unaffected by the guideline in your example.

Most recently our lobbyists have reported that pages of our Comprehensive Plan have been taken out of context at the Legislature. Such is unfortunate and only perpetuates the misinformation that we have attempted to eliminate. In fact, I have provided you with a copy of the map indicating the biological resources of Pima County, which clearly on the reverse side of the map indicates that the concepts are guidelines for land use change proposals.

It has been reported that our riparian designation of 95 percent conservation has been used as an indication that the County is, in fact, substantially restricting the use of private property. Once again this is incorrect. It is very clear that all riparian areas fall within 100-year floodplains, which have been restricted from use since 1974, when Pima County first adopted a Floodplain Management Ordinance. Further, as you are undoubtedly aware, the federal government, through adoption of the Clean Water Act and subsequent amendments, has virtually restricted the alteration of waters of the United States through the Section 404 dredge and fill permit process administered through the Corps of Engineers by the Environmental Protection Agency. Frankly, floodprone areas and riparian areas are restricted in alteration by federal law, and have been so restricted since 1974. National public policy placed into law in excess of 25 years ago decided it was not very smart to build in floodplains. The riparian conservation standard contained in the Conservation Lands System is documented through the scientific findings of the Sonoran Desert Conservation Plan and simply confirms this obvious fact. To use it as an example of County overreaching in the Sonoran Desert Conservation Plan is misleading and unfortunate.

The County's effort to implement the Sonoran Desert Conservation Plan and ultimately receive a Section 10 Permit authorized under the Endangered Species Act is designed to benefit the entire community. The most significant beneficiaries will be those who have specific impacts on the significant biological resources of Pima County. This simply translates into the real estate and development community, who will by far have the largest impact on the natural environment of Pima County in the next 20 years. Perhaps we should abandon our effort at obtaining a holistic solution to this problem and let those who are causing the impact pay the full cost of mitigation.

Michael Zimet

**Clarification of County Policy Related to the Conservation Lands System Environmental
Element of the Pima County Comprehensive Plan and Interrelationship with the Sonoran
Desert Conservation Plan**

April 5, 2002

Page 4

I realize we have covered a number of issues in this letter as requested by you. However, I believe it is important to completely understand the implications of the County pursuing a Section 10 Permit as authorized by the Endangered Species Act when implementing the Sonoran Desert Conservation Plan. As I indicated to Representative McClure, the County is perfectly willing to abandon our efforts to obtain a Section 10 Permit if there is an unreasonable and unnecessary local liability attached to the County for attempting to resolve a problem that is primarily a problem for the development industry. We cannot, in good conscience, saddle our taxpayers with fiscal impacts of growth and development that would result from enactment of House Bill 2638.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/jj

c: The Honorable Chair and Members, Pima County Board of Supervisors
The Honorable Congressman Jim Kolbe
The Honorable Representative Marian McClure
Jonathan DuHamel
Larry Berlin

LAURENCE MARC BERLIN, Esq.

4205 E. Skyline Drive
Tucson, Arizona 85718

Phone: (520) 615-0034
Fax: (520) 615-0102
e-mail: lberlin1@mindspring.com

June 11, 2003

Pima County Board of Supervisors
Tucson, Arizona

Re: Sonoran Desert Conservation Plan
Support for Motion # 5 at Steering Committee Meeting on Wed., May 21,
addressing water conservation.

To the Board:

I offer this note in support of the motion, referenced above, that was proffered by Steering Committee Member William "Sky" Crosby. This water policy resolution received a majority of the Steering Committee's votes but fell one vote short of reaching the super majority needed for formal adoption -- my vote. I was present but engaged in preparations for the presentation of another motion and simply missed the vote. I was counted as an abstention by virtue of the fact that I did not hand in a vote card. When this was called to my attention and I tried to correct my error, the vote had already closed.

Clearly, this was a motion that is deserving of the Board's attention. Hopefully, it will be treated as if it passed. If not, at least the board should understand the circumstances, how close it came, and that a great majority of the voting members of the Steering Committee favored the motion.

I apologize for any inconvenience my inadvertent abstention may have caused and hope that this note helps to put the matter on track. Thank you for your courtesy and consideration.

Sincerely,



Laurence M. Berlin
Member, SDCP Steering Committee

Minority Report on "Landowner Rights"

by Michael Zimet, Member of the SDCP's Steering Committee

I recognize the value to the community of balancing environment concerns with developing to accommodate our inevitable growth. However, through our four-year process I've learned that present laws that presume to protect landowner rights are, at best, insufficient, and do not afford the protection that landowners believe accompanies their ownership of deeded land. I'm very concerned that changes in land use restrictions that may result directly from our community's adoption of the MSHCP, which changes are likely to enrich our community overall, may also have the potential to unfairly diminish the value of some properties within the Plan area. Accordingly, in order to bring appropriate balance to the MSHCP, I've attempted to obtain agreement on language that would clarify certain landowner rights.

In consideration of my concerns, the Steering Committee at its very last meeting, and with very little discussion, voted in favor of one of the recommendations that I co-authored, which stated "The Steering Committee recognizes the possibility that there may be instances in which implementation of the MSHCP compels the county to restrict the use of private land within the CLS. Therefore, the Steering Committee recommends that the Board of Supervisors include provisions in the MSHCP to the effect that:

When the county purchases from willing sellers, they will do so at fair market value, in good faith and unaffected by land use restrictions that may be created following the date this recommendation is adopted by the Steering Committee.

To the extent the county may need to restrict the use of lands and that the owners are not willing to agree to the restriction(s) and are not willing to sell, the county shall have the option to offer a Transfer of Development Rights, which shall be the preferred option when feasible. When Transfer of Development Rights is not feasible or is unacceptable to the landowner, the county shall also have the option to condemn such properties by the power of eminent domain, which option shall trigger the Constitutional Rights of the landowner(s)."

At that same meeting, the forty-eight member Steering Committee, the majority of which consisted of the environmental coalition, rejected another of the recommendations that I co-authored, which stated "**The Steering Committee recommends that the Board of Supervisors formally incorporate the following**

reassurances into the MSHCP: County Administrator Chuck Huckelberry's letter dated April 5, 2002 offered reassurances to the effect that it does not intend for the MSHCP to impair or inhibit uses of land within the CLS that are consistent with existing zoning and other land use restrictions. Although new restrictions may be imposed on property owners requesting legislative changes in permissible land use, no such new restrictions will be imposed on property owners whose proposed uses are consistent with the county's current land use legislation and that do not require action by the Board of Supervisors. (The references to "existing" and "current" zoning and other land use restrictions and legislation are intended to mean those that are in place at the time the Steering Committee adopts this recommendation, if it elects to do so.)"

The rejection of this recommendation by the Steering Committee, which was clearly dominated by the environmental coalition, most certainly puts the environmental community at odds with the County Administrator on this very important issue, and puts the MSHCP out of balance and heavily weighted in favor of the environmental community's goals and against landowner rights.

Generally speaking, landowner rights were one of the least considered aspects of the MSHCP.

Also, for the better part of four years now, I've listened to various experts explain the need to protect endangered species and their plan to not only protect, but also recover, those species. Obviously, the way we treat the habitat for a total of fifty-five endangered and threatened species, now and throughout the life of a Section 10 Permit, is at the core of the county's application for a MSHCP.

Individuals with scientific credentials have questioned the lack of appropriate "on the ground" proof of the assumptions made by the county's science team, and I have not yet heard what mitigation ratios are going to be included in the MSHCP.

Bringing all development which requires Pima County permitting into the Section 10 Permit was an attempt to make it less costly and onerous for a landowner to deal with the Endangered Species Act and the U.S. Fish and Wildlife Service. It was my impression that by recommending the fifty-five species ecosystem approach there would be a lessor need for surveying and mitigation for endangered species. It remains to be seen whether or not we end up with a fair and balanced MSHCP.

To the Pima County Board of Supervisors.

The Steering Committee of the Sonoran Desert Conservation Plan considered in our last and final meeting the following resolution addressing water conservation:

1. Accept a Regional Water Policy that Recognizes Indian Water Rights, Federal Purposes, Hydrologic and Environmental Realities.
2. Adopt Strategies to Achieve or Improve on the Goal of Safe Yield.
3. Adopt a Regional Long Term Recovery Plan for Riparian Systems and a Strategy for Project-by-Project Implementation.
4. Adopt a Regional Multi-Species Conservation Plan with an Adaptive Management Plan Keyed to Riparian Habitat Restoration Plan.

(from Pima County's "Water Resources and the Sonoran Desert Conservation Plan," July 1999.)

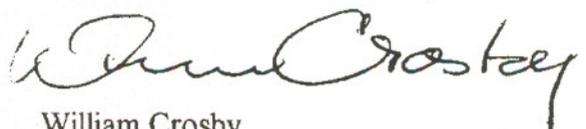
During the meeting the Steering Committee made the following language changes (in italics):

1. Accept a Regional Water Policy that Recognizes Indian Water Rights, Federal Purposes, Hydrologic and Environmental *Science, and other Existing Rights*.
2. Adopt Strategies to Achieve or Improve on the Goal of Safe Yield.
3. Adopt a Regional Long Term Recovery Plan for Riparian Systems and a Strategy for Project-by-Project Implementation.
4. Adopt a Regional Multi-Species Conservation Plan with an Adaptive Management Plan *integrated into the* Riparian Habitat Restoration Plan *developed by Pima County*.

This resolution was voted on, and lost by one vote, 32 out of 33. The deciding vote was an abstention by Larry Berlin, who did not vote due to his preoccupation with his deliberations on the next order of business before the Committee. He simply was not paying attention to the matter before him. When he realized what had happened, he attempted to cast his yes vote which would have passed the resolution, but was informed the vote was closed.

This all-important issue needs recognition and adoption as a central part of the recommendations made by the Steering Committee to the Pima County Board of Supervisors.

Thank you for your attention to this matter,



William Crosby
SDCP Steering Committee Member

Sonoran Desert Conservation Plan Steering Committee

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Sonoran Desert Conservation Plan Steering Committee

Steering Committee Dissenting Opinions

Executive Summary

June 8, 2003

We the undersigned members of the Sonoran Desert Conservation Plan Steering Committee take this opportunity to express dissenting opinions in the Steering Committee's final report. We disagree with the Steering Committee's final recommendations as well as fundamental portions of the Sonoran Desert Conservation Plan, the Steering Committee structure and the process by which the Steering Committee reached its conclusions. We present this brief outline of the primary recommendations detailed in our attached report:

1. The extent of the area(s) proposed for conservation of the listed or candidate species should be determined by evaluating hard scientific data supporting a reasonable habitat area. This land area should not be inflated beyond the minimum requirements of the Section 10 permit;
2. The MSHCP should cover only the 12 federally listed endangered, threatened or candidate species known to occupy Pima County, and which are included among the 55 species cited in the biologically preferred alternative;
3. Mitigation requirements should be proportionate to the supportable needs of listed species; these needs should be determined by the scientific method as opposed to empirical or arbitrary formulas unrelated to site-specific realities. These requirements should avoid creating unnecessary financial burdens;
4. The Board of Supervisors should uphold the assurances they previously gave to landowners, assurances that any MSHCP land acquisitions would be purchased solely and exclusively from un-coerced willing sellers, with no exceptions;
5. If existing June 2003 zoning is altered or land continuing in existing uses is subjected to devaluation by compliance terms of the MSHCP, the landowners should be compensated at fair market value;
6. SDCP economic studies indicate the cost of the plan could reach billions of dollars. A far more detailed and precise estimate of the costs of the MSHCP should be prudently evaluated and prioritized against competing public demands. Costs should be shared fairly under a voter-approved plan. The SDCP plan should not place disproportionate financial burdens upon rural property owners, minority groups or the working poor. The plan should capture financial support from seasonal residents and tourists;
7. Adaptive management within the MSHCP should provide flexibility to relax regulatory burdens, monitoring requirements and land use restrictions found to be unsupported by peer-reviewed scientific data collected after the issuance of the permit;
8. To preserve the tax-producing role of private properties and to minimize the management and maintenance costs of the permit, Pima County should purchase land only if previous efforts to obtain adequate and suitable conservation easements fail;
9. In keeping with both the assurances given to ranchers and the Memorandums of Understanding signed by the Board of Supervisors, the unique cultural, economic and open space preservation role of traditional western ranching in Pima County should be conserved by the terms of the MSHCP;
10. Environmentally responsible extraction of the exceptional mineral wealth of Pima County should be stimulated and facilitated to produce important materials, create wealth, provide high-paying employment and broaden the tax base;
11. Pima County should endeavor to maintain a sufficient supply of non-subsidized affordable housing by prudently tempering the scope and requirements of the MSHCP;
12. In keeping with the Tenth Amendment, great care should be given to ensure that the MSHCP not transfer to unelected federal agencies or unelected committees, any land use decisions that can remain with

the elected Board of Supervisors. The MSHCP should regulate only the absolute minimum necessary to obtain desired federal permits.

Concerns Explaining the Executive Summary:

The biological analysis was described from the beginning as a “utopian plan” for wildlife. It was produced by a computer model based almost entirely on conjecture and hypothesis, and which never acknowledged significant realities.

The Steering Committee’s recommendations support this admittedly unrealistic goal as a future public policy. Cost estimates range over several orders of magnitude because specific requirements and details were never identified. The recommendations of the Steering Committee go far beyond the reasonable requirements for an MSHCP. As a result we believe many of the Steering Committee’s recommendations lack substance and credibility.

We have grave concerns regarding the scientific underpinnings of the recommendations in “Priority Vulnerable Species” and the subsequent extrapolations that led to the publication of a map that better reflected the desire of interest groups to control land use than to provide for the needs of species.

This vast over-reaching effectively places large numbers of species on a de-facto threatened and endangered list for decades without possibility of “de-listing” even when they have not been shown to be present in the County and/or have not been shown to be in any danger of continued existence. It is essential to remember that while the Endangered Species Act can place land use restrictions only on federally-managed land occupied by identified listed species or land in critical habitat, the MSHCP potentially gives the Fish and Wildlife Service great land use control of **unoccupied** habitat and private land for many unlisted species as well.

We believe that the recommendations of the Steering Committee Report go far beyond reasonable requirements for an MSHCP and seek to advance major land use restriction goals favored by Steering Committee representatives through their well-organized formal associations.

We further believe that these interest groups are proposing a plan that would divert significant Pima County economic resources away from meeting basic human needs to purchasing vast tracts of land that will no longer provide productive employment or tax revenue, and which will permanently require maintenance funding. The ability of the County General Fund to meet citizen needs will suffer. Even if a large bond issue is passed to fund the MSHCP, the money for these purchases comes out of Pima County citizens’ pockets and creates no new real wealth. It becomes part of a greatly increased and already heavy public tax burden together with lasting expensive maintenance obligations from the County General Fund.

We recognize the importance of identifying areas where high value habitat has been preserved for wildlife because the landowners, including the State School Trust which is a private land owner, have not exercised their right to sell land for uses other than those that have preserved open space by default. We support appropriate science-based prioritization of lands for the offering of incentives to continue present agricultural use rather than to develop those lands. We are absolutely opposed to non-scientific and political prioritization of lands as an excuse to maneuver the landowner into an untenable position by means of regulation or impediments to exercise of his present zoning and to force him into accepting an “offer he can’t refuse.”

Artificially low valuations for purchase combined with adoption of overbearing regulatory demands are ruses to force owners into the “willing seller” mode and avoid the moral obligation as well as the legal requirement to advance habitat conservation with willing sellers only and to fairly compensate rural residents for conservation easements or other limitations on the exercise of their property rights. Ranchers and others, including the State School Trust, who have preserved open space and wildlife habitat as well as recreational opportunities should not be forced to bear the cost of the desire of some residents to favor open space over future dispersed residential development.

The public policy decision to lock out dispersed development conflicts with the desire of many citizens to own a piece of land they can afford and where they can have a horse and some animals and not live cheek by jowl with their apartment-dwelling neighbors. [The policy decision advanced by the Steering Committee recommendations needs to be made in the clear light of day without the subterfuge of hiding behind the

manufactured “needs” of a panoply of species most of which are undoubtedly completely indifferent to the development patterns of the County. There is significant evidence that dispersed development at the “rural homestead” density of one house approximately every five acres is not a problem for cactus ferruginous pygmy owls or for virtually any other listed species. Many valued wildlife species including quail, doves, hummingbirds, many other birds, deer, javelina and rabbits actually benefit from the additional forage and water often supplied by semi-rural residences.]

We recognize that some species do benefit from larger unbroken expanses of open space and consequently favor the offering of conservation easements or sale or transfer of development rights to encourage owners of high value wildlife habitat to continue in family ranching and simultaneously preserve the cultural and biological resources they have maintained.

We recommend that the Section 10 permit cover only those species within the list of 55 species of the biologically preferred alternative that are federally listed as threatened or endangered, or are candidates for such listing. Under the biologically preferred alternative, a property owner would be required to mitigate for potential habitat of up to 55 species, whereas now, and under a permit covering just federally listed species, a particular property owner may be required to mitigate for just two or three species that could reasonably be considered to be affected by his construction plans.

We have diligently attended the sessions at which scientific information was presented and have reviewed the “Priority Vulnerable Species” materials which have been made available. Based on substantial consideration, we have raised concerns regarding the basis for calculating the extent of habitat sought for species protection. We remember, and herein cite, the observations of the primary scientific peer reviewer, Reed Noss, who stated that the vast area identified as “needed for the species” was a “biologist’s ideal wish list without any hard scientific data to support its extent”. We note that County biologists postulated habitat requirements of 5,320 acres per bat for just one of the listed species, the Lesser long-nosed bat. Allowing such acreage for just the 130,000 bats in one cave in western Pima County would require setting aside an area ten times the size of the State of Arizona.

We cannot, therefore, support the Steering Committee’s willingness to subject the County and County landowners to a 20-50 year permit giving the force of federal law to as-yet-unknown land utilization restrictions that will not be relaxed even if scientific evidence builds to indicate that the species are neither endangered nor in need of the “protections” that humans have prematurely decided they “need.” While the concept of “Adaptive Management” was frequently mentioned as a guiding principle of the MSHCP, we are concerned that adaptation operates in only one direction: to increase restrictions rather than to reduce them. **We recommend** strongly that the County insist that provisions for adaptive management also include a feasible process for removing restrictions found to be scientifically unsupportable and for removing species from “protection” when they are delisted.

We have placed reliance upon the positions clearly and forthrightly taken by the Supervisors and the County Administrator that the economic value and production value of rural eastern Pima County lands will not be taken by regulation, down-zoning or “down-planning.” It is not possible to “Keep ranchers ranching” while depriving them of the ability to operate and confiscating through new zoning, planning and/or ordinance requirements the collateral value of their private rural homestead land.

We believe the repeated assurances that the County has given, recognizes the contribution of agriculture and mining to its economic stability, and understands that the burden of compliance with Endangered Species Act requirements through a Section 10 permit and MSHCP should not be disproportionately borne by the residents of the County who have continued to preserve open space and wildlife habitat while contributing to the cultural and economic wealth of the County.

We wish to point out that the recommendations of the Steering Committee were not the product of consensus between the rural landowners whose property has been identified as part of the Conservation Land System and the representatives of other interest groups, but were rather the result of the great numerical superiority of the latter from the initial formation of the committee. Votes on substantive issues were 66%-plus-one with all but a few of the non-owners of the lands forming the Conservation Land System voting consistently to advance their interests at the expense of the few

representatives of the people whose lands were to be affected. Our repeated efforts to seek adoption of the assurances we have been given on property rights and economic uses were routinely rebuffed.

The statement in the Majority Report that efforts were “always made to reach consensus” is in error. The “majority bloc” was carefully managed. “Bloc” members voted essentially as a unit from the beginning of the process; bloc members were included in the “drafting group” emails and their schedules were taken into consideration in establishing meeting times and locations.

Only the details and wording of the majority report were ever in doubt; the majority agenda was clear from the initiation of the process to its aggressive termination at the end of May 2003. Spokespersons from the Coalition representing the views of the Center for Biodiversity and the Defenders of Wildlife attacked western cattle ranching in Pima County at public meetings and in Coalition publications and used every opportunity to prevent the inclusion of any of the perspectives of the ranching community, the university representative or the property rights advocates in the final Steering Committee recommendations. Members of the “majority bloc” insulted, belittled and yelled at those not in agreement with their positions.

The Steering Committee structure was flawed from the beginning. The selection of appointees unfairly gave power to interests that would not be financially burdened by the Plan. The former gave no mercy to the latter.

We strongly object to egregious procedural failures: the unequal treatment of Steering Committee members by the facilitator who denigrated the contributions and legitimate concerns of various members, who overtly advanced the motions made by the self-appointed drafting group, and who permitted the drafting group to operate as a *de facto* alternative Steering Committee. Neither the “drafting group” process nor the group’s membership was ever voted on by the steering committee. Many Steering Committee members were excluded from participation and effectively marginalized. Motions presented by the “drafting group” were allowed to supercede motions offered by non-drafting group members, were allowed great latitude in their redesign while under discussion, and were rushed to a vote after minimal opportunity for cursory review by those not in the “inner circle.” Substantive motions were passed by 2/3 vote of those present, not 2/3 of the total Steering Committee membership. Steering committee meeting times and locations, especially toward the end, were set to create ease of participation for some groups and consistent obstacles for others.

We note with concern that the motion proffered by Professor Mitch McClaran to simply clarify that the Steering Committee had not discussed or voted on any specific land use regulations for land within the Conservation Land System was defeated. The dominant interest groups on the Steering Committee insisted on retaining an ambiguity which could lead the Supervisors to believe that allowing the imposition of extensive new land regulations in the MSHCP would be acceptable.

We are greatly concerned that the entire underlying premise of the MSHCP and the recommendations of the major interest groups on the Steering Committee effectively co-opt the real power and purpose of the County Board of Supervisors by transferring zoning and land use power from the Supervisors to bureaucrats in an unelected Agency. We elect our Supervisors to deal with County issues, not to federalize control of Pima County through adoption of an MSHCP.

We are opposed to the substitution of a Board of Biologists and environmental police (unelected and unresponsive to the public) for the Board of Supervisors. We believe that the over-broad long-term MSHCP parameters recommended by the Steering Committee would essentially support the creation of an entitlement program that ensures numerous dubious beneficiaries priority over human needs for decades to come. We believe that citizens should be alert to the fact that even one species can be used to stop the building of a needed school, the widening or improvement of roads, or the construction of other badly needed public and private facilities.

We request that the Supervisors take the following specific public policy positions and ask that the Board recognize that these are the positions of the rural landowners and of many urban-dwelling citizens who value the unique western heritage of southern Arizona and who regard the rights of property owners as a foundation of this Nation. We ask that the Board of Supervisors adhere to these principles during negotiations with the Fish and Wildlife Service for the development of the MSHCP.

Recommendations:

As an alternative to the package of recommendations offered by the Steering Committee, we recommend the following:

Regarding Agriculture,

- Pima County recognizes the cultural and historic value of its ranching and farming heritage. Pima County recognizes that it has no authority to prevent, restrict or otherwise regulate agricultural activities. Pima County will also not agree to restrictions or regulations written into the MSHCP that would not be legal if enacted by the Board of Supervisors.
- The MSHCP must have no effect on agricultural activities except by voluntary agreements entered into by the landowner and/or lessee of the land as part of their free choice to participate in a mitigation program with persons needing federally-required "mitigation" to develop lands in Pima County.
- Pima County recognizes and supports the unique, legislatively-established mission of the Santa Rita Experimental Range. The County recognizes that the important function of the SRER as an agricultural research site for the University of Arizona must not be compromised in any way by its inclusion as part of the Conservation Land System. The County recognizes that onerous additional monitoring requirements on an already-intensively-managed research site could imperil the legislated protections from development already enjoyed by this important portion of the State School Trust Lands.

Regarding Mining,

- We request that the Board of Supervisors recognize and memorialize in the MSHCP the exceptional importance of Pima County as one of the Nation's leading suppliers of high-value mineral products. We strongly believe that the environmentally sensitive extraction of this exceptional gift of mineral resources is of great importance to the creation of real wealth in the County. Pima County's mineral resources must be appropriately and diligently extracted from mineralized sites and placed into circulation in the economy to create high-wage employment and tax resources to fund County needs.
- In seeking to acquire State land for mitigation, we strongly request that Pima County consult mineral potential maps and avoid acquiring areas favorable for mineral production.

Regarding Property Rights,

- The County recognizes the absolute right for a property owner to utilize his property, provided such use is consistent with existing June 2003 zoning and health/safety ordinances and laws. We recommend that the Constitutional protection against taking of private property without just compensation be applied strictly and be explicitly stated in the text of any MSHCP developed by the County. Compensation must be provided for any MSHCP-imposed on-site restrictions, such as limitations on farming and ranching activities, including setbacks for usage on properties adjacent to governmentally-owned conservation areas, that may result from negotiations between the County and the Fish and Wildlife Service. Compensation must be provided through payment or other means acceptable to the property owner without threat of penalty and at current, fair market value without influence from habitat plan restrictions or zoning restrictions imposed after the date of this report.
- We have been assured, in a letter from County Administrator Chuck Huckelberry, dated April 5, 2002, that the County does not intend for the MSHCP to impair or inhibit land uses within the Conservation Land System (CLS) that are consistent with the County's current land use regulation and that do not require action by the Board of Supervisors. We request that assurance be memorialized as part of the formal MSHCP.
- The Steering Committee's recommendation that voluntary incentives be employed "to the largest extent possible in both planning decisions and in the implementation of the MSHCP" is an entirely unacceptable invitation to abandon the "willing seller only" principle in every circumstance in which it is inconvenient to pay for property rather than confiscate it through regulatory devaluation.

- We recognize that future up-zoning to greater densities or to other use categories will be necessary at times; such up-zoning would need to conform to the requirements of the MSHCP but should be based upon the existing Board of Supervisors practices for up-zoning. The MSHCP should make it easier for builders to work with the County to up-zone when appropriate so that the housing supply does not become critically short of demand as it has in San Diego County where a habitat conservation plan is in place. The County's citizens need new housing constructed so that housing prices do not radically escalate as prices have in California's restricted growth areas and in areas where habitat conservation plans exist. Rapidly escalating housing prices erase the hope of homeownership for most citizens. Expensive housing causes jobs to move out of the region and results in a widening gap between the well-off and the renting class.

Regarding Real Costs

- The promotion of open space, the limitation of housing construction, and restrictions on human use of wildlife habitat are costly public policies that should be financed without placing disproportionate financial or other burdens on rural property owners. Their priority should be carefully weighed against other public needs.
- We believe that the push by some interest groups in the Steering Committee to endorse an effort to change the Arizona State Constitution and Enabling Act so that a large amount of high-value State School Trust Land can be transferred to "conservation purposes" without remuneration to the State School Trust is unwise and constitutes a raid on the Trust and on school funding. The supporters of this view constantly cite a misleading average of the lease income for State Trust Land and try to obscure the fact that the lands they have identified for confiscation from the Trust are the highest value parcels. Any such "transfer of value" would be an enormous real cost to Arizona schools.
- Claims that taking land out of production or redefining its "highest and best use" will increase the County's wealth should be carefully evaluated and questioned. It is most probable that wealth will be redistributed to the upper class urban homeowner whose land values will increase and that future homeownership and employment opportunities will be decreased for the lower income wage earner as they have in San Diego County where an HCP was established, land use was restricted, and home purchase prices have reportedly risen 10% per month over the last year.
- The representation that more businesses will relocate to Pima County as a result of the MSHCP seems improbable if the tax burden is increased to pay for vast land purchases, land policing and maintenance and those same lands are taken off the tax rolls. Additional sales taxes and bonded indebtedness are not generally motivators for in-migration of desirable industries.
- Funding for the MSHCP should come from a variety of sources, reflecting the full spectrum of interests (including national) favoring this approach to conservation of endangered species and habitat protection.

We offer the following guidance regarding a mitigation program utilizing purchase of conservation easements on agricultural land:

- The County should advocate for the use of conservation easements purchased from willing sellers or the use of transfers of development rights or other tools as preferential alternatives to out-right purchase of land to meet MSHCP requirements.
- The County should not be in the mitigation banking business. The County must not obtain land at a low price and then enter unfairly into competition with private landowners by creating a county mitigation bank. Purchase of mitigation credits should be a free market, willing seller-willing buyer arrangement without County involvement unless the County is seeking to purchase mitigation property for its own projects. The County should follow exactly the same procedures for mitigating its projects as are required of a private citizen who wishes to develop his parcel.

- We have significant concerns about the proposed appointment of a “Citizen’s Oversight Committee” with un-specified powers to guide expenditures of the monies sought in the huge proposed open space bond issue. We have been made aware that this oversight committee already exists and is composed of the very Steering Committee members who consistently supported the most extreme recommendations for land use control and consistently opposed the inclusion of reasonable property rights protections.
- There must be an agreed-upon method for determining conservation easement value or transfer of development rights that recognizes full present development value of the property without any zoning maneuvers or regulatory requirements that would effectively decrease the appraised value of the land prior to the negotiation of the easement or transfer.

Respectfully Submitted June 9, 2003 by the following Steering Committee Members:

Susan E. Chilton
Patricia King
Lucy Vitale
Jonathan DuHamel
Cindy Copping
Heather Fox
Richard Harris
Lynn Harris
Mary Darling
Andrew McGibbon
Micaela McGibbon
Mary Miller
Alan Lurie

Avra Valley/Silverbell Conservation Alliance

Post Office Box 1066 Red Rock, Arizona 85

Pima County Board of Supervisors
Pima County Administrator Chuck Hocketberry
130 West Congress

Tucson Arizona, 85701

June 6, 2003

Ladies and Gentlemen:

Avra Valley/Silverbell Conservation Alliance is an organization of citizens who own deeded properties and grazing leases located within the boundaries of Ironwood Forest National Monument.

On April 22, 2002, members of the Avra Valley/Silverbell Conservation Alliance met with representatives from United States Fish and Wildlife Service (FWS), Arizona State Land Department (AGFD), Arizona Game and Fish Department, and United States Natural Resource Conservation Service (NRCS) to discuss the possibility of entering into an independent Section 10 permit under the Endangered Species Act. The proposed agreement would have protected the Arizona State grazing leases located within the boundaries of the Ironwood Forest National Monument by using them as mitigation for Arizona State Highway projects.

Prior to the April 22 meeting the Arizona Game and Fish Department provided us with a list of eight sensitive species, designated by any Federal or State agency, which have confirmed locations within the IFNM. The list originated in the Arizona Game and Fish Department's Heritage Data Management System (HDMS). The list includes just one listed Endangered Species—the Nichol's Turk Head Cactus. Although the Presidential proclamation that established IFNM states the monument is home to two additional listed Endangered Species, neither has a confirmed nesting location within IFNM. The Presidential proclamation contains false statements concerning the Lesser Long Nose Bat and the Cactus Ferruginous Pygmy Owl. Neither species has been documented nesting or roosting in IFNM, and most of the monument area is considered by FWS experts to have low potential for this owl's habitat.

A comparison of the HDMS list provided by Arizona Game and Fish Department against the list of 55 species proposed for Sonoran Desert Conservation Plan reveals four species listed by FWS as 'Species of Concern' which are not included in the proposed 55 SDCP species. These four include the Sonoran Desert Tortoise, the Cave Myotis (an insect-eating bat) and two plant

species.

At the April 22 meeting we learned that private and State lands within the boundaries of IFNM are ineligible for either a Section 10 permit or a Safe Harbor Agreement. Since the only listed Endangered Species in IFNM is a plant, and plants are not covered by Section 9 of ESA, no species exists within IFNM that could be cause for a Section 9 Incidental Take Statement. Therefore, the lands contained within IFNM's borders are ineligible for a Section 10 permit, and no benefit could be gained from obtaining one.

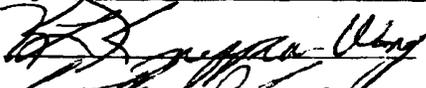
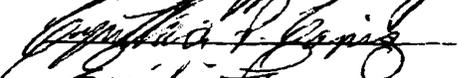
Furthermore, if the private lands located within and adjacent to IFNM are covered by Pima County's Section 10 permit, these lands would be encumbered by as many as 34 species treated by FWS as if each were a listed Endangered Species. Theoretical computer models created for SDCP have led to conjectures that 34 hypothetically 'vulnerable' species have hypothetical potential to reside within IFNM. Hard data has not yet been gathered to confirm or refute any of the conjectures or hypotheses constructed by the

computer models. The net effect to including the private lands, interior to IFNM, in Pima County's proposed Section 10 permit would be to harshly burden the private landowners with excessive regulations, while returning nothing to justify or offset those costs.

In addition, even if 55 species are covered by the proposed Pima County Section 10 permit, it will do nothing to protect half of the listed sensitive species confirmed to occur within IFNM.

For these reasons we, the undersigned members of Avra Valley/Silverbell Conservation Alliance, request the private lands surrounded by the boundaries of Ironwood Forest National Monument be excluded from Pima County's proposed Section 10 permit.

Sincerely,

<u>Signature</u>	<u>Ranch</u>
	King Ranch
	MALPAIS RANCH
	LAZY E. H. RANCH.
	Blanco Wash
	Mammoth Wash Ranch
	EL Tiro Ranch

Minority Report
Sonoran Desert Conservation Plan
Steering Committee Recommendations:

SAHBA appreciates the opportunity to comment on the Steering Committee Recommendations.

Steering Committee Composition and Productivity:

The Steering Committee was supposed to represent all of Greater Tucson's citizens, but there were no Native American or Hispanic members; and no one who could adequately address the shortage of available affordable housing and the anticipated worsening situation if the MSHCP was passed.

The duties of the Committee were not appreciated. No one, or very few outside Pima County, understood that the Committee would be dogged with a four-year effort where no decisions were made until the last two or three months. Those decisions were the final votes of the Committee after endless meetings where information was requested, but requests vetoed by the County.

The process intentionally drove business people away from the Committee and added environmentalists – a desirable result for the people representing the non-business, environmental position. As a result, when the Committee took the votes, there was an overwhelming majority supporting a 55 species- based conservation land system plan.

The Science

The science was as troubling. I recall listening to the initial science meeting at the UMC Auditorium where the "pink" map was first made public. The speakers said that the land identified as necessary for the SDCP was a best situation wish list for the Plan – a Utopia – something that would certainly be tailored down to more usable figures as the process continued. That moderation never took place. My requests to get a copy of the data, assumptions, the model, and results that created the plan were never granted. The process that they announced as science could not be independently verified because the data were not made public. If it was "best available science," why was the data not made available?

55 vs. 9 Species

The selection of 55 species for the MSHCP of the SDCP was a bad choice for the following reasons:

1. Several species have never been known to inhabit Pima County
2. The topic of how many more species may soon be added to the threatened or endangered species list in Pima County was emphatically thought to be zero by USFWS representatives. Why then, would we add 46 additional species to the MSHCP for federalization and all of the additional land use restrictions, survey requirements, etc. that accompany such action? The consequence of having more species than necessary in the MSHCP is that decision made at Plan development will last for the duration of the MSHCP. Our information base will increase during the 20 to 50 year life of the plan. We might wish to change policies, but we will be unable to do so.

Social consequence of the MSHCP

Dan Eckstrom (District 2) made an important point to the Board of Super-visors when they started to discuss the Habitat protection plans available to the County. Supervisor Eckstrom asked the Board to consider a "People Protection Plan" to keep the County's most valuable resource-- its people-- healthy and safe. Mr. Eckstrom evidently saw the potential for our citizens to fall behind in the competition for available resources. Unfortunately, the lack of follow up on this important concern will make the American dream of home ownership even more difficult to realize. Arizona is second to last in home ownership in the US and getting worse. The social ramifications of the SDCP plan have been quietly overlooked.

The SDCP Cost

When people asked me what I thought of a SDCP, I would tell them that until I knew the answer to several questions, I could not reply. The information that was necessary to know and understand before being able to cogently respond to the inquiry were:

- How much would the plan cost?
- Who would pay for the indebtedness?
- When would the payments be made and what would trigger them?

After more than five years of asking those questions, I am no closer to having an answer. Pima County signed a contract with the Morrison Institute to do an economic analysis of the SDCP. PhD. Rob Melnick, head of the evaluation team, was forced to "fire" Pima County as a client because Pima County would not answer questions necessary to complete a meaningful analysis. Melnick also complained that he could not find a document entitled, "The Sonoran Desert Conservation Plan."

Mr. Chuck Huckelberry, Pima County Administrator, considered doing an evaluation using County staff instead of an outside resource. He finally hired ESI Corp., a Phoenix economics firm, and SWCA Environmental Consultants, Inc., of Tucson.

But instead of measuring the cost of the SDCP, he decided to measure the cost of the Multi-Species Habitat Conservation Plan. This, at best, was a mis-direction strategy: the MSHCP is only a small part of the cost of the SDCP yet it could cost up to two billion dollars. We still are in a situation where the community does not know if it can afford to take on the entire SDCP, as envisioned.

We must know the answer to these questions before we can engage in the plan. To do otherwise is unconscionable.

Submitted by,

Alan Lurie, Executive Vice President
June 10, 2003

APPENDIX C:

STEERING COMMITTEE OPERATING GUIDELINES

**Operating Guidelines for the
Sonoran Desert Conservation Plan Steering Committee**

**November 19, 2001
Updated October 5, 2002**

**Operating Guidelines for the
Sonoran Desert Conservation Plan Steering Committee**

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Appendix

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I. Background

At its May 30, 2001 meeting, Pima County Administrator Chuck Huckelberry responded to the repeated requests by Steering Committee Members by agreeing that the Sonoran Desert Conservation Plan Steering Committee (Steering Committee) could develop its own organizational framework to consider plan alternatives and make recommendations to the Board of Supervisors. In addition, Mr. Huckelberry indicated that the services of the Strategic Issues Management Group, Inc. (SIMG) would be made available to the Steering Committee at its discretion to assist with its efforts.

Subsequent to the May 30, 2001 meeting, the Steering Committee, on its own initiative, meets regularly and has developed the framework for it to make decisions. In addition, the Steering Committee has among other things received a briefing from the Arizona Attorney General's Office on compliance with the Arizona Open Meeting Law, conducted a workshop on decision-making led by a professional facilitator, met with the science advisory team and has taken a field trip.

The Steering Committee has undertaken significant efforts in developing the policies and procedures under which it will operate. This document represents those agreements as well as the requirements imposed upon it by the Pima County Board of Supervisors.

II. Operating Guidelines Chronology

- May 30, 2001:** County Administrator Huckelberry agreed that the Steering Committee could begin to develop its own organizational framework to consider SDCP alternatives and make recommendations to the Pima County Board of Supervisors. After that meeting, members of the steering committee informally met and agreed to meet again on June 27 and further agreed to establish an ad-hoc organizational subcommittee (ad-hoc subcommittee) to assist in the planning for this meeting.
- June 12, 2001:** At the direction of ad-hoc subcommittee, David Steele of SIMG sent a letter to County Administrator Huckelberry requesting information to assist the Steering Committee at its June 27 meeting.
- June 13, 2001:** At the direction of the ad-hoc subcommittee, SIMG sent a query to Steering Committee members on key organizational issues.
- June 25, 2001:** Huckelberry responds to June 12 Steele letter, indicates that Steering Committee's deadline for work is the fall of 2002.
- June 27, 2001:** Steering Committee met and began its work on developing both organizational and decision-making frameworks. It reviewed member queries and discussed options. Concluded that a workshop on decision-making would be scheduled for July meeting. There was consensus that the SIMG would continue to

provide facilitation services for the Steering Committee through the July meeting.

- July 28, 2001:** Steering Committee conducted both a decision-making workshop and a meeting. At the meeting, the Steering Committee established dates and times for the next six months of meetings, achieved consensus that 33% of the Steering Committee membership constitutes a quorum for the Steering Committee to make decisions, achieved consensus that the group would strive for consensus. If consensus could not be reached, fallback mechanisms, including voting, would be incorporated. There was consensus that the SIMG would continue to provide facilitation services for the next Steering Committee meeting.
- September 5, 2001:** The Steering Committee met and received a briefing from the Arizona Attorney General's Office on the Arizona Open Meeting Law. In addition, the Steering Committee decided that if attempts to achieve consensus on procedural issues were not successful, then issues would be decided by a simple majority vote. The group also reached consensus that 1/3 or more of the Steering Committee members present can decide that an issue would be considered as a substantive issue and then would follow the yet-to-be determined decision-making protocol for substantive issues. There was consensus that the Strategic Issues Management would continue to serve as facilitators through the October 6 meeting.
- October 6, 2001:** Steering Committee met. It developed a process for making decisions on substantive issues when consensus is not achieved. The Steering Committee defined a supermajority as 2/3s plus 1. The Steering Committee further decided that it would not ask the Board of Supervisors to add new members, and in Executive Session determined that SIMG would provide facilitation services through the November meeting.
- October 9, 2001:** Steering Committee members were sent a letter by Chuck Huckelberry with the following directives from the Board of Supervisors:
- Provide quarterly updates to the Board of Supervisors with the first being provided on November 20, 2001;
 - Provide specific process and membership recommendations;
 - Commence substantive work on the Sonoran Desert Conservation Plan and provide a preferred alternative recommendation for the Section 10 Endangered Species Act permit to the Board of Supervisors by July 1, 2002.
- November 7, 2001** Steering Committee met. It heard a presentation from Chuck Huckelberry on the issues raised in the October 9 letter. The Steering Committee also agreed to; general membership meetings as its governance structure; send a

letter to those members that had attended less than 50% of the Steering Committee meetings inquiring of their future interest; continue to retain SIMG as facilitator; decided that SIMG would make the presentation to the Board on behalf of the Steering Committee.

- December 7, 2001:** Pursuant to Steering Committee directive, David Steele wrote a letter to the Pima County Attorney “seeking guidance concerning the quorum requirements for the SDCP Steering Committee.”
- December 26, 2001:** David Steele received a response from Deputy County Attorney Katarina Richter indicating that the Steering Committee did not have the discretion to set a quorum different than a majority. She said that, “the best way to fix the problem is to have a full quorum of the Committee ratify any action previously taken by less than a quorum of the Committee membership.”
- February 2, 2002:** A majority quorum of the full Steering Committee re-ratified its previous decision en-bloc. At that meeting, a member of the public expressed concerns that the process the Steering undertook, to re-ratify its previous decisions may not have been proper.
- February 5, 2002:** Board of Supervisors adopted a resolution concerning membership, attendance policy and the quorum issue. Specifically, the resolution does three things:
1. The quorum will be considered the members present at any particular meeting.
 2. The Board of Supervisors will accept the recommendations voted on by the members present at the meeting where the recommendation is presented.
 3. Any member that misses three meetings will be removed from the Steering Committee, and that member will not be replaced.
- February 11, 2002:** David Steele wrote to Deputy County Attorney Richter seeking clarification on the process the Steering Committee undertook to re-ratify its previous decisions.
- February 19, 2002:** Deputy County Attorney Paula Wilk responded indicating that Steering Committee’s action February 2 to re-ratify its previous decisions only applies to future action from that date. She advised that this clarification be put on the next meeting agenda.
- March 6, 2002:** Pursuant to counsel from the County Attorney, the Steering was advised that action re-ratifying its previous decisions was prospective.

March 27, 2002: In response to a letter sent by David Steele pursuant to Steering Committee directive, the Clerk of the Board of the Pima County Board of Supervisors indicated that the Board mandated attendance policy is implemented prospectively from the date of the Board's action on this matter – February 5, 2002.

April 16, 2002: The Pima County Board of Supervisors adopted a measure that clarified that the attendance policy they adopted on February 5, 2002 does not apply to Steering Committee Study Sessions.

III. General Operating Guidelines

A. Arizona Open Meeting Law: All activities and meetings of the Steering Committee will be conducted in a manner consistent with the Arizona Open Meetings Law.

B. Types of Steering Committee meetings: The Steering Committee may conduct two types of meetings. The first type is a Regular meeting during which the Steering Committee may make decisions and/or take actions consistent with its decision-making guidelines. The attendance policy set forth by the Pima County Board of Supervisors will apply to Regular meetings.

The other type of meetings the Steering Committee may conduct are Study Sessions. At these meetings the Steering Committee may receive information and/or have discussions on issues, but will not take any action or make any decisions. Moreover, the attendance policy does not apply to Steering Committee Study Sessions.

The determination on which type of meeting will be conducted will be determined by the Steering Committee at a Regular meeting.

Both Regular meetings and Study Sessions will be conducted in a manner consistent with Arizona Open Laws.

C. Attendance Policy: Pursuant to directive from the Pima County Board of Supervisors, the Steering Committee's attendance policy is:

- A. Any member that misses three Regular meetings will be removed from the Steering Committee by the Pima County Board of Supervisors, and that member if removed, will not be replaced;
- B. Members that are not able to attend a Regular meeting should provide a written statement explaining why they are not able attend. That statement will be included along with the attendance sheets and minutes.
- C. The attendance policy does not apply to Steering Committee Study Sessions;
- D. The attendance policy is effective February 5, 2002 and applies to subsequent Regular meetings.

IV. Decision-making Guidelines

- A. Consensus:**
The Steering Committee will always strive for consensus decisions. Consensus in the context of Steering Committee decision-making is defined there being no expressed objections from Steering Committee members present.
- B. Non-Consensus:**
In the event consensus is not achieved, the Steering Committee will implement a fallback decision-making process described below.
- C. Quorum:**
A quorum shall consist of a majority of the Steering Committee members.
- D. Fallback decision-making mechanism for procedural issues:**
When consensus is not achieved on procedural issues, those issues will then be decided by a simple majority vote of the members in attendance. Figure 1 illustrates the fallback decision-making mechanism for procedural issues.
- E. Classification of issues as procedural or substantive:**
If one-third (1/3) or more of the Steering Committee members present decide that an issue should be considered as a substantive issue, it would then follow the process defined in fallback decision-making mechanism for substantive issues.
- F: Fallback decision-making mechanism for substantive issues:**
When consensus cannot be achieved on substantive issues the following fallback decision-making mechanism will be implemented which is illustrated in figure 2. If after determining that consensus does not exist on a particular issue at dispute, then the Steering Committee will determine if a supermajority of the members present support a particular position on that issue. If that is the case, then that position will become a decision of the steering committee. If not, the Steering Committee members present will determine if the issue is sent to a mediation group or, in the alternative, a collective statement reflecting the differing points of view on the issues will be prepared. The mediation group will consider the issue and attempt to reconcile the differing points of view and report back to the Steering Committee at its next meeting. The Steering Committee will then reconsider the unresolved issue to determine if a consensus exists. If not, then determine whether or not a super-majority supports a particular position on that issue. If there is either consensus or supermajority support, then that will represent a decision of the Steering Committee. If there is neither, then a collective statement will be prepared that expresses the differing views on the issue on which there is not agreement which, will conclude the Steering Committee's consideration of the issue.

**Fallback Decision-Making Mechanism
Procedural Issues**

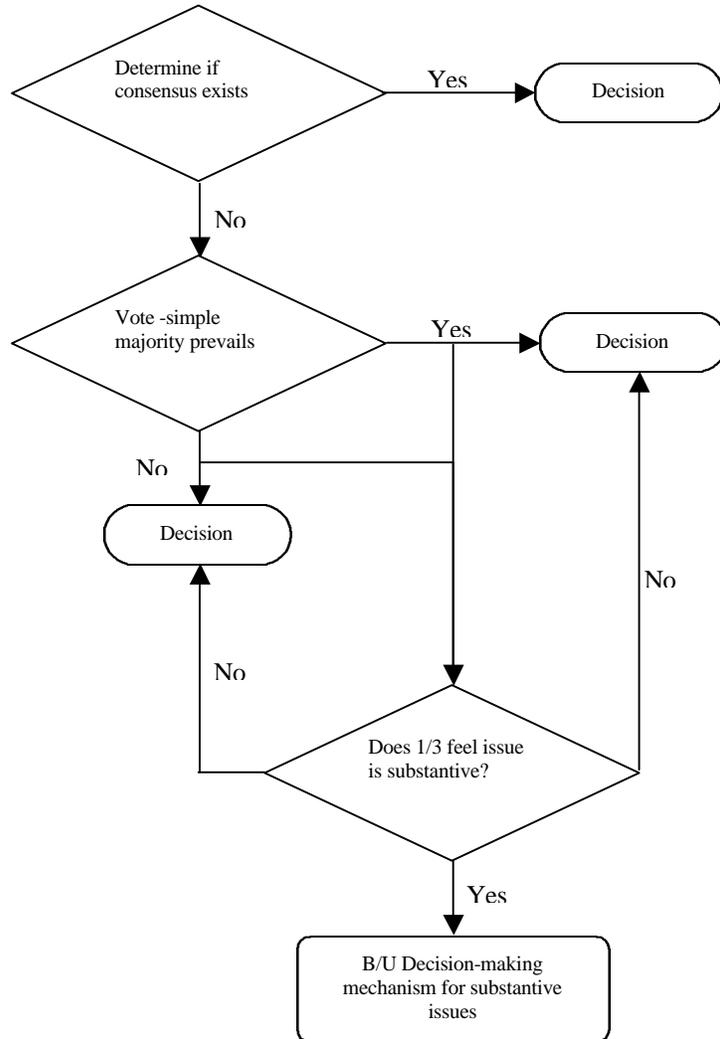


Figure 1

**Fallback Decision-Making Mechanism
Substantive Issues**

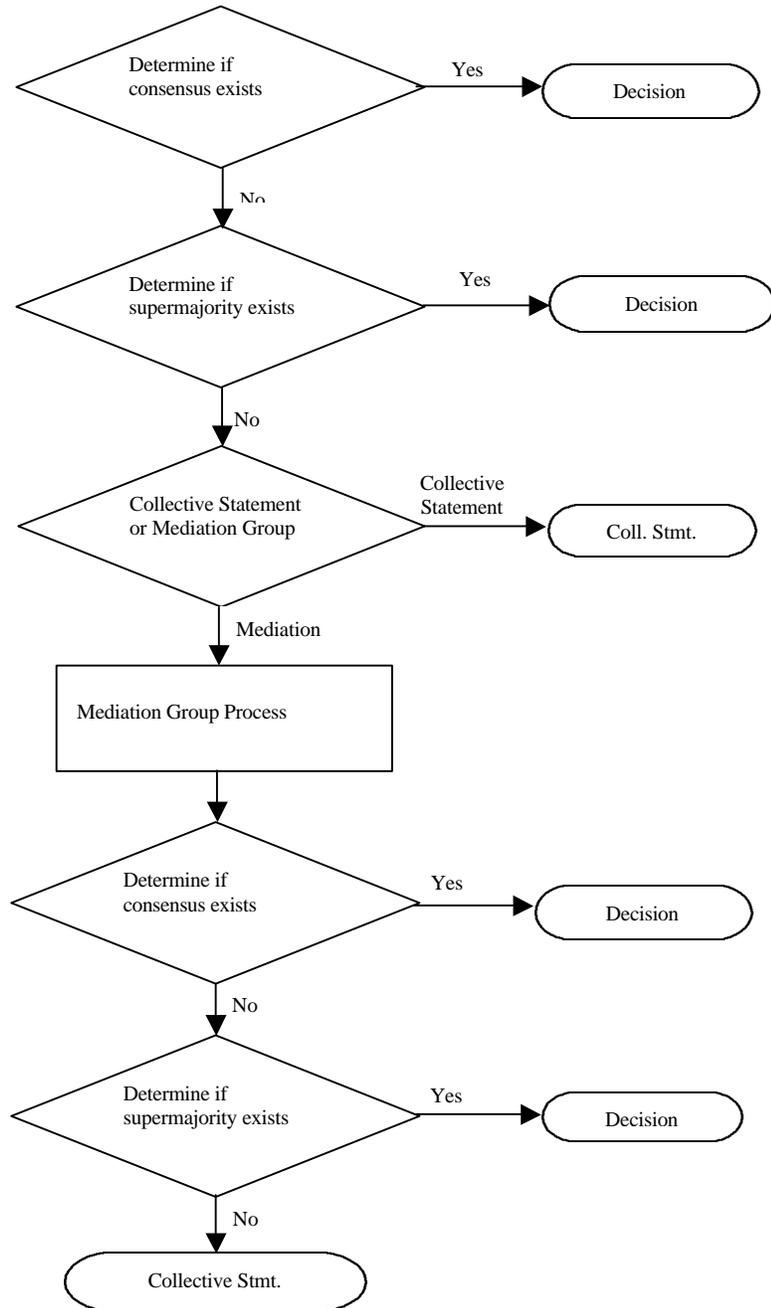


Figure 2

G. Supermajority:

For the purposes of Steering Committee decision-making a supermajority is defined as 2/3s of the membership present plus 1 additional member.

V. Governance Guidelines

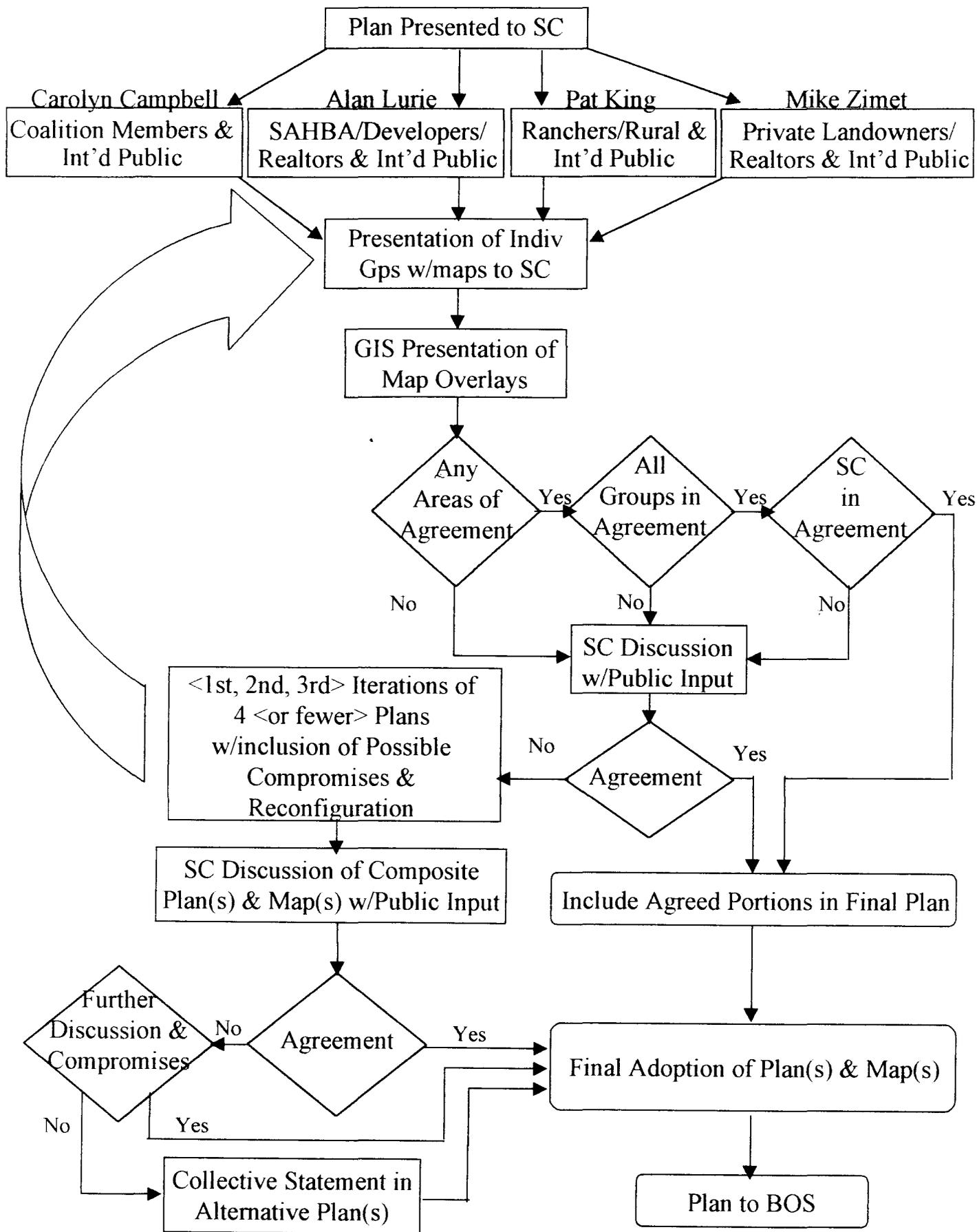
A. Ad-hoc organizational subcommittee:

This subcommittee meets between monthly meetings of the Steering Committee and assists with preparation for Steering Committee Meetings including proposing a recommended agenda, recommending meeting ground rules, proposing options, proposing action items, etc. This subcommittee has met in person 8 times and by conference phone 4 times in 2001—June 8, June 11, July 19 and August 31. Participation on this subcommittee is open to all Steering Committee members. Thus far 15 Steering Committee members have participated in the activities of the Ad-hoc organization subcommittee.

B. Steering Committee Governance Structure:

The Steering Committee will govern itself through general membership meetings with governance decisions made in accordance with the decision-making mechanisms outlined previously. On an as-needed basis, the Steering Committee may establish and charge ad-hoc subcommittee to accomplish specific tasks.

Critical Path of SC Choosing Preferred Alternative(s)



SDCP Steering Committee Parameters for Preferred Alternative(s)

Considerations and Constraints when Preparing Plans:

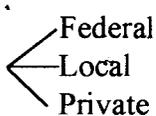
STAT Preferred Biological Reserve Map

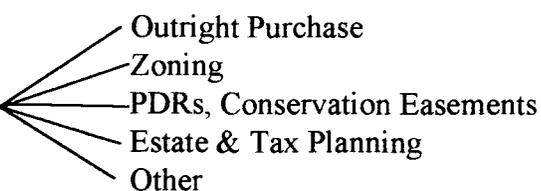
Reserve Design Guidelines

Number of Species: 8, 55, or Other

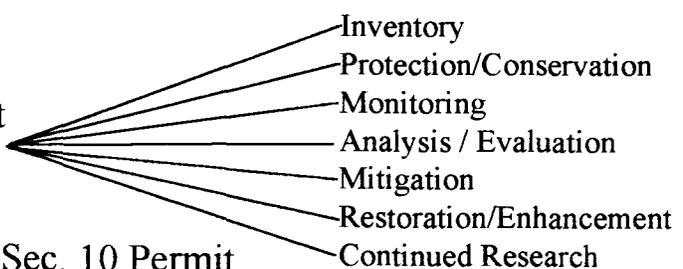
Economic Considerations, including Morrison Report

Legal Considerations, including “proportionality”

Funding Sources 

Implementation Means 

Mitigation Lands

Adaptive Management 

USFWS Checklist for Sec. 10 Permit

2001 Comprehensive Land Use Plan Update

- Groups to present reasons for their versions of Preferred Alternative
- GIS Group Maps and overlays to be color-coded for ease of identification and differentiation, e.g. green outlines for ranching, etc.
- Public input
- No majority of SC membership in any indiv Gp (or merged Gp)

SDCP Steering Committee

Preferred Alternative(s) Timeline

Feb. 20	Plan presented to SC & discussed <4 Groups, w/GIS help, begin individual plans with membership and interested Public>
March 6	Plan formally adopted by SC <4 Groups in plan preparation>
March 16	<4 Groups in plan preparation>
April 6	Presentation of 4 Plans w/individual color-coded maps GIS presentation of color-coded overlay maps to highlight agreement and divergence <1st iteration of 4 or fewer Group Plans w/inclusion of possible compromises & reconfiguration>
April 17	Presentation of updated Plans and maps after 1st iteration SC discussion and Public input <2nd iteration of 4 or fewer Group Plans w/inclusion of further possible compromises and reconfiguration>
May 1	Presentation of updated Plans and maps after 2nd iteration SC discussion and Public input <3rd iteration of 4 or fewer Group Plans w/inclusion of more possible compromises and reconfiguration>
May 18	Presentation of updated Plans and maps after 3rd iteration SC discussion and Public input <Ad Hoc Com to help SIMG w/composite Plan(s) GIS to work on composite map(s) for distribution All SC members to study reconfigured composite Plan(s) and map(s) before June 1 for possible adoption>
June 1	Final Discussion w/Public Input of Reconfigured Alternative(s) w/composite map(s) <Ad Hoc Com to help SIMG w/final Alternative(s) GIS to prepare final composite map(s)>
June 19	Formal Adoption of Plan Alternative(s) with map(s)
July 1	Preferred Alternative(s) Presented to BOS

APPENDIX D:

STEERING COMMITTEE QUARTERLY REPORTS

Sonoran Desert Conservation Plan Steering Committee Quarterly Report • First Quarter 2003

Background: At its October 9, 2001 meeting, the Pima County Board of Supervisors indicated that it wanted the Sonoran Desert Conservation Plan Steering Committee to provide quarterly reports on “topics related to process, committee membership, and the preferred alternative for the Section 10 permit.”¹ The Steering Committee has previously provided five quarterly reports to the Board of Supervisors, the last one covering meetings through December 11, 2002.

Meetings: Since the last the quarterly report, the Ad-hoc subcommittee met 6 times on January 13 and 24, February 5, 19, 26 and March 3. The Steering Committee has met 7 times. Below are the specific dates of the Steering Committee meetings and study sessions and a summary of the topics covered and action taken:

January 8, 2003 Meeting:

The Steering Committee heard from:

- David S. Steele updated the status of a potential meeting to be held with State Legislators and proposed an agenda that consisted of introductory comments, overview and background of the Sonoran Desert Conservation Plan, stakeholder views, business and development interests, environmental and neighborhood interests, and ranching interests, the three broader categories would do the presentations, then a Q & A with a larger panel.
- Lisa Stage made the following motion dealing with the Heritage Fund: “Despite the current budget crisis, the parks and preserves that protect our unique natural cultural heritage still require management and federal law regarding the protection of endangered species and protection of endangered species must still be observed. We therefore respectfully request the legislature abide by the will of the voters when it established the Heritage Fund in 1990, A.R.S. 5-22, and maintain the Heritage Fund as dedicated funding for the purposes for which it was established.” This motion **PASSED**.

¹ Letter from C.H. Huckelberry to the members of the Sonoran Desert Conservation Plan Steering Committee, October 9, 2001

- Gayle Hartmann made the following motion dealing with the Arizona Preserve Initiative: “The Steering Committee recommends that legislators work with the state land department so that Arizona Preserve Initiative funds conservation efforts in Pima County.” The motion **PASSED**.
- Christine McVie made the following motion dealing with Transfer of Development Rights: “The legislation should also permit transfer of development rights across jurisdictional boundaries mutually acceptable to the respective jurisdictions.” The motion **PASSED**.
- Debbie Hecht made the following motion dealing with Conservation Easements: “The Steering Committee supports legislation for clear and simple guidelines that gives incentives to property owners who want to use conservation easements to protect and preserve their properties. These incentives could include reductions in the property taxes. Any law should be consistent with the federal tax guidelines for conservation easements. These incentives should include a method to reduce their property tax rate.” The motion **PASSED**.
- Doug McVie made the following motion dealing with a county lottery: “Recommends that legislation be sought to establish county-by-county lotteries, the proceeds for which will be spent in the county in which the tickets are sold. 50% of it will go to fund Arizona Preserve Initiatives in the respective county. Other revenues generated by these games would go for the purchase of development rights Heritage Fund and education.” The motion **PASSED**.
- David Steele presented a list of agreement drawing from the Issues Matrix and made changes as the Steering Committee dictated the changes in wording. This led to the following motion: “All those in favor of adding the last sentence to that bullet which says: We request that the Board of Supervisors authorize a bond election for 2003.” The motion **PASSED. 33 YES, 5 NO, 2 ABSTAINED**.
- Maeveen Behan gave the Steering Committee and update on the county’s efforts in the SDCP planning- specifically the MSCP and HCP.

January 22, 2003 Study Session:

The Steering Committee heard from:

- Steve Betts, a partner in the firm of Gallagher & Kennedy, Frank Bangs, a partner in the law firm of Lewis & Roca, and Mark Ebbin, a principal in the firm of Ebbin, Moser & Skaggs led a panel discussion entitled, “Private Property Rights in the Context

of the Desert Conservation Plan.” The panelists received a draft copy of areas of consensus within the Steering Committee dealing with property rights as well as areas that needed further work.

February 1, 2003 Meeting:

The Steering Committee heard from:

- David Steele informed the Steering Committee that members Tim Terrill and Nancy Laney resigned from the committee.
- Larry Berlin presented the following motion on behalf of the “X Group” dealing with ecosystem approach, length of permit, adaptive management: “Motion: To adopt the following four-part resolution en block:
 - “Adopt the ‘ecosystem’ approach that has resulted in a Conservation Land System map that protects the habitat of 55 ‘priority vulnerable species.’
 - Be permitted for 20-50 years, with the decision on the exact duration of the permit to be made after other details of the application are completed.
 - Recognize that the successful implementation of the Plan over any extended period of years requires the inclusion of reasonable ‘benchmarks’:
 - Identify ‘benchmarks’ primarily in terms of acres to be conserved.
 - Place special emphasis on the ‘benchmark(s)’ to be reached in the first five years.
 - Include a strong program of ‘adaptive management.’ The motion **PASSED. 33 YES 12 NO**
- Judie Scalise, Principle ESI, introduced the ESI Corporation and its sub-consultant, SWCA who together would be performing the economics analysis for the SDCP.
- Brian Moore, Economist, EIS, and Mike List, Associate, SWCA who together were heading the analysis.
- The Steering Committee discussed keeping to a March deadline and the addition of more meetings and study sessions. The following motions were made: Add a Study Session on Wednesday, February 26. Action: Study Session -- Wednesday, February 26th from 6:00pm to 9:00pm. The motion **PASSED. (Unanimous)**
- Motion: Add two more meetings: Meeting – Saturday, March 1st from 8:30am to 11:30am and if necessary, Wednesday, March 5th from 6:00pm to 9:00pm. The motion **PASSED. 27 YES 18 NO**

February 15, 2003 Meeting:

The Steering Committee heard from:

- David Steele informed the Steering Committee of the following member resignations: Stan Abrams, Donald Honnas, Carolyn Honnas, John Martin, Dick Walbert, and Mike Grassinger. The number of Steering Committee members is now 68 and a quorum is 35 members.
- Mike List, GIS Coordinator from SWCA Environmental Consultants discussed his role in creating a GIS model.
- Alan Lurie made a presentation to the Steering Committee regarding a memo he received from Norm James of Fennemore Craig, titled: “Relationship Between Critical Habitat and Habitat Conservation Plans”
- Sherry Barrett, Field Supervisor, US Fish and Wildlife discussed mitigation ratios. She explained mitigation to mean moderate, reduce or alleviate the impacts of a proposed activity and includes an order of descending preference.
- Members of the Steering Committee presented the following motion: “Consistent with previous Steering Committee action, the Steering Committee is recommending that the types of mitigation-- acquisition of existing habitat, protection of existing habitat through conservation easements, restoration or enhancement of disturbed habitat, creation of new habitat in some situations; be considered by the Steering Committee and that these issues are concepts and more discussion needs to take place to develop the specifics. Additionally that on private land, prescriptive management of habitats for specified biological characteristics, prescriptive measures, prescriptive management will be the result of negotiations.” The motion **PASSED. 33 YES 9 NO**
- Don McGann, RecTAT Chair, presented the report from Recreation Technical Advisory Team. He asked the Steering Committee not to take specific actions but just to consider recreation as it applies to the decisions being asked to make.
- The Steering Committee suggested the following motions:
 - “Adopt Recommendation 1 – That decision makers consider natural resource based outdoor recreation as they develop the Section 10 permit application and the SDCP.” The motion **PASSED. (No Objections)**
 - “Defer Recommendation 2 -- That the SDCP expand opportunities for natural resource based outdoor recreation in eastern Pima County, keeping in mind that restrictions in sensitive areas may be necessary.” The motion **PASSED. 39 YES 8 NO**
 - “Adopt Recommendation 3 – That the benefits of the SDCP and the Section 10 permit application related to the Natural Resource Based Outdoor Recreation be identified

when the plan is presented for public review.” The motion **PASSED. (No Objections)**

- “Adopt Recommendation 4 -- That a comprehensive peer reviewed study be conducted by the appropriate land management agency and jurisdiction to document the scope and distribution of natural resource based outdoor recreation in eastern Pima County and identify trends and projected future demand for natural resource based outdoor recreation in eastern Pima County.” The motion **FAILED. 26 NO 21 YES**
- “Adopt Recommendation 4 – That a comprehensive study be conducted by the appropriate land management agency and jurisdiction to document the scope and distribution of natural resource based outdoor recreation in eastern Pima County and identify trends and projected future demand for natural resource based outdoor recreation in Pima County.” The motion **PASSED. 36 YES 11 NO**
- “Adopt Recommendation 5 -- That recreational interests be included in the development and implementation of adaptive management plans.” The motion **PASSED. (No Objections)**

February 26, 2003 Study Session:

The Steering Committee heard from:

- Mary Miller gave a presentation from the Agricultural Landowners Stakeholder Group:
- Maeveen Behan discussed how eastern Pima County will take on issues of mitigation and zoning.
- Lynn Harris presented on the zoning situation his family and others he represents are currently facing.
- Jonathan DuHamel gave a presentation from the Mining Stakeholder Group.

March 1, 2003 Meeting:

The Steering Committee heard from:

- Lucy Vitale presented a series of funding suggestions and requested that the Steering Committee vote on whether or not to include them in the final report to the Board of Supervisors as recommendations for funding sources. Ms. Vitale stated that she decided to present these suggestions

because she thought the Steering Committee had not addressed the issue of funding. In response the following motion was made “Defer the list of funding recommendations proposed by Lucy Vitale until a meeting at some point in the future, which could be March 5th. If not deferred then the Steering Committee would vote to consider the motions individually or separately.” The motion **PASSED. 28 YES**

- Jonathan DuHamel made the following motions:
 - “That in seeking to acquire state land; Pima County should consult mineral potential data and explore an alternative to acquiring state land with high mineral potential if conservation goals can be accomplished by acquiring an alternative parcel.” The motion **PASSED. 41 present 39 YES 2 Abstain**
 - “That Pima County, in conjunction with the appropriate industry concerns, should review potential source areas for sand, gravel and aggregate and to come to some agreement on which areas can be mined for these materials consistent with the conservation goals of the MSHCP.” The motion **PASSED. 41 present 40 YES 1 NO**
- Alan Lurie presented new information regarding the 55 species instead of the 8 issue, which led to the following motion; “To defer this item to March 5th so the Steering Committee can review the information that Alan Lurie has previously passed out, give him the opportunity to present his information and defend his position, and then the Steering Committee can decide if there is a need to reconsider it.” The motion **PASSED. 42 present 26 YES 10 NO**

March 5, 2003 Meeting:

The Steering Committee heard from:

- David Steele presented a letter from Paula Wilk, Deputy County Attorney, who informed the Steering Committee they may participate by conference phone if they meet the following requirements:
 - Everyone in the room needs to be able to hear the person that is on the other end of the phone.

- The person on the other end of the phone needs to be able to hear everyone at the meeting.
- Agenda needs to note that some members may be participating by electronic means.
- Lucy Vitale presented a list of 13 motions that she requested be voted on in order to present them to the Board of Supervisors. Eleven of the motions failed. The following motions **PASSED**.
 - “Recommend the County use public funds for conservation efforts of the areas with high biological value.” **45 PRESENT, 38 YES**
 - “That we recommend that the County explore the feasibility of presenting to the voters a sales tax proposal as non-regressive as possible, consistent with law.” **45 PRESENT, 37 YES**
- Alan Lurie, as part of the discussion of the 55 vs. 8 species approach, offered the following motion: “That the Steering Committee reconsider Group X motion from February 1st as it specifically relates to the scope of the plan.” The motion **FAILED**.
- Mary Miller presented the following motions:
 - Motion: “That given that we have recommended the adoption of an ecosystem approach that we now recommend that there be five alternatives considered in the EIS for the MSHCP.
 1. The 55 priority vulnerable species and the conservation measures enacted for their protection.
 2. The 9 listed species plus those that would be adequately addressed by the conservation measures enacted for the 8.
 3. A combination somewhere between 8 and 55.
 4. The no action alternative as required by law.
 5. The species within the 55 that are currently listed as threatened and endangered or are candidates or proposals for listing.
 This would include an economic analysis of all 5 alternatives. Other important analysis topics would include, but not be limited to, reserve

requirements and regulatory requirements.” The motion **PASSED**.

Motion: “That the Steering Committee add a section to the Board of Supervisors report where issues lacking agreement are highlighted.” The motion **PASSED. (No objections)**

- David Goldstein made the following motions regarding the Habitat Conservation Plan outline:
 - “That the permit should be voluntary in nature, meaning individual projects may elect to either participate in the MSHCP or go in for their own ESA authorizations.” The motion **FAILED**.
 - “That landowners will have the option to buy mitigation and disturb, or develop in a low impact way.” The motion **FAILED**.
 - “Pre-approval and Periodic Independent Review of Compliance and Progress. Independent review of the MSHCP is critical to ensure sound science, legal compliance, program transparency, public trust and to improve the likelihood that program goals and objectives will be fully achieved. Independent review of the MSHCP document should be conducted prior to program approval. The MSHCP implementation should also be reviewed independently over the life of the program. Both levels of independent review should be conditions of the take permit and related assurances. Periodic independent review of the MSHCP implementation should occur at years 3 and 6, with subsequent reviews at intervals not to exceed 5 years. The review committee should include citizens and individuals with professional qualifications or experience to address results generated by the adaptive management and monitoring program.” The motion **PASSED**.
 - “That funding should be 80% public finance and 20% fee structure.” The motion **FAILED**.

- “The plan should include the full no surprise coverage for covered species with phasing the amount of impact and mitigation stay in balance through the term of the plan.” The motion **FAILED**.

- Bill Arnold and Larry Berlin spoke on behalf of a group comprised of Steering Committee members from different stakeholder groups and presented a block motion. The following additions and amendments were made to the presented motion:
 - One that changed the last sentence of Section Six to read: “The various Conservation Lands System approach should guide mitigation bank acquisition priorities.”

 - Section 8 to read: “Protective management and monitoring necessary to carry out MSHCP goals and objectives and to ensure long-term maintenance of biological resource values **as mandated by the US Fish & Wildlife Service**. A protective management and monitoring plan should be prepared and approved by all participating agencies, with specifics of the plan included as conditions of the take permit and assurances. The following are important components of the plan:
 - **Methods to identify non-profit stewardship organizations**
 - Measures to minimize the harmful edge effects of development in and adjacent to the Conservation Lands System.
 - Measures to conserve covered species populations and habitats
 - Measures to identify necessary management adjustments.”
 - **Motion:** “That the Steering Committee accept the presented motions, with the accepted amendments.” The motion **PASSED**.

Sonoran Desert Conservation Plan Steering Committee Quarterly Report • Fourth Quarter 2002

Background: At its October 9, 2001 meeting, the Pima County Board of Supervisors indicated that it wanted the Sonoran Desert Conservation Plan Steering Committee to provide quarterly reports on “topics related to process, committee membership, and the preferred alternative for the Section 10 permit.”¹ The Steering Committee has provided four quarterly reports to the Board of Supervisors, the last one covering meetings through September 14, 2002.

Meetings: Since the last the quarterly report, the Steering Committee met a total of 6 times. There have also been 6 Ad-Hoc meetings on the following dates, September 25, October 14, October 28, November 8, November 25, and December 16. Below are the specific Steering Committee meeting dates and a summary of the topics covered:

October 5, 2002:

The Steering Committee heard from:

- Maeveen Behan, assistant to the county manager, who gave an update on the economics consultant proposal review committee participation. She informed the Steering Committee that the RFP’s were expected back from those bidding on the project by November 7, 2002 at which time the county would review the proposals. Ms. Behan also discussed the possible time frames for the Section 10 permit.
- Steering Committee members Mike Zimet and Chris Sheafe representing the business community landowner, private property rights stakeholder group. A recommendation was made with the following key concepts: “1. Complete economic analysis of the region impact of SDCP, and of HCP as require by ESA. 2. Participation in Regional HCP is voluntary. Landowners may opt to negotiate directly with USFW. 3. Small and low-impact projects are expedited. 4. Primary funding will be determined by a community vote of approval for a conservation sales tax or bond issue.”

¹ Letter from C.H. Huckelberry to the members of the Sonoran Desert Conservation Plan Steering Committee, October 9, 2001

- The Steering Committee received copies of the updated operating guidelines that reflected actions regarding quorum and attendance policy. It was noted that a copy of these guidelines needed to be presented to the Board of Supervisors.
- It was argued that the Steering Committee needed to develop a mechanism to work out disagreement either through subcommittees or general meetings. No action was taken due to lack of a quorum.

October 23, 2002:

The Steering Committee heard from:

- Steering Committee Member Ernie Cohen, who spoke on behalf of Steering Committee Member Cindy Copping. Mr. Cohen gave the follow up to a previous discussion that the Steering Committee felt it imperative that A) the Steering Committee's reaction to the goals that are being expressed in the current county plan are stated clearly in the report, and B) any additional reactions the Steering Committee may have are also to be included in the report.
- Maeveen Behan, assistant to the county manager, who addressed issues dealing with the time frame of the Section 10 permit, the type (mitigate take, regional or hybrid) Section 10 permit and Section 10 EIS strategies and geographical implications. She also gave an update on the economics consultant and answered questions about a study performed by the Army Corps of Engineers on the water budget for the natural system.
- Issues dealing with transfer of development rights, history and possible use of TDRs in the SDCP, negotiation of mitigation ratios and "framing the issues" were all deferred to a future meeting

November 6, 2002:

The Steering Committee heard from:

- Steering Committee member Alan Lurie who presented a report entitled, "Affordable Housing in the Context of the Sonoran Desert Conservation Plan." The report concluded that many Arizonans were paying more than they should for housing, limited resources are causing housing prices to rise twice as fast as incomes and

housing affordability is an impending crisis in Arizona with 1.25 million Arizonans experiencing a housing problem. Mr. Lurie stated that lack of land and cost of land is the main reason behind this phenomenon.

- The Conservation Community (Arizona-Sonora Desert Museum, Coalition for Sonoran Desert Protection, The Nature Conservancy and The Sonoran Institute) represented by Carolyn Campbell, Nancy Laney, Rob Marshall, and Luther Propst. The Conservation Community presented their stakeholder preferred alternative proposal entitled, “Conservation Community Preferred Alternative-Outline for Implementation of the Sonoran Desert Conservation Plan.” The presentation concluded that the proposal outlined the necessary steps to “meet the goals for the SDCP Section 10 permit Federal endanger species requirements, and enhance the quality of life for all residents of Pima County.”
- David Steele, facilitator, SIMG, who presented on the next steps for the Steering Committee with specific focus on moving beyond receive information to developing specific recommendations. He discussed the need for action items to be presented to the full Steering Committee, so as they can take some up or down action on them. Mr. Steele further suggested forming drafting groups to identify the areas of agreement.
- Gayle Hartmann, Steering Committee member, who made the following motion: “We the Steering Committee authorize David to begin writing the background portion of the Plan, something he has already agreed to do. We authorize that small stakeholder meetings occur outside of the Steering Committee, that they begin immediately to clarify points of agreement and disagreement and flesh out the details of the Sonoran Desert Conservation Plan. By our first meeting in January the results of these informal meetings will be brought to the full Steering Committee for refinement and decisions.” After discussion, the motion **PASSED**.
- Luther Propst, Steering Committee member, who made the following motion: “Wednesday, December 11th to be a study session to meet with the legislators and other policy makers. Keep November 16th as a study session. Use the December 7th meeting to finalize the agenda for the December 11th study session.” The motion **PASSED**.
- A motion was raised at the start of the meeting to forward the quarterly report to the Board of Supervisors with aforementioned attachments. The motion **PASSED** without discussion.
- An executive session to discuss the role of the facilitator was called. The Steering Committee met in executive session.

November 16, 2002:

The Steering Committee heard from:

- David Steele, facilitator, SIMG, who outlined the structure and format for the December 11, 2002 meeting with legislators and other policymakers. Mr. Steele noted that, given the Steering Committee's clear direction to move forward with having the meeting, the logistics and invitation had to begin immediately, and that a list of invitees would be provided at the December 7th meeting. The Steering Committee began a discussion on whom to invite. General sentiment was that the entire state legislature should be invited along with elected officials from the municipalities in Pima County. Mr. Steele then presented two options to the Steering Committee members on how stakeholder groups would make their presentation to the legislators. Option One: A stakeholder panel which would be one person giving an overview of various stakeholders' positions, the stakeholders on the panel would work together to develop that presentation, then Q & A with the entire panel. Option Two: Stakeholder panel would be individual presentations from the panelists and then Q&A with the entire panel.
- The entire Steering Committee who addressed possible issues to address at the December 11, 2002 meeting with legislators and other policy makers. The following Steering Committee members agreed to write discussion papers for the Steering Committee to review: Conservation Easements-Debbie Hecht, Heritage Fund-Lisa Stage, Lottery- Doug McVie, Arizona Preserve Initiative-Gayle Hartmann, Private Property Rights- Mike Zimet.
- Christine McVie, Steering Committee member, who presented a talk entitled, "Purchase/Transfer of Development Rights: History and Possible use in the Sonoran Desert Conservation Plan." This talk gave a summary of past TDR legislation and problems associated with it, as well as possibilities for the future.
- Lisa Stage, Steering Committee member, who offered, in lieu of Carolyn Campbell, a stakeholder presentation entitled, "Plan Funding Sources; Funding recommendations for the Pima County." The major funding recommendation proposed included, a new state lottery game, increasing travel taxes, the conservation easement incentives, and general funds for open space. In addition it sought to ask the state legislature to no longer raid the heritage fund.
- Mike Zimet, Steering Committee member, who presented on "Protection of Existing Private-Property Rights." Mr. Zimet

focused on the underlying need of respect for people's property rights and a need for agreement on language to ensure its inclusion in the plan.

December 7, 2002:

The Steering Committee heard from:

- Maeveen Behan, assistant to the county manager, who gave an update on the economic consultant and the impact it will have on Steering Committee work. She said that the panel has made recommendations for the economic consultant, and the Board will give its recommendation December 17th. Ms. Behan also gave a presentation entitled, Section 10 Environmental Impact Statement Strategies, and Geographical Implications. She then presented the Steering Committee with a new disk containing EIS issue papers that contained the cost model and template for the Section 10 permit.
- David Steele, facilitator, SIMG, who discussed the structure and format for the meeting with the state legislators and other policymakers. He informed the Steering Committee that those receiving information were given follow-up calls, and that only three legislators had confirmed that they would attend. In response, Steering Committee members requested the meeting be deferred due to lack of response. Mr. Steele also noted that County Manager, Chuck Huckelberry, wanted it to be clear that the Steering Committee was not representing the Board of Supervisors or Pima County.
- The Steering Committee who brought forward a number of motions. The motions were as follows:

Motions:

- Convert the December 11th Study Session into a meeting to address the six items and the additional issues that the Steering Committee might have agreement on.

Motion failed.

- Limit the agenda on December 11th study session to issues related to the legislators briefing, the agenda, the structure of the meeting and the issues that we will raise with them.

Motion failed.

- December 11th consider the legislators briefing and discuss the issues matrix.

Motion passed.

- Susan Shobe, Assistant Director of the Coalition for Desert Protection, who gave a presentation entitled, “Sonoran Desert Conservation Plan and Affordable Housing.” The talk outlined the current state of affordable housing in Pima County and discussed potential impacts of the Sonoran Desert Conservation Plan on the housing situation. It was requested of Susan that she give a memo summarizing the presentation to which she agreed.

December 11, 2002:

The Steering Committee heard from:

- David Steele, facilitator, SIMG, who informed the Steering Committee that they could now receive their documents via email.
- The entire Steering Committee who discussed possible future dates for the meeting with legislators. Both of the dates discussed for future consideration were in February. The Steering Committee also discussed the schedule and format for the meeting without taking any binding action.
- Various Steering Committee members who then discussed points of agreement to raise at the meeting with legislators. They were as follows: Heritage Fund, Arizona Preserve Initiative, Transfer of Development Rights, Conservation Easements, Lotteries and Private Property/Vested Rights.
- David Steele, facilitator, SIMG, who informed the Steering Committee that property rights attorney Fred Bosselman could not meet with the Steering Committee on January 22, 2003.

06/13/2003

Sonoran Desert Conservation Plan Steering Committee Quarterly Report Third Quarter 2002

Background: At its October 9, 2001 meeting, the Pima County Board of Supervisors indicated that it wanted the Sonoran Desert Conservation Plan Steering Committee to provide quarterly reports on “topics related to process, committee membership, and the preferred alternative for the Section 10 permit.”¹ The Steering Committee has provided three quarterly reports to the Board of Supervisors, the last one covering meetings through May 18th, 2002.

Meetings: Since the last the quarterly report, the Steering Committee met a total of 2 times. There have also been 2 Ad-Hoc meetings on the following dates, August 5 and September 11. Below are the specific Steering Committee meeting dates and a summary of the topics covered:

September 4, 2002:

The Steering Committee heard from:

- Chuck Huckleberry, Pima County Administrator, who provided background concerning the economic analysis associated with Section 10 Permit of the ESA compliance. He presented the Steering Committee with discs that contained all the charts and documents produced by the county in regards to the Sonoran Desert Conservation Plan, and gave the tentative county timeline for hiring an economic consultant.
- Dr. Harold Barnett, Professor Emeritus from the University of Rhode Island, who presented the Steering Committee a presentation titled; Land-Use, Mitigation Cost and the Economics of Conservation Design. The presentation highlighted the various costs associated with the Conservation Plan alternative, discussed the contributing factors towards mitigation cost and the use of information on costs as it relates to design alternatives.
- Susan Shobe, Assistant Director for the Coalition for Sonoran Desert Protection, who presented the Environmental groups’ report entitled Protecting the Sonoran Desert. Her presentation summarized various ways other communities around the United States generated funds for their open space/ conservation goals and gave a list of preferred funding mechanisms for Southern Arizona. The financing group Ms. Shobe represented was comprised of The Sonoran Institute, The Coalition for Sonoran

¹ Letter from C.H. Huckelberry to the members of the Sonoran Desert Conservation Plan Steering Committee, October 9, 2001

Desert Protection, The Arizona Open Land Trust, The Nature Conservancy of Arizona and the Arizona Sonoran Desert Museum.

- The Steering Committee also deferred the issue of the Sonoran Desert Conservation Plan Issues Matrix to the October meeting because it is a follow up to stakeholder presentations that were also deferred to the October meeting.
- Action was taken to approve the meeting schedule beginning with September 14th, 2002 and ending with February 15th, 2003. The schedule was approved.
- There was a motion to convert the September 14th Study Session into a meeting to address the issue of selection participation on the review panel for the RFP for the economics consultant, but that motion failed.

September 14, 2002:

The Steering Committee heard from:

- Dr. Will Hoffman, who gave a stakeholder presentation on the role of the general public in the Sonoran Desert Conservation Plan. Dr. Hoffman expressed the need to look at biocomplexity in addition to biodiversity in the SDCP. Various members of the Steering Committee responded with concerns about increased cost.
- Carolyn Campbell, Director of The Coalition for Sonoran Desert Protection, who gave introductory comments and Susan Shobe, Assistant Director for the Coalition, who made the presentation entitled, Economic Benefits of Protecting Natural Resources in the Sonoran Desert. The presentation addressed why traditional economic analyses have given inaccurate predictions, the results of flawed assumptions and the economic benefit that conservation provides.
- Gayle Hartmann, member of the County's Bond Committee, presented information on the current open space bond program. In the presentation, Ms. Hartmann outlined past bond elections in both the city and the county and presented members with possible future bond options for the plan.
- The Steering Committee requested that David Steele look into the availability of Elliot Pollack, Economic Development Director and President of Elliot D. Pollack and Company, to give the Steering Committee some underlying assumptions for the Sonoran Desert Conservation Plan.

Sonoran Desert Conservation Plan Steering Committee Quarterly Report Second Quarter 2002

Background: At its October 9, 2001 meeting, the Pima County Board of Supervisors indicated that it wanted the Sonoran Desert Conservation Plan Steering Committee to provide quarterly reports on “topics related to process, committee membership, and the preferred alternative for the Section 10 permit.”¹ The Steering Committee has provided two quarterly reports to the Board of Supervisors.

Meetings: Since the last the quarterly report, the Steering Committee met a total of 3 times. Below are the specific meeting dates and a summary of the topics covered:

April 6:

The Steering Committee heard from:

- Dr. Tom Sheridan, Chair of the Ranch Technical Advisory Team who together with Dr. Nathan Sayre, Mac Donaldson, and Dan Robinett provided an overview of the work they were doing concerning the Ranching community.
- The Altar Valley Conservation Alliance. Steering Committee member Mary Miller made this presentation.
- County Administrator, Chuck Huckleberry regarding the Board of Supervisors’ action with respect to the Steering Committee’s membership, and attendance.
- The Steering Committee also addressed the issue of the RFP for a replacement of the Morrison Institute.

May 1: The Steering Committee heard a presentation by the Iron Wood Conservation Alliance. Steering Committee member, Ms. Cindy Copping, gave this presentation.

May 18: The Steering Committee went on a field trip to the Empire Ranch. Members of the US Fish and Wildlife Service, the Bureau of Land Management and the Arizona Game and Fish Department were on hand to answer questions. The Steering Committee members saw ranch lands recovering from recent fires, surviving droughts and saw first hand how ranch monitoring has helped restore riparian areas and grasslands while avoiding overgrazing through rotation of the herds.

¹ Letter from C.H. Huckelberry to the members of the Sonoran Desert Conservation Plan Steering Committee, October 9, 2001

The Steering Committee decided in light of the delay in Pima County securing an economics consultant, it would suspend meetings throughout the summer with meetings resuming on September 4.

Attached to this report are the minutes and attendance sheets from each of the meetings that took place in the 2nd quarter.

06/13/2003

Sonoran Desert Conservation Plan Steering Committee Quarterly Report First Quarter 2002

Background: At its October 9, 2001 meeting, the Pima County Board of Supervisors indicated that it wanted the Sonoran Desert Conservation Plan Steering Committee to provide quarterly reports on “topics related to process, committee membership, and preferred alternative for the Section 10 permit.”¹ The Steering Committee provided its first quarterly report to the Board in writing on November 19, 2001 and orally on December 4, 2001. The focus of that report was on the organizational framework the subcommittee developed to enable it fulfill its responsibilities to the Board of Supervisors, a recommendation on membership, requests for guidance from the Board on completion of the economic analysis, the Steering Committee’s responsibilities concerning other aspects of the Plan and resources available to the Steering Committee.

Meetings: Since the last the quarterly report, the Steering Committee met a total of 5 times. Below are the specific meeting dates and a summary of the topics covered.

January 9: The Steering Committee heard from Rob Melnick of the Morrison Institute who provided an update on the work they were doing concerning the economic analysis. The Steering Committee also discussed the Board of Supervisors action with respect to the Steering Committee’s membership, and developed a meeting schedule that would take the Steering Committee up to the July 1, 2002 deadline to provide a preferred alternatives recommendation to the Board of Supervisors.

February 2: Dr. William Shaw, Chair of the Science Technical Advisory Team and Paul Fromer of RECON addressed the Steering Committee concerning the process and results of their work to identify, the biologically preferred reserve. In addition, the Steering Committee re-ratified previous decisions that were made at meetings in which a majority quorum did not exist.

February 20: The Steering Committee met in a study session and heard from John Regan of Pima County’s GIS Department and discussed a decision-flow and process in order to arrive at a preferred alternative recommendation by July 1, 2002.

March 6: The Steering Committee made a recommendation on the scope of the Section 10 permit and discussed the configuration of the

¹ Letter from C.H. Huckelberry to the members of the Sonoran Desert Conservation Plan Steering Committee, October 9, 2001

biological reserve. In addition, the Steering Committee agreed on a schedule for the presentation of preferred alternatives recommendations from stakeholder groups.

March 16: The Steering Committee met in Study Session and heard from the Cultural Resources and Recreation Technical Advisory Team. In addition, the mining interests made a presentation. Also, there was discussion concerning the withdrawal of the Morrison Institute from its contract with the County.

Key

Decisions: The Steering Committee has made a number of key decisions in this quarter. They include:

January 9: The Steering Committee established a schedule for its meetings through the July 1, 2002 deadline for providing the Board of Supervisors its preferred alternative recommendation beyond the already scheduled February 2 meeting. This schedule includes Study Sessions, in addition to regularly scheduled meetings. The study sessions are opportunities for Steering Committee members to receive information and discuss issues. No decisions will be made at study sessions and consequently a quorum is not required. The schedule is as follows:

Saturday	February 20	6:00 to 9:00 pm	Study Session
Wednesday	March 6	6:00 to 9:00 pm	Steering Committee Meeting
Saturday	March 16	8:30 to 11:30 am	Study Session
Saturday	April 6	8:30 to 11:30 am	Steering Committee Meeting
Wednesday	April 17	6:00 to 9:00 pm	Study Session or Meeting as needed.
Wednesday	May 1	6:00 to 9:00 pm	Steering Committee Meeting
Saturday	May 18	8:30 to 11:30 am	Steering Committee Meeting
Saturday	June 1	8:30 to 11:30 am	Steering Committee Meeting
Wednesday	June 19	6:00 to 9:00 pm	Steering Committee Meeting

February 2: The Steering Committee re-ratified its decisions made at previous meeting in which a quorum was not present. This was done pursuant to counsel from the County Attorney's office.

March 6:

- Seek clarification from the Board of Supervisor on their new attendance policy and recommend to them that it is the Steering Committee's view that it should apply prospectively from the date of enactment and that it not apply to Steering Committee Study Sessions.

Vote -- majority in attendance

- The Steering Committee recommends that the Section 10 permit cover County projects, DSD permits and other entities within County the position.

Consensus – no objections

- Agreed with Steering Committee member Mitch McClaren’s request for a comparison of the 8 species and 55 species map and requested that Mitch work with the County to get this information.

Consensus -- objections

- The process outlined by Steering Committee member Lucy Vitale was approved in concept and with the understanding that it may be modified by the Steering Committee. Stakeholder groups will present the framework of their proposed alternatives at the April 6 meeting.

Vote: determined to be a substantive issue and a supermajority in attendance supported this position.

Process

Issues:

In this quarter, the Steering Committee has dealt with several process issues. These include:

Quorum: In response to an issue raised at the December 4, 2001 Board of Supervisors’ meeting, David Steele, the Steering Committee’s facilitator sent a letter to Pima County Attorney Barbara LaWall on December 7 requesting her guidance on whether or not the Steering Committee’s 33% quorum requirement was consistent with Arizona law

On December 26, Deputy County Attorney Katarina Richter responded indicating that the Steering Committee did not have the discretion to set a quorum different than a majority. She said that, “the best way to fix the problem is to have a full quorum of the Committee ratify any action previously taken by less than a quorum of the Committee membership.”

At its February 2 meeting, a majority quorum of the full Steering Committee re-ratified the previous decision en-bloc. At that meeting a member of the public expressed concerns that the process the Steering undertook, to re-ratify it previous decision may not have been proper. On February 11, David Steele wrote to Chief Civil Deputy County Attorney seeking clarification on the process the

Steering Committee undertook to re-ratify its previous decisions. On February 19, Deputy County Attorney Paula Wilk responded indicating that Steering Committee's action February 2 to re-ratify its previous decisions only applied to future action from that date. She advised that this clarification be put on the next meeting agenda. This was done at the March 6 meeting.

On February 5, the Board of Supervisors passed a resolution indicating that it would consider the recommendations of the members attending a duly notified public meeting of the Steering Committee irrespective of whether or not a quorum existed at that meeting.

Membership

Issues:

On January 15, 2002, the Board of Supervisor adjusted the Steering Committee's membership pursuant to the recommendations the Steering Committee submitted to Board on November 19, 2001 and December 4, 2001. As a result, the number of Steering Committee members went from 84 to 75 members.

On February 5, 2001, the Board of Supervisors reaffirmed the County's attendance policy for Boards and Committees specifically relating to the Sonoran Desert Conservation Plan Steering Committee.

At its March 6th meeting, the Steering Committee discussed this policy and directed that David Steele seek clarification on two issues pertaining to its implementation and convey the Steering Committee's views on those issues.

On March 15, David Steele sent a letter to Lori Godoshian, Clerk of the Board seeking clarification as to the application of this policy. The Steering Committee recommended that this policy be implemented prospectively and only apply to the meetings taking place after February 5th.

The second issue Steele raised in his letter to Godoshian concerns the application of this policy to Steering Committee Study Sessions. It is the Steering Committee's recommendation that it applies only to regular meetings and not study sessions.

On March 20, 2002, Godoshian responds indicating that the policy is prospective from the date the Board enacted the resolution. However, her response was not responsive on the application of the policy to Steering Committee study sessions.

This remains an unresolved issue.

**Operating Guidelines for the
Sonoran Desert Conservation Plan Steering Committee**

November 19, 2001

**Operating Guidelines for the
Sonoran Desert Conservation Plan Steering Committee**

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I. Background

At its May 30, 2001 meeting, Pima County Administrator Chuck Huckelberry responded to the repeated requests by Steering Committee Members by agreeing that the Sonoran Desert Conservation Plan Steering Committee (Steering Committee) could develop its own organizational framework to consider plan alternatives and make recommendations to the Board of Supervisors. In addition, Mr. Huckelberry indicated that the services of the Strategic Issues Management Group, Inc. (SIMG) would be made available to the Steering Committee at its discretion to assist with its efforts.

Subsequent to the May 30 meeting, the Steering Committee, on its own initiative, has met five times and has developed the framework for it to make decisions and is in the process of completing a governance structure that would permit it to do its work. In addition, the Steering Committee has received a briefing from the Arizona Attorney General's Office on compliance with the Arizona Open Meeting Law, conducted a workshop on decision-making led by a professional facilitator, is arranging a meeting with the Morrison Institute to discuss the scope of their study and is seeking to meet with the science advisory team in December which may have completed its initial prioritizing proposal of biological reserves by that time.

II. Chronology

- May 30, 2001:** Steering Committee met. County Administrator Huckelberry agreed that the Steering Committee could begin to develop its own organizational framework to consider SDCP alternatives and make recommendations to the Pima County Board of Supervisors. After that meeting, members of the steering committee informally met and agreed to meet again on June 27 and further agreed to establish an ad-hoc organizational subcommittee (ad-hoc subcommittee) to assist in the planning for this meeting.
- June 12, 2001:** At the direction of ad-hoc subcommittee, David Steele of SIMG sent a letter to County Administrator Huckelberry requesting information to assist the Steering Committee at its June 27 meeting.
- June 13, 2001:** At the direction of the ad-hoc subcommittee, SIMG sent a query to Steering Committee members on key organizational issues.
- June 25, 2001:** Huckelberry responds to June 12 Steele letter, indicates that Steering Committee's deadline for work is the fall of 2002.

- June 27, 2001:** Steering Committee met and began its work on developing both organizational and decision-making frameworks. It reviewed member queries and discussed options. Concluded that a workshop on decision-making would be scheduled for July meeting. There was consensus that the SIMG would continue to provide facilitation services for the Steering Committee through the July meeting.
- July 28, 2001:** Steering Committee conducted both a decision-making workshop and a meeting. At the meeting, the Steering Committee established dates and times for the next six months of meetings, achieved consensus that 33% of the Steering Committee membership constitutes a quorum for the Steering Committee to make decisions, achieved consensus that the group would strive for consensus. If consensus could not be reached, fallback mechanisms, including voting, would be incorporated. There was consensus that the SIMG would continue to provide facilitation services for the next Steering Committee meeting.
- September 5, 2001:** The Steering Committee met and received a briefing from the Arizona Attorney General's Office on the Arizona Open Meeting Law. In addition, the Steering Committee decided that if attempts to achieve consensus on procedural issues were not successful, then issues would be decided by a simple majority vote. The group also reached consensus that 1/3 or more of the Steering Committee members present can decide that an issue would be considered as a substantive issue and then would follow the yet-to-be determined decision-making protocol for substantive issues. There was consensus that the Strategic Issues Management would continue to serve as facilitators through the October 6 meeting.
- October 6, 2001:** Steering Committee met. It developed a process for making decisions on substantive issues when consensus is not achieved. The Steering Committee defined a supermajority as 2/3s plus 1. The Steering Committee further decided that it would not ask the Board of Supervisors to add new members, and in Executive Session determined that SIMG would provide facilitation services through the November meeting.
- October 9, 2001:** Steering Committee members were sent a letter by Chuck Huckelberry with the following directives from the Board of Supervisors:
- Provide quarterly updates to the Board of Supervisors with the first being provided on November 20, 2001;

- Provide specific process and membership recommendations;
- Commence substantive work on the Sonoran Desert Conservation Plan and provide a preferred alternative recommendation for the Section 10 Endangered Species Act permit to the Board of Supervisors by July 1, 2002.

November 7, 2001

Steering Committee met. It heard a presentation from Chuck Huckelberry on the issues raised in the October 9 letter. The Steering Committee also agreed to; general membership meetings as its governance structure; send a letter to those members that had attended less than 50% of the Steering Committee meetings inquiring of their future interest; continue to retain SIMG as facilitator; decided that SIMG would make the presentation to the Board on behalf of the Steering Committee.

III. General Operating Guidelines

- A. Arizona Open Meeting Law:** All activities and meetings of the Steering Committee will be conducted in a manner consistent with the Arizona Open Meetings Law.

IV. Decision-making Guidelines

- A. Consensus:**
The Steering Committee will always strive for consensus decisions. Consensus in the context of Steering Committee decision-making is defined there being no expressed objections from Steering Committee members present.
- B. Non-Consensus:**
In the event consensus is not achieved, the Steering Committee will implement a fallback decision-making process described below.
- C. Quorum:**
A quorum for decision-making exists if 33% of the total Steering Committee membership is present. Quorums have been present at the four Steering Committee meetings held thus far. All of the Steering Committee members have attended at least one Steering Committee Meeting
- D. Fallback decision-making mechanism for procedural issues:**
When consensus is not achieved on procedural issues, those issues will then be decided by a simple majority vote of the members in attendance. Figure 1 illustrates the fallback decision-making mechanism for procedural issues.

- E. Classification of issues as procedural or substantive:**
 If one-third (1/3) or more of the Steering Committee members present decide that an issue should be considered as a substantive issue, it would then follow the process defined in fallback decision-making mechanism for substantive issues.

**Fallback Decision-Making Mechanism
 Procedural Issues**

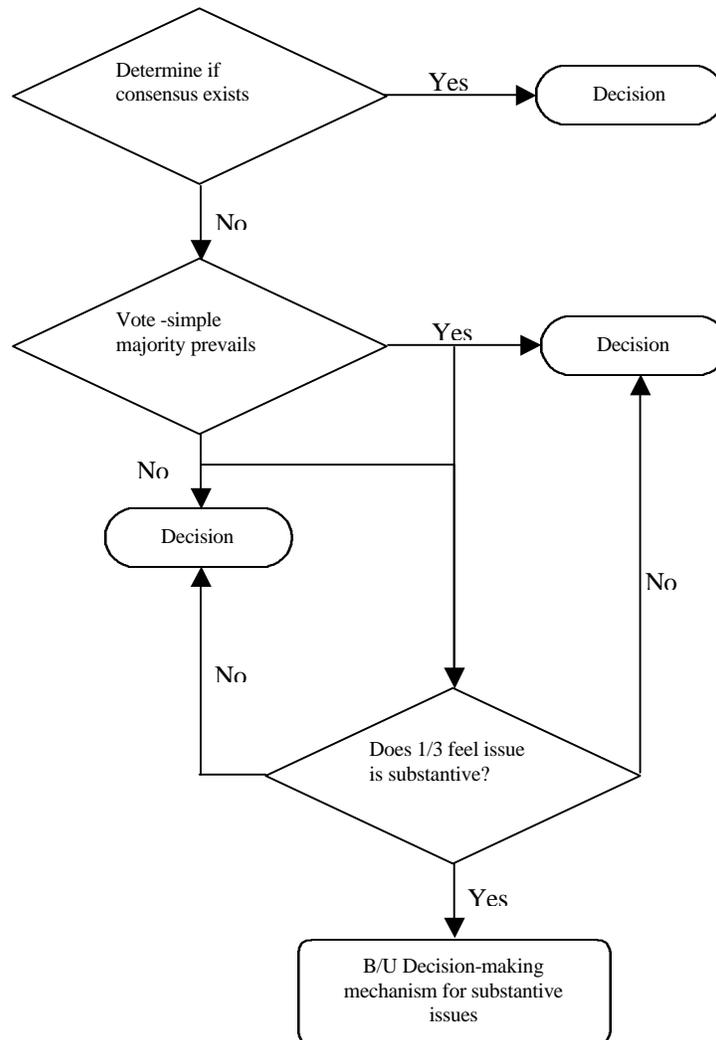


Figure 1

- F: Fallback decision-making mechanism for substantive issues:**
 When consensus cannot be achieved on substantive issues the following fallback decision-making mechanism will be implemented which is illustrated in figure 2. If after determining that consensus does not exist on a particular issue at dispute, then the Steering Committee will determine if a supermajority of the members present support a particular position on that issue. If that is the case, then that position will become a decision of the steering committee. If not, the Steering Committee members present will determine if the issue is sent to a mediation group or, in the alternative, a collective statement reflecting the differing points of

view on the issues will be prepared. The mediation group will consider the issue and attempt to reconcile the differing points of view and report back to the Steering Committee at its next meeting. The Steering Committee will then re-consider the unresolved issue to determine if a consensus exists. If not, then determine whether or not a super-majority supports a particular position on that issue. If there is either consensus or supermajority support, then that will represent a decision of the Steering Committee. If there is neither, then a collective statement will be prepared that expresses the differing views on the issue on which there is not agreement which, will conclude the Steering Committee's consideration of the issue.

Fallback Decision-Making Mechanism Substantive Issues

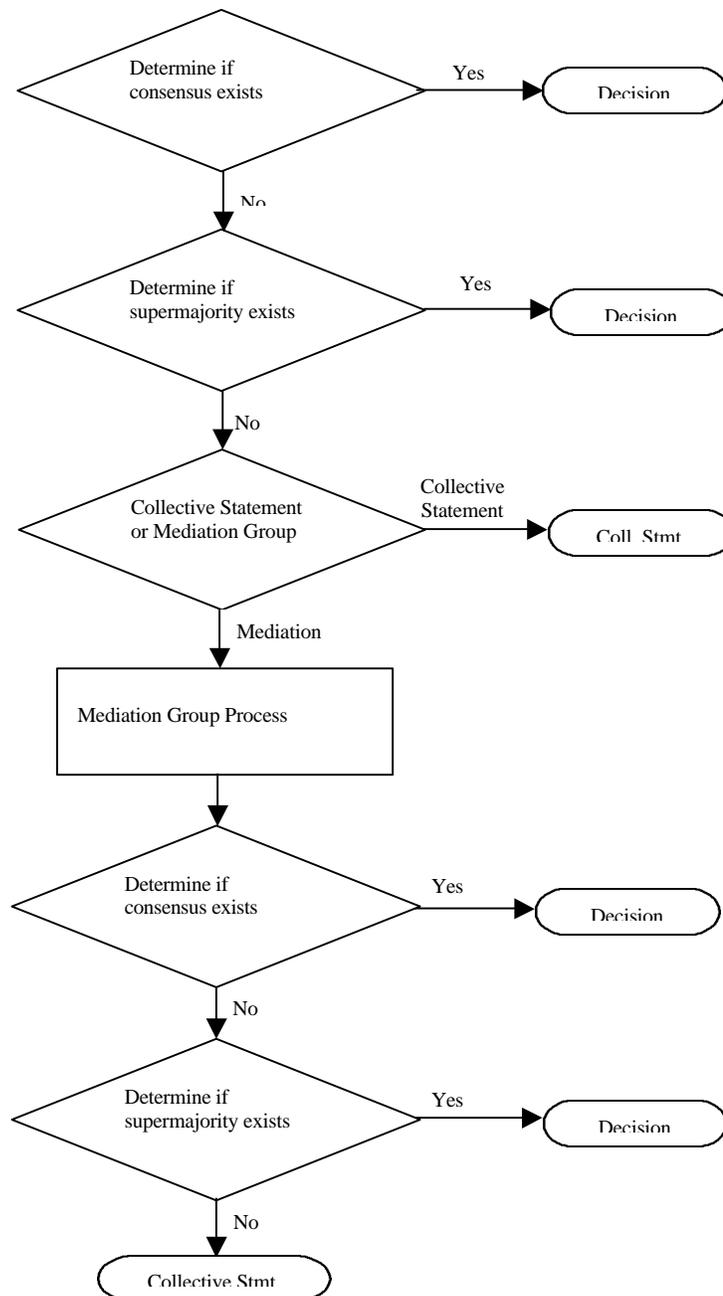


Figure 2

G. Supermajority:

For the purposes of Steering Committee decision-making a supermajority is defined as 2/3s of the membership present plus 1 additional member.

V. Governance Guidelines

A. Ad-hoc organizational subcommittee:

This subcommittee meets between monthly meetings of the Steering Committee and assists with preparation for Steering Committee Meetings including proposing a recommended agenda, recommending meeting ground rules, proposing options, proposing action items, etc. This subcommittee has met in person 8 times and by conference phone 4 times. Participation on this subcommittee is open to all Steering Committee members. Thus far 15 Steering Committee members have participated in the activities of the Ad-hoc organization subcommittee.

B. Steering Committee Governance Structure:

The Steering Committee will govern itself through general membership meeting with governance decisions made in accordance with the decision-making mechanisms outlined previously. On an as-needed basis, the Steering Committee may establish and charge ad-hoc subcommittee to accomplish specific tasks.

APPENDIX E:

STEERING COMMITTEE MEETING NOTES

SDCP - Steering Committee Notes
Manning House
June 27, 2001

The 7:00pm meeting of the Steering Committee, with SIMG facilitators, David Steele and Maggie Hunt, at the Manning House was called to order.

Attending the meeting were members of the Steering Committee, the public and the SIMG staff.

David Steele opened the meeting with the logistics.

David Steele mentioned several items:

- Role of the Facilitator
Keep the meeting moving
SIMG was retained by the County to facilitate these series of meetings.
- Introduced SIMG.

Maggie Hunt described the ground rules:

- Start and end on time
- One person speaking at a time, facilitator determines who has the floor.
- Respect; keep an open mind, all opinions valuable.
- Concise statements to the point, propose next steps.

Maggie Hunt also had all in attendance introduce themselves.

David Steele went through the ad-hoc process. He discussed the Memo that was sent out to Steering Committee members on June 13th, 2001.

Larry Berlin: Can we get a count of members who are here?

David Steele: We will that for you.

There were 15 respondents from the memo. **David Steele** reviewed the memo:

David Steele continued with the PowerPoint presentation. Then a question and answer period ensued:

Bill Arnold: I didn't see Roberts Rules of Order

David Steele: We would like to use consensus for this process.

Pat Quelan: When was list sent out?

David Steele: June 13th

Pat Quelan: I didn't get a letter.

David Steele: How many people did not receive a letter from us?

It was discovered that many people did not get the letter.

David Steele: I am very sorry that you need not receive the letter. We received our information from Pima County. We will do our best to update your information. There is a list going around. Please look it over and change the information that needs to be updated.

Ernie Cohen: All Steering Committee members need a circulatory list.

David Steele: We will get all that information.

Citizen: Can you repeat the question then answer?

David Steele: Yes.

Citizen: A list of member of Steering Committee needs to be distributed.

Citizen: Everyone's affiliations should be listed.

David Steele: I give my personal assurance that we will get everyone's name.

Bill Arnold: I want to be able to communicate via email, phone, etc.

Debbie Hecht: Let's get a list of names, addresses, phone numbers, email and affiliations.

Jenny Neeley: Everyone should have the list. Pima County has a list of all the Steering Committee members.

David Steele then proceeded to discuss issues in membership query. He then addressed the issues of governance.

Governance

Key Issues

- Should a Chairman and/or other officers be elected?
- Should a Committee structure be established? If so what kind of subcommittees?
- Or would you prefer general membership meetings?
- What role, if any, should County staff play in the work of the Steering Committee?

Responses

Chair –

- Most favored some sort of Chair position.
- Some support for general meeting with no chair with a facilitator.
- Other Issues:
- How the chair will be elected/selected
- Responsibilities of chair

Committee Structure

- Most supported some sort of committee/subcommittee structure.
- Some support for all topic areas open – no subcommittees.
- Other Issues:
- Continued role of ad-hoc committee?
- What subcommittees?
- Role of subcommittees

Role of the County Staff

- Apparent Consensus – No role on the steering committee, available as a resource, attend meetings.

Governance – Action Items

- Side-by-side analysis of Governance Structures for the Steering Committee (ad-hoc committee suggestion)

Carolyn Campbell: What does side-by-side analysis mean in this context?

David Steele: It is a comparison of Governmental structures, to give an example.

Citizen: Is this feasible?

David Steele: Side by side comparison is to be used as resource.

Ken Abrahams: Are we here to go forward?

David Steele: Yes

Ken Abrahams: Are we going to appoint chairs or co-chairs? Not everyone is at every meeting.

Lucy Vitale: We need to do it as a general meeting. We do not need chair or co-chair and should keep it to general meetings.

Ernie Cohen: I do not see an inconsistency in having a facilitator or chair to assume responsibility for governance. Our mission is to make recommendations to the Board of Supervisors. We need to try to develop an orderly process. Sub-committee can recommend a governing structure with sub-committees for issues and two co-chairs.

Bill Arnold: How are we going to decide this issue? Can we decide by consensus or some sort of voting mechanism?

David Steele: Any thoughts?

Jonathan DuHamel: No matter what goes on, can we get minutes?

David Steele: Yes.

Donald Hogan: We should look to possible options. We need very strong direction and a building of trust. How and who will represent the Committee? We need to delay picking a chair.

Bruce Gungle: We need trust to help arrive at a decision. To use a chairmanship implies it will be run by Robert's Rule of Order.

Nancy Zierenberg: It might better to have everyone study issues and have one issue meeting to get everyone on board.

Ernie Cohen: Good idea, we discussed a having a workshop. Maybe the next step is to agree on having a workshop on consensus and try to make a decision on governance.

David Steele: Here is a suggestion – defer specific issues on governance issue, decision-making and have the workshop to help you determine decision-making.

Lucy Vitale: Besides a consensus workshop, we should have a process on learning what a team is. Team approach.

Citizen: Chairman has to be impartial. State laws require that Robert's Rules of Order be used.

Luther Propst: I want to see citation on state law of Roberts Rules of Order

Citizen: I meant motions and votes

Lucy Vitale: I would like to use a collaborative process but then use a voting process.

Barbara Rose: I was at Land Panel meeting. If consensus enables everyone to have voice, can you describe consensus?

David Steele: We will put together a workshop on the decision-making process. Anybody object to a workshop?

Larry Berlin: Who is going to come to workshop?

Michael Zimet: Who is going to present workshop?

Ernie Cohen: Would people be comfortable with the proposal of ad-hoc committee to organize workshop?

Debbie Hecht: We should have a Saturday morning workshop, and then have afternoon discussion.

Citizen: Who would not attend workshop?

Lucy: I would like to offer the ad-hoc committee to all the ranchers, miners and small landowners.

Christina McVie: Personally, I think ad-hoc should be disbanded and the committee, as a whole, makes decisions for committee as a whole. I want to move forward.

David Steele: Does anyone have objection to workshop? Who would help organize?

Christina McVie: Those who have experience.

Lucy: Perhaps we should have another ad-hoc committee?

David Steele: I don't think we should operate in a vacuum; I do respect Christina's view.

Christina McVie: Everyone is equal and has a voice. We are not the experts.

Hector Barnes: Does the Ad-hoc committee help SIMG decide how we would make decisions?

David Steele: No, we are just helping on this meeting and all meetings to ensure deliverables and your points of view.

Ken Abrahams: We have spent a lot of time on this issue. I have participated on the ad-hoc committee, and we made lot of progress to help the facilitators for meetings. We were effective.

Carolyn Campbell: I agree with Ken. I would like to have a new workshop committee.

David Hogan: Let's just charge that ad-hoc committee to help facilitators.

Larry Berlin: The Ad-hoc committee has always been open to all members.

Christina McVie: Does anyone have an objection? I worry if the ad-hoc goes forward, some members may get mad without their endorsement.

Mike Zimet: It should be made clear- ad-hoc is going away – does anyone object?

Citizen: There should be an executive committee and they should be elected

Carolyn Campbell: We should have facilitation workshop committee. It's time to move on.

David: Let's discuss the membership issue.

David Steele then introduces the subject of new membership.

Membership

- Strong support for limiting new members
- Limited support for new members
- Consensus on open/public process
- Other issues FWS, State Land, TON

□ County Response

Rob Kulakofsky: I would resent new members. We would be bringing in people who don't have good base of knowledge.

Ken Fleshman: Mr. Huckleberry's letter speaks for itself.

Debbie: I don't think we need new members. We spend many Saturday's studying this subject.

Nancy Zierenberg: I see a big problem to open membership. We had to get notarized. Who would be the decision makers?

Bill Hoffman: Steering Committee members have been specious and anyone can go to the website and study the Conservation Plan.

Pete: To limit people on Steering Committee is unfair.

David Hogan: We already have an extremely large committee. We have almost every possible interest on Committee.

Carolyn Campbell: If we want new members, would the board say yes? It would be helpful to have straw poll

Doug McVie: Those who want to get on this committee could have been on it earlier.

Bruce Gungle: I opposed to straw poll due to the issue of consensus.

David Steele: I recommend an alternative proposal. Defer this issue after the workshop on decision-making.

Hector Conde: It is not possible to open membership

Bill Arnold: Agreed on consensus, need to get moving.

Larry Berlin: Do we want to persuade those who are opposed one year down the road and committee succeeds in its tasks and takes plan to Board of Supervisors Folks who are against plan can argue that membership was closed, will legal issues come up? I propose to make it a limited open enrollment period, 90 days or so.

Mitch McClaran: I am not sure I feel and I want to hear all issues. Don't push us into making decisions.

Ernie Cohen: Our mission is to make a recommendation to the Board of Supervisors on SDCP. We need to go to schools, community organizations to get them involved. The Board of Supervisors has right to add to the committee.

Susan Shobe: Let people be included in the ad-hoc committee.

Debbie Hecht: There are people who come to all meetings and they would be best to be on the committee.

Nancy Zierenberg: I see a problem in open this up, where do we draw the line?

Bruce Gungle: We have been charged in deciding membership. I do not like 90 days period. I don't think it is a problem to limit membership and look at those who have come to X number of meetings.

Carolyn Campbell: Pima County asked for people to apply but 84 people are too many to get things done.

Christina McVie: This is all about procedural issues. We did not appoint ourselves and only the Board can appoint new members.

Mike Winn: I have yet to see if anyone have a complaint. Down the road, I don't think it is advisable to not let people to talk and I believe it is not possible to have consensus.

Pat King: SDCP is about Section 10 of U.S. Fish and Wildlife. One of the largest property owners is at this table is not on the Committee. Not everyone was accepted and those people need to have information.

Jonathan DuHamel: We have enough people on the Committee. The meetings are open. The County advertised the meetings.

Mike Zimet: I think it is a good time to introduce motion to advertise. Property owners need to be notified.

Barbara Rose: It doesn't seem like we are getting anywhere.

Victoria Sikora: The Arizona Daily Star has a city page and county should post the meetings on this page.

Ernie Cohen: We can't leave without making a new meeting date.

David: Let's defer this issue until we have decision-making workshop.

Carl Davis: We need people as members to come to all meetings.

Ernie Cohen: I propose to schedule the workshop on July 28th. We then would have the other meeting after the workshop.

Larry Berlin: I would prefer not to wait a month.

Hector Conde: This has to go fast.

David Steele then proposed two dates to have the workshop. The group decided as follows:

July 28th 9am? YES

July 21st 9 am? NO

The Decision-making workshop will be held on July 28th at 9am.

Ernie Cohen: I propose to have facilitator (SIMG) to run the workshop until when come to a consensus.

Carolyn Campbell: Do people want to meet before then?

Lucy Vitale: No, I believe it would violate open-meeting laws.

Maeveen Behan: It could violate open-meeting laws if a majority meet without public notice.

David Steele: If you would like to participate on the ad-hoc Committee, see Natalie Luna.

Meeting adjourned at 9 p.m.

SDCP - Steering Committee Notes
Arizona Sonora Desert Museum
July 28, 2001

The meeting of the Steering Committee, with SIMG facilitators, David Steele and Maggie Hunt, at the Arizona Sonora Desert Museum was called to order at 1:00 PM

Attending the meeting were members of the Steering Committee, the public and the SIMG staff.

David Steele opened the meeting. Those who came to this meeting only introduced themselves.

David mentioned several follow-up items:

- Meeting is a follow-up to the June 27 meeting at the Manning House.
- List of Steering Committee members was distributed.
- Followed up on the issue that at the last steering committee meeting, a number of participants indicated that they did not receive notice of the Manning House meeting. Steele indicated that it was buried in an Ad-Hoc Sub-Committee memo, which may have led to some confusion.
- With respect to correct members to get the correct information.
- Notes from the last meeting were distributed.

A master list was sent around to make any changes to the Steering Committee member list. It was suggested to have a list for non-members to receive notices as well.

David stated that SIMG would circulate an attendance list.

David felt that the previous workshop went very well. He believed it was a good, productive discussion and that the group crystallized a lot issues.

David proposed to start off with those who agreed to report to the Steering Committee meeting about the previous workshop. That group was composed of **Lisa Stage**, **Lucy Vitale** and **Will Hoffman**. **David** then proposed that the group start off with the Decision-making process and try to come to a consensus on the process. If time allowed, then the Steering Committee would pick up from the June 27 meeting.

David also proposed to set the next six months of Steering Committee meetings from the objectives of the Ad-Hoc Sub-Committee.

David discusses the Agenda:

1. Introduction
2. Decision-Making Process
3. Membership
4. Facilitator
5. Scheduling
6. Other Issues
7. Next Meeting Date and Agenda Items
8. Adjourn

Discussed were the ground rules for this meeting:

- Start and end on time
- One person speaking at a time, facilitator determines who has the floor.
- Respect; keep an open mind, all opinions valuable.
- Concise statements to the point, propose next steps.

Ernie Cohen proposed to establish the schedule first.

After a discussion, there was a consensus among the group that Steering Committee meetings will take place on a fixed date each month. Each meeting will rotate from Wednesday to Saturday morning every month.

The schedule of meetings is as follows:

- Wednesday, September 5, 2001 7pm-9pm
- Saturday, October 6, 2001 9:30am-11:30am
- Wednesday, November 7, 2001 7pm-9pm
- Saturday, December 1 9:30am-11:30am
- Wednesday, January 9, 2002 7pm-9pm
- Saturday February 2, 2002 9:30am-11:30am

The facilitator will determine the locations but it was suggested that the meetings occur at locations that are easier to get to during the evenings.

Lisa Stage, Lucy Vitale and Will Hoffman then discussed what happened at the previous Decision-Making workshop.

Then the Steering Committee went into discussion about the Decision-Making process.

Ernie Cohen proposed several questions:

1. Will a proxy be accepted?
2. Will decisions be delegated to only those present or will we poll those not in attendance?
3. What is a quorum?
4. What is a majority?

Ernie Cohen: Does 25% of the membership represent a quorum?

The Committee discussed:

- 25% is 23 members
- 33% is 26 members
- 30% is 25 members.
- Polling the Committee
- Set up bylaws by appointed committee
- Does getting in small meetings bound by open-meeting laws?
- Have large numbers for quorum but have proxy vote.

The Steering Committee members present were polled as to how many people represent a quorum. It was decided that 33% would represent a quorum.

A question and answer period ensued.

Ernie Cohen: We do not want there to be a basis for challenging whatever it is that ultimately evolves because there is a claim that the process was illegal by which the consideration was made. For example, if this Steering Committee makes a recommendation, which is adopted by the Board of Supervisors, I don't want somebody to go to court and say it came out of an improper process. So we if comply to the vote that would be the open meetings law, there is no basis for a challenge. If we don't, then there maybe a basis for a challenge and I don't see the downside of complying with the open meetings law.

Maggie Hunt: Does everyone understand the open meetings law?

Ernie Cohen: No.

Carolyn Campbell: Can you guys find out for us?

David Steele: I can, sure.

Victoria Sikora: Maeveen said it could violate open meeting laws if a majority meets without public notice. So if the meetings have been in the newspapers and advertised elsewhere, we will be going by the open meeting laws. Have the notices been sent to Pima County and do they out them up?

David Steele: They do. We send them the notice and they put it on a bulletin board or do whatever they need to do to in terms of open meeting laws requirements. Now this is my understanding, but conversations I have had with the County is that we're not bound to the criminal provisions to the open meeting laws the same as an elected official. We are an advisory body; you're an advisory in nature. There is an expectation that you comply with the open meeting laws to the extent that all meetings and deliberations are done publicly. Now I would suggest that it is probably a good thing to do an action item, maybe let's have the County come to the next meeting and give us a open meeting law workshop if you haven't had one already.

Group: No.

David Steele: Alright, I'll just ask them

Carolyn Campbell: How about a one-page summation?

David Steele: Okay.

Larry Berlin: A one-page summation would not be accurate. To give you an example some of the ways that touches on issues we are trying to deal with this afternoon. For example, if it gives that under the open meetings law, only members of the Committee are allowed to speak in respect to agenda items other than a call to the audience. And so where we have been trying to struggle in issues of whether to open up membership or whether members of the public can participate and just not vote, if we are operating under the open meeting laws and the others call to the audience, the non-members, we are making very valuable participants here cannot be recognized. Some of these are provisions that were are routinely violated by all kinds of community governing bodies and are called on it however; if you are subject and want to get technical about it, it is highly restrictive and will abort some of things we are trying to do.

William Hoffman: The section of the ARS that applies to this is 38-431. It applies to laws special advisory committee. I have a copy of it in the car and if somebody would like see it, I'll go get it.

Group: Sure.

Christina McVie: Can you get the County to clarify why they sent those packets they gave us? Because the County sent us a packet, I know I'm not the only one who got it.

Rob Kulaofsky: I got it.

Christina McVie: I want to know what it meant? Why did they send it to me and if it is not germane, then I'm going to throw it away.

Ernie Cohen: I am hopefully we made a final decision with regard to the first six meetings and I am hopeful that we a made final decision with regard to quorums. And I would like to move to the issue to proxy, if we could.

Maggie Hunt: Is everyone in agreement that we made a final decision with respect to the quorum?

Group: Yes.

Maggie Hunt: And that's 33% right?

Group: Yes.

Luther Propst: Don't we have to make sure and check if that is an acceptable quorum under state law?

David Steele: Right. We will check if it is consistent with state law. We'll revisit it if it is not.

Maggie Hunt: That will become an agenda item.

The group then discussed the issue of proxy.

Carolyn Campbell: I would suggest that we vote on decision-making than proxy because there is no need for proxy in a consensus process. We need to decide how we are going to make decisions.

Maggie Hunt: Ok. Should we use the same model or by a show of hands?

Group: Show of hands.

Mitch McClaran: I would like to ask if it's possible to get clarification. The consensus with fallback with some sort of voting, it would be nice to hear what people think would be the threshold for fallback.

David Steele: Ok, I heard that fallback doesn't exclude voting; it could include other things such as minority reports. Is that correct Ernie?

Ernie Cohen: Yes. We have not defined consensus and we have not defined fallback.

David Steele: Right.

Ernie Cohen: We have not defined voting and have not defined consensus in the third alternative. What we need to do, I think, is choose one of these three and then define it.

Maggie Hunt: So we can come up with a preliminary explanation of what we think it means for the purpose of voting on it and then come back and define it to fit the needs of the group?

Ernie Cohen: Yes.

Maggie Hunt: All right, let's do that.

Maggie Hunt then reviews the three items:

- Voting
- Consensus with fallback
- Consensus without fallback

Larry Berlin: It seems apparent that there is strong movement towards consensus, with or without fallback. Perhaps we could go through what is consensus with fallback and what is consensus without fallback and get this process down.

Maggie Hunt: Ok, let's do a show of hands. Some form of consensus? Raise your hand.

Voting? Raise your hand. So some sort of consensus can include voting with fallback, right?

Group: Yes.

Maggie Hunt: So, it comes down to two choices, consensus with fallback and consensus without fallback.

Mitch McClaran: I voted against that. I didn't agree with consensus. Everything you've been saying about consensus is that you got to convince me to do that or you can't move on. Consensus fails more than voting and it's not a fair process.

Michaela McGibbon: Why did Mitch vote if we are discussing consensus?

Carolyn Campbell: When do we use fallback?

David Steele: We haven't foreclosed to get Mitch's agreement. I think we are making a steady progress.

Luther Propst: If we vote, we have to have a support for what we are doing by the Board of Supervisors.

Hector Conde: The Board of Supervisors has to accept it whether we like it or not.

Lucy Vitale: I think we should have both ways-a hybrid of consensus and voting.

Larry Berlin: What is fallback? I think we should set-up a mediation group as a means of fallback and as a means to reach consensus.

Maggie Hunt stated that a minority report demonstrates that we have listened to all sides with more than one viewpoint.

Maggie Hunt: How groups want to work with each other and strive to reach consensus is possible. Where do we go from here? Do we start with fallback?

Ernie Cohen: It might be appropriate to have a small committee consensus approach with small mechanisms. Create a sub-committee to evaluate opinions and mechanisms to encourage consensus.

Carolyn Campbell: I don't want another sub-committee.

Larry Berlin: We should have mediation to move consensus. Voting is not necessary but mechanisms to help reach consensus is.

Maggie Hunt wrote suggestions on the board:

1. When do we use fallback?
2. What is fallback?
3. Set up mediation group as a means of fallback and as a means to reach consensus on major substantive issues.
4. A minority report demonstrates we've listened to all sides.
5. Check issue of legality of sub-committees.
6. What constitutes a minority?
7. Consensus-70%
8. Articulate set of principals.
9. Votes should have full role call with disclosure of who voted and how.
10. Modified consensus (21 people/85%)

Christina McVie: We should Mitch disagree but we need to come to an agreement. We need to move on and not leave this decision to the next meeting.

Rob Kulakofsky We don't have to make decisions.

Ernie Cohen: It is essential to fulfill our mission so Board of Supervisors can make a decision for the Plan.

Larry Berlin: Can we slash modified consensus for 80%?

The Steering Committee members decided to:

- ❑ Develop a mechanism for voting with fallback.
- ❑ Approach with mechanisms to reach consensus.
- ❑ Modified (85%0 with fallback-could include voting.)

Next Meeting is on September 5, 2001 from 7pm-9pm. Location will be announced.

Meeting adjourned at 3:00pm.

SDCP - Steering Committee

Inn Suites Hotel, 7:00 pm to 9:00 pm

Wednesday, September 5, 2001

Meeting Minutes

Participants: See attached sign-in sheet, David Steele, Maggie Hunt

Guest Speaker: Eva Bacal, Open Meeting Law Enforcement Team, Office of the Arizona Attorney General.

Goal: To have the Steering Committee organize itself in order to complete its duty to the County.

Meeting Commenced at 7 pm.

Maggie opened the meeting by introducing herself, and the SIMG staff. She then asked each of the attendees to identify themselves to the group along with their particular affiliation. She introduced **David Steele** of SIMG.

David provided a brief recap of the previous meeting:

1. That 33% of the Steering Committee membership constitutes a decision-making quorum.
2. The group would strive for consensus. Fallback mechanisms would be used if consensus could not be reached.
3. SIMG would continue to facilitate the meetings.
4. Consensus on next six meeting dates.

David then presented the information on the next Steering Committee Meeting. A brief discussion ensued with members suggesting alternative times and locations. While some members wanted the meeting to take place further north, others wanted the meetings further east. There was also a discussion on the length of the meetings. A consensus was reached that the length of each meeting was to remain two hours. The agreed upon day for the next meeting is **Saturday, October 6th from 9:30 am to 11:30 am**. The present location is the Downtown branch of the Tucson Public Library. SIMG staff will continue to investigate alternate locations.

David introduced **Eva Bacal**, Open Meeting Law Enforcement Team, Office of the Arizona Attorney General.

Ms. Bacal provided copies of Arizona's Open Meeting Law and Frequently Asked Questions About The Arizona Open Meeting Law. She presented the law and followed with a brief question and answer period. Some of the questions asked were:

Question: Define an Executive Committee.

- Executive committees are very limited and are usually assembled to discuss issues of personnel. Votes would have to be reached in order to go into an Executive decision.

Question: What does the Open Meeting Law say about e-groups?

- Electronic communications may run into problems because of computer accessibility. It is considered secret if some people do not have access.
- The following criteria must be met in order that electronic communication not be in violation of the Open Meeting Law:
 1. Does everyone have e-mail?
 2. Is the e-mail list open to the public?
 3. Is the discussed material provided via mail?
 4. Is this only informational material?

Question: What types of materials are considered informational?

- Material expressing a point of view or presenting factual data. It cannot be an interpretation of a law.

Question: What type of materials can be handed out during an open meeting?

- Material should be an item of business on the agenda.

- It is inappropriate to hand out materials that have not been placed on the agenda and introduce them as items for discussion.

Question: How much input can the public, meaning non-members, have during a meeting?

- Meetings must be open to the public, especially during decision-making sessions.
- While the public may comment on any item on the agenda, they may not participate in the deliberation of an issue on the agenda.
- The public may respond at the “Call to the Audience”.

Question: Are sub-committees subject to the Open Meeting Law?

- If action has been taken then it must be ratified.

Ms. Bacal concluded her presentation with the final advice that if there is any doubt regarding whether or not the Open Meeting Law is in violation, then the committee should meet publicly and raise questions, issues and discussions at the public meetings.

Lucy Vitale introduced the concept of a Listserv for the Steering Committee members. The group reached consensus that they would not support the use of a Listserv for Steering Committee business. Ms. Vitale then withdrew her suggestion.

Maggie then introduced discussion:

Fallback decision-making mechanisms to consensus:

1. Mediation Group

Options

- Standing group
 - Points of view
 - Hybrid – 3 standing member, then POV’ participate
 - Any member can attend, any member can participate
- Temporary referral then goes back to full Steering Committee

Question: What happens if an issue goes to a mediation group?

Ernie Cohen: Mediation group has to give public notice. The committee must disclose to the public what the issue is so the public could attend. The committee should defer its decision until it receives a report from the mediation group.

2. Ranking – weighted group ranking process (i.e. # options = # ranks). Narrow range of options to top rankers then re-rank.
- Broad input, lead to consensus
 - Could lead to winner and losers.

Question: How do we propose to determine ranking?

Question: If consensus cannot be reached after 15 minutes of discussion should the committee fall back on 85% of the vote by simple majority?

Question: Are we redefining consensus?

3. Collective statement – reflects all POV’s. Responsible for ensuring that language accurately reflective.
- All POV’s included
 - Relinquishes decision-making.

Question: Do I understand this correctly? If consensus cannot be reached on an issue it will go to a mediation group? The mediation group will bring it back to the Steering Committee and we will vote on the issue using simple majority vote of 2/3 of those present?

4. Voting – Majority, 2/3s, etc.
 - Fast and efficient
 - Winners and losers

Question: Why don't we vote on all issues using the 2/3-majority rule?

Straw Proposals to Consider:

1. Determine Type of Issue-
 - Procedural
 - Substantive

Question: Who will decide which is a Procedural Issue and which is a Substantive Procedural Issue?

Question: How much time will we spend deliberating whether an issue is procedural or substantive?

Question: Can we have an example what is considered a procedural issue and what is a substantive issue?

Maggie: A Procedural issue would be anything regarding the procedure of these meetings. An example would be, where to hold a meeting or when to hold a meeting. Substantive would be something more important.

2. Procedural- Non-consensus

- Vote – simple (or super) majority prevails
- Examples: Whether or not an issue is substance or procedural, meeting place and times, etc.

Question: Shouldn't we just go simple majority vote on this? Just keep it simple 50+one?

Maggie: May I suggest that on Procedural issues the group strives for consensus within an allotted time frame, say 15 minutes or whatever you decide, then fall back to simple majority 50 + 1 vote?

Question: I think that for simple procedural issues we should just use a simple majority vote.

Question: While I disagree on using voting 50+one, simple majority should equal 2/3 or 85% super-majority.

Maggie: How many agree that for procedural issues there should be a simple majority vote of 50+one?

The vote showed 27 YES votes and 3 NO votes of the Steering Committee members present for a Simple Majority Vote of 50+1 on Procedural Issues.

- Substantive – Non-consensus (option #A)
3. Determining whether an issues is substantive or not

Bill Arnold: If it is logical for a valid body, that is 2/3, to approve something, then it ought to be that 1/3 should constitute the amount of this body that could be required to move an issue into the Substantive Procedural issue category.

Ernie Cohen: I agree, very creative and useful.

Lucy Vitale: Why did we have the consensus workshop on consensus making if we are talking 1/3 – 2/3 or voting we should be striving for consensus.

Maggie: We need to set a guideline for the amount of time that we will use to strive for consensus.

Ernie Cohen: I would like a vote on the issue of 1/3 of the members determining whether an issue is substantive issue or procedural.

Question: Is 1/3 of the total membership or the members present?

Ernie Cohen: 1/3 of the members present.

David: Does everyone agree that if one third or more of the present Steering Committee membership decides that an issue should be moved to the Substantive Procedural category it will be? Does everyone agree to this?

The group reached consensus that if 1/3 third or more of the Steering Committee members present can decide that an issue should be moved to the substantive Procedural category.

David: We will adhere to our time line and I would like to propose that we would continue with the remaining items at the next meeting.

Issue of facilitator

David: Do you want us to continue serving a your facilitator for the next meeting? Does anyone object?

No objection

David: Just to make thing run smoother, the facilitators need to control the meeting better and set time frames for discussion and the facilitator need to hold us to that time-frame.

Next meeting agenda:

David: Spent a great deal of time, organizing ourselves, some members of the ad-hoc committee wanted to begin considering substantive issue at the next meeting.

Ernie Cohen: I need to think that we will need to complete procedural issues at the next meeting, and we need to commit to addressing substantive issues at the November meeting.

Jonathan Duhamel: I do have several issues to propose for future meeting agendas but I think you should ask that question again.

Carolyn Campbell: We have to come up with a way to get through this more quickly, we need to have shorter discussions, and people need to think about what they can live with and making decision and putting them into practice. Sooner or later you are going to have to give your opinions at a Board meeting. See we need to get past all of this stuff.

Bill Arnold: Can we provide you (facilitator) list of items we would like on the next agenda?

David: Yes, of course. You have our email address right?

Bill Arnold: Yes, okay, I'll send it.

The meeting adjourned at 9:00pm.

SDCP - Steering Committee

Old Vail Middle School, 9:30am to 11:30am

Saturday, October 6, 2001

Meeting Minutes

Participants: See attached sign-in sheet, David Steele, and SIMG staff.

Goal: To have the Steering Committee organize itself in order to complete its duty to the County.

Meeting Commenced at 9:30am.

The meeting commenced with 23 Steering Committee members. **David Steele** suggested that if there were not enough members present, then the members present would proceed with the agenda, make an advisory and present it as an item for confirmation at the next meeting. David opened up the meeting by introducing himself and asking members to introduce themselves.

Re-cap of the Ad-Hoc Organizational Steering Committee:

1. The Ad-Hoc committee met on September 21, 2001.
2. The Ad-Hoc committee discussed the issue of a request from many Steering Committee members requesting that the meetings move at a quicker pace. This resulted in the Ad-Hoc committee developing ground rules that would enable the meetings to progress at a quicker and more efficient pace.
3. Also discussed was the request by steering committee members for an east-side location for the October 6th meeting. A location was retained to accommodate this request.
4. This information was provided in memo form, along with the agenda for the October 6th meeting, and minutes from the June, July and September Steering Committee meetings, to the Steering Committee members via mail. A complete package was sent to Maveen Behan, of the Pima County Planning Department, in compliance with the Open Meeting Law.

Ground Rules as they would apply to this meeting only.

1. One minute per person per agenda topic.
2. No transferring of speaking time
3. Can only speak a second minute if everyone else has spoken
4. Speak into the microphones
5. At appointed time, move to decision making or next topic
6. Start and end on time.

Comments:

- Opposed to a group making decisions for whole Steering Committee.
- Each member should be given a chance to speak regardless of time.
- Objection to not being part of this decision.
- This should put this to a vote right now.

At this point a count of Steering Committee members was taken and there were 28 Steering Committee members present- quorum established..

Vote : Ground rules should apply to this agenda. 18 approved. 6 disapproved.

Revision of previous minutes:

Discussion:

- **The July 28th minutes state incorrectly that the Steering Committee members decided to modify (85% with fallback-could include voting.) This will be corrected.**
- **The September 5th minutes contain the entire Steering Committee not the attendees of the meeting. The correct list will be provided.**

Re-cap of the previous meeting:

Consensus was reached on the following:

- Agenda order revised: 1. Approval of minutes, 2. Old Business, 3. New Business
- For procedural issues there should be a Simple Majority vote of 50+1.
- One third or more of the present Steering Committee membership can decide that an issue will move from the procedural category to the substantive procedural category.

Next Meeting:

Wednesday, November 7, 2001 7pm to 9pm. The members of the Steering Committee requested a central location for this meeting. SIMG Staff will investigate locations and inform the Steering Committee via mail, phone, email and fax. The County will also be notified.

Call to the Public:

No comments.

Discussion -'fall-back decision-making mechanisms' if consensus is not achieved:

It was decided at the September 5th meeting that Procedural Issues would require a simple majority vote. If one-third of the present Steering Committee felt that an issue was substantive, the issue would go to another fall-back process. This fall-back process to be identified at this meeting.

The Ad-Hoc Committee developed the following Straw Proposals:

- Substantive – Non-consensus (Option A)
Keep in entire group until X% (e.g. 85) agree. **This proposal received 6 approval votes.**
- Substantive – Non-consensus (Option B)
Send to mediation group who would report back to the Steering Committee by the next meeting. If non-consensus remains, supermajority vote.
Options:
 - Standing group
 - Point of view for each circumstance
 - Hybrid: Three standing members, then points of views participate
 - Any member can attend, any member can participate.**This proposal received 11 approval votes.**

Comments:

- Open Meeting Law – does this meet the requirements?
 - Members of the mediation group will not be involved in other issues. Response: Mediation group will meet between Steering Committee meetings.
 - This will not be efficient if the Mediation group will only make recommendations that will result in longer debate and discussion.
 - The discussion should remain within the entire Steering Committee.
 - Super majority should be 66%, not the proposed 85%.
 - There are not enough details regarding the mediation group to vote.
-
- Collective Statement: A collective statement would allow the Steering Committee to move forward in the decision making process. **This proposal received 12 approval votes.**

Steering Committee members made the following proposals:

1. Vote on an issue. If consensus is reached the issue is closed. If non-consensus then look for super majority. If this is not achieved then the issue goes to a mediation group that will meet between Steering Committee meetings and give its recommendations to the Steering Committee for another vote which will strive for consensus or supermajority. If neither can be achieved then fall-back to a Collective Statement. The percentage of present Steering Committee members required for a supermajority vote is

yet to be determined. The number of times that an issue will revert to the mediation group was also undetermined.

2. Mediation would occur between voting for consensus and voting for supermajority. Proposed Mediation Groups: a) Steering Committee elects three permanent members for Standing Mediation Group for individual issues, however any Steering Committee member can join; b) Mediation Group is open to all Steering Committee members.
3. Issues should be discussed for 20 minutes then put to vote. If consensus or supermajority is not reached then vote on a) more discussion time; b) send to mediation group; c) collective statement.
4. Go directly to a Collective Statement if consensus is not reached.

Consensus was reached on the following:

- Elements of proposals One and Three will be combined. Members will vote on the options. If the members vote to send the issue to mediation, the remainder of Proposal One will be followed. This passed with majority vote of 15.
- Supermajority will consist of two-thirds plus one. This passed with majority vote of 16.
- Mediation group will be open to all. This passed with majority vote of 15.

Membership Query -- 6-27 Issues – Governance:

Key Issues:

- General membership meetings? This proposal received 26 approval votes.
- Should a Chairman and/or other officers be elected? This proposal received 26 approval votes.
- Should a Committee structure be established? If so, what kind of subcommittee? This proposal received 20 approval votes.
- What role, if any, should County staff play in the work of the Steering Committee? The Board of Supervisors will develop a plan- this cancelled the vote on this proposal.

Consensus was reached on the following:

- Steering Committee will not ask the Board of Supervisors to open membership.
- Proxies cannot be selected. Board of Supervisors will address issues of legitimate alternates.

***All items were voted on collectively after it was discovered that a member of the general public had been voting as a Steering Committee member.**

Executive Session:

Meeting adjourned at 11:37 am

SDCP - Steering Committee

Sheraton Tucson, 7pm to 9pm

Wednesday, November 7, 2001

Meeting Minutes

Participants: See attached sign-in sheet, David Steele, Maeveen Behan and SIMG staff.

Speaker: Mr. Chuck Huckelberry, Pima County Administrator

Goal: To have the Steering Committee organize itself in order to complete its duty to the County.

Meeting Commenced at 7:00 pm.

Meeting commenced with 42 Steering Committee members and 20 members of the general public. **David Steele** opened up the meeting by introducing himself and requesting a moment of silence in respect the passing of Steering Committee member Lance McVittie. David then provided a brief re-cap of the Ad-Hoc meeting on October 24, 2001.

Re-cap of the Ad-Hoc Organizational Steering Committee:

5. Create an Agenda for the November 7th Steering Committee meeting.
6. Draft letter of inquiry to those Steering Committee members that have attended less than 50% of the meetings.
7. Requesting an Economic Analysis from the County.
8. Steering Committee members to review and make changes on the draft of the Operating Guidelines and send to David Steele, who will make the revisions and return the draft to the Steering Committee for review.
9. Recommend that Facilitator present the report on behalf of the Steering Committee and bring back any questions, changes or concerns to the Steering Committee for answers, recommendations and reviews.
10. This information was provided in memo form, along with the agenda for the November 7th meeting, the power point presentation, Spreadsheet with member attendance, transcript of the Board of Supervisors' proceedings leading to October 9th letter from Chuck Huckelberry and minutes from the October 6th Steering Committee meeting, to the Steering Committee members via mail. A complete package was delivered to Maeveen Behan, of the Pima County Planning Department, in compliance with the Open Meeting Law.

Documents made available to the Steering Committee members at the meeting:

- Additional flow chart from Steering Committee member, Debbie Hecht.
- Meeting notes from the Ad-Hoc Sub-Committee.
- Letter from Steering Committee member, Carl Winters
- Proposal from Morrison Institute to the County.
- Extra Agendas and meeting packages.

Logistics for the next meeting:

Saturday, December 1, 2001 from 9:30 am to 12:30 pm. The members of the Steering Committee requested a central location for this meeting. SIMG Staff suggested the following location to the Steering Committee for their approval.

Randolph Golf Course Clubhouse

600 South Alvernon Way

9:30 am to 12:30 pm

Comments:

- None

Ground Rules as they would apply to this meeting only.

7. Only Steering Committee members can participate in the discussion of issues on the agenda.
8. General public will participate at the Call to the Public.
9. One minute per person per agenda topic.
10. Can only speak a second minute if everyone else has spoken.
11. Speak into the microphones
12. At appointed time, move to decision making or next topic
13. Start and end on time.

Comments:

- None.

Vote : Ground rules should apply to this agenda.

Revision of previous minutes:

Discussion:

- **Page three under Consensus: Elements of proposals one and three were combined not the entire proposal.**
- **Pages of the minutes will be numbered.**
- **The minutes of the October 6th Executive Session were not attached. Those minutes are to be available at the December 1st meeting and will be approved at that time.**

Call to the Public:

Comments:

- The Morrison Institute Proposal does not show cost of implementing this plan. Meaning, costs of purchasing land for parks, easements, etc. Why aren't those costs being studied?
- The agendas that are being posted at the County are not the same as the agendas handed out here. The agendas posted at the County should be more detailed.

Guest Speaker Chuck Huckelberry:

I don't know if there are any specific issues other than the items listed on the agenda, so let me try and go over those and kind of tell you where the county staff is and where we've been since we last talked in May out at the Desert Museum and said go forth and figure out what to do and govern yourselves. It sounds like we're still working on that and that's fine because it's within the timelines that we anticipated. The process has continued to move forward from mostly a staff and consulting perspective. You see, from time to time, things in the media that are reported on the plan and those are active and reactive to probably a lot of opinions that are being formulated, good and bad about the plan, and that's fine because discourse and debate will in fact improve the product. We had an update and we felt it was appropriate to update the Board in October of this year and I think that's what we included and sent to the Steering Committee in that update and what you can probably gather from that update is that much of the biological science component of the Plan has been completed. The issue with regard to the science technical advisory team the consultants of Recon have completed much of the very initial biological work on the Plan and that was reported in a series of documents. I understand, I hope, that you are going to have the consultants and the Science Technical Advisory Team here. Very quickly, to go over with you, probably in its abbreviated form, about a 200-hundred page document dealing with the Plan, the species, the designation and identification of areas of potential conservation and their differentiation of those conservation areas as opposed to what was released and reported on earlier that year in March and March 2001 and we commonly call that by folks who have attached a name to it in the media and others, the purple map. The purple map was identified originally in March of 2001. What it was, was the preliminary work of the science community with regards to the preferred biological area of conservation. It didn't talk about restrictions, it didn't talk about what was good or bad about the particular areas. It did not differentiate those. The work that's been completed today differentiates those into a series of categories ranging from linkages on one side and riparian areas down to areas called biological core and reserve core and a lot of other definitions that the

consultants and science team are better able to define for you. The result of that was reported to the Board in October. Much of the science on the biological side is done. You probably also read about a peer review process that was conducted by two members with some fairly significant national reputations in conservation biology. One person couldn't attend, had his back go out and you can't force somebody to get on a plane when they're in pain. It was a two person peer review. And I think the peer review was relatively successful. It indicated that the purposes of the conservation Plan to date, and the focus of biology were met. That the science is probably significantly diverse and strong in a sense that it can withstand alternative opinions and obviously in the areas of biological sciences which are not mathematical sciences or physical sciences, there are areas for differences of opinion. It was important to get the Peer Review done, and that's done. We're also in the process with our consultant and this should not be of any significant surprise to you, in developing all the alternatives that obviously that when we get down in the agenda here, to the Scope of the Steering Committee and what you do. I can probably, if you would like, you all have received so much material from us, so often and it has been so voluminous that very often you may have missed the sentences in the cover letter that talks about your Scope. But it is in fact to review and comment and to help shape the alternatives that move forward in refining and developing the Section Ten Permit for the Multi-Species Habitat Conservation Plan. We can kind of go back in and pull everyone of those sentences or paragraphs from communications that have been sent in the past and if that helps kind of helps summarize Scope and Concept. Back to the issue of what we're having the consultants do now. The consultants now are actually defining, and again, as an alternative. Now we've talked about alternatives. And one of the alternatives will in fact be this differentiated biological reserve that you see as one of the maps in the attachment to the update to the Board. Another alternative will be, 'do nothing'. The No Action alternatives. We have heard from a number of folks that we have over reacted, that we've over conserved. That we have gone way beyond what is required by federal law and talking about 56 priority vulnerable species. We're actually producing some technical work now through the consultants that talk about what the reserve design would look like if all we did was protect the endangered species that exist today. That work should be done fairly quickly. Obviously it will be given to the Committee in full volume, so again you can decide whether or not to use that as one of the alternatives. What the staff has been doing is finishing the science. Science is basically done. We will have sufficient, different information with regard to species and species protection. As to allow the committee to make some decisions about which alternatives go forward. Those are the alternatives that get plugged into the Environmental Impact Statement and get discussed with regard to what their impacts are and I hope that you will invite the Federal agencies next month, I hope, I believe. The U.S. Fish and Wildlife Service to talk about that process. That now that the science is done the alternatives can in fact be evaluated and what those alternatives mean with regard to this mythical Section Ten Permit for the Multi-Species Habitat Conservation Plan. That will then give you probably a little more insight to what occurs in the alternatives evaluation and how the Federal Government who ultimately has to give this permit believes that A) the Science meets the criteria which they can in fact give the permit on, and B) the alternative that you may consider are also viable alternatives on which to issue this permit. Another thing I think you heard about, you had a little trouble scheduling folks from Phoenix, which is the Morrison Institute. It looks like what you need to do is hear from them, I would assume, sometime in late January, February. Hopefully their work will be done in accordance with the Scope and Definition that I think you have all see and been given. It will give you some insight with regard to the impact Analysis particularly as it relates to the economics. It's not going to answer that age old question, because no one can answer it, about how much the Plan is going to cost. That's what we keep hearing from everyone, 'Is it going to cost \$501,297,058 dollars?' and no one can give you that. No one will even be able to give you that even in the alternatives analysis. Once you then get through the Morrison Institute, probably in February, I think that then is when your real work begins and that is in fact forming series alternatives to take to final and formal EIS Public Review and Comment for adoption. Later on in the calendar year 2002. So that's kind of the schedule. I would hope that you could begin talking and evaluating alternatives in March, April, May, June, and come to some recommendation during the summer in which to forward that recommendation to the Board. Let me talk a little bit about the update and the recommendation adopted by the Board with regard to updates from the Steering Committee. I think the Board would like to hear from you. Would like to hear from you on a collective basis or an individual basis. They hear from you, many of you, individually, so don't feel bashful about writing down what you think and sending it to them because that is public input in review. But I think they also want to know collectively what the Body thinks with regard to the Plan. If you have issues, concerns its an appropriate mechanism and venue for which you can get those as a collective body put before the Board for review and discussion. Let me give you a 'For Example' One of the items here talks about Resources available to the Steering Committee. You have the same resources available to you that we have to us. For the most part all those resources are programmed into particular work elements

or action items that are on-going now or are anticipated to be on-going through the balance and completion of this process. We have heard that some of you would like other studies. You want to check on the checkers, or whatever. If you want to do that, you know that is your collective opinion as a Steering Committee. You can make that request of the Board and the money that could be made available for that purpose would come from the Board's contingency fund. Which everybody gets to make a request for and the Board will decide the merits and determine what to fund and when to fund it, how to fund it and what to do. So I think that is your mechanism if you want to do more studies, if you want to re-do this, do this differently, if you want a Minerals Component to the Conservation Plan. Figure out what it is, figure out what it costs, make a recommendation, get the Steering Committee to approve the expenditure of those resources for that purpose and request the Board of Supervisors provide the funds through their contingency fund.

Let me finish a couple of other things here. Linkage; Preferred Alternatives Analysis, how does all that work? Well, it works by people sitting down and saying here is what we think is important or not important with regard to making some of this work. Here is what is important in this particular region or subregion or sub-area and we would like to see this either promoted in this area or ignored in this area. And again that is the per view of the Steering Committee. Those answers and linkages are obviously not easy and not direct. I think a lot of people think, 'lets answer a lot of basic and real fundamental questions and then the answer will obviously pop out and voila! We'll be done!' Well that's not going to happen. There are no easy answers or clear cut answers for every postulation, and I think this is what's important and I think that probably all of you know this, is that its however you frame an issue and frame a question and talk about the postulations about answers can give you about four or five different answers for say the same question depending upon the assumptions going in. I think that if you believe there are magic answers out there, we would be done, your hard work and tough work wouldn't be necessary. It is absolutely necessary because of collective wisdom. We also talk about, and I will talk a little bit about my bosses, which is always dangerous, I think that all of you have your own opinions and your own ideas and you can express them individually. You may be right, you may be wrong, that is exactly the way the Board of Supervisors works. As individuals they express their opinions, state their beliefs, and they may be right or wrong, but what is important is that collective wisdom of the body. And that is the governing body of Pima county called the Board of Supervisors. Their individual concepts and ideas usually and may not carry forward. What carries forward and what actually works is the collective wisdom of the body and that is in fact why the Steering Committee is formed. We're looking for the collective wisdom of the body, not the individual ideas of the individual folks who make up the body. Timelines, timelines we hope that you hear from the Feds as much as you want to hear or as little as you want to hear. You finish the deliberation and an important deliberation of how you express the collective wisdom of this body in governance. A lot of you probably have patience that has grown thin in the discussions but it is an important thing to reach a conclusion about. We hope that in January you will hear from the consultants. Our consultant is Recon and we will have probably have the extensive show, it's up to you. If you want to learn everything there is about reserve design and about how boundaries' exterior to the reserve design were finalized, how interior boundaries were differentiated, what's important, what's not important. We can probably arrange for a two hour slide show for you with a biologist and with a science technical advisory team. I think it's important they also come here and you get to see them, talk to them and quiz them about their science, particularly now that it has gone through independent nationally recognized expert conservation biologists. We hope then also then after that in February, hear from the Morrison Institute about the economic issues. I think it is important to call them issues and not necessarily consequences because everything is an opportunity how we view it is how it ultimately will be successful or unsuccessful. If we talk about specific amounts of dollars, specific time frames in action items, it ultimately will get people bogged down. We're looking for, again this kind of collective vision on conservation. It involves a Section Ten Permit, no question about it, but it also involves much longer term and broader vision that deals with the ultimate form and how Pima county treats its natural and cultural resources. Then I think the next thing you're off, hopefully in deliberations, with regard to alternatives. Whether all of you like the 'No Action' alternative that's fine. That states your collective wisdom and opinion. If you like anything in-between or any alterations in between, that's also how you will be basically able to provide input into this process. Depending upon publication, written comment, response to written comment and everything else that happens in an EIS process. We're probably talking another three months to six months for all that to shake down. Then ultimately a decision by the Board of Supervisors. We hope that long before the end of 2002. So that's timeframes, timelines, resources, where to get resources, where we are, what we're doing, etc. if you got some questions, I'll try to answer them.

Question: I need a clarification. When we started this process, we talked about cultural, historic resources as well as the Section Ten Permit. But tonight, if I understood you correctly, you say that our scope is limited to the Section Ten Permit. Could you clarify that?

Mr. Huckelberry: Yes, your purpose on the record and legally with regard to the Section Ten Permit as an EIS process on the Section Ten. Your scope, while we talk, is absolutely required on the Section Ten Permit, it is also obviously, permissible to participate in the balance of recommendations on the Sonoran Desert Conservation Plan. That includes any of the elements that might fall outside area of biology and the Section Ten Permit. We have never, I think, envisioned that your scope is directly and specifically limited to Section Ten. Your most important work is Section Ten, with regard to the EIS process formulation of alternatives and recommendations as a citizen participation process. You can make recommendations on the Conservation Plan itself over arching all day long, collectively, individually, everybody does, everybody has, and we expect everybody to continue to do so.

Question: I hope that in January when we hear from these other teams like the science team, that the ranch technical advisory team could also be part of that phase for this committee's benefit. My question is whether the sub-area planning aspect of putting together the SDCP is going to be part of the process. The county had initiated meetings about a year ago that were helpful and good at the time and I wondered whether that way of looking at things will be part of the process or no.

Mr. Huckelberry: Any team is welcome to come and present. Absolutely. If we need to get the Ranching Team here we'll do that. We need to get the Cultural Team here, we will do that. Again it's trying to be cognizant of your time and what you think are the most important issues. You will find that in many cases preservation of one set of resources will in fact help protect another. And that is the case with biological and cultural resources, particularly in the riparian areas, but we can absolutely invite the Ranch Team again consensus if you want to do that, fine. Same thing with the Cultural Team and anyone else you want to hear from. Second part was Sub area discussion. We had very early on, had the resource base broken down into sub regions and its fine if you want to proceed by the subregion, fine if you want to proceed by the whole. We received a little bit of criticism when we first went off into the subregion. Some thought we were trying to divide and conquer the Steering Committee and so we said, let's look at the big picture. We don't have any particular way in which we want to organize or control the information either regionally or sub-regionally.

Question: Regarding your October 9 memo, are the three conflicts mentioned going to be resolved by the County or are we as Steering Committee supposed to look at them?

Mr. Huckelberry: We took the differentiated biological core reserve design that forms this conservation land system and said, 'Obviously, if in fact we have planned land uses that require significant alteration of the surface area, then we have a conflict.' We found three areas of conflict that were pretty obvious and I think, known to a lot of people before we stumbled on to them. And that is the far flung reaches of the urban area. We said, 'Those need to be resolved by lightening the development footprint.' Meaning lowering the land use intensity that had been planned in the 1992 Comprehensive Land Use Plan for those areas. And yes we intend to make those recommendations to the Board, such that the Planned Land Uses in areas of direct and absolute conflict are more compatible with the concepts of preservation. Whether or not those survive the process that goes through land panels to planning and zoning commission to the Board of Supervisors, who knows, but you'll probably know by the end of December and in addition, I think one of the other things that everyone has to understand is that the Comprehensive Plan is a by statute and by code, a dynamic document. Once it is voted on in December, it is not case in stone. It can be amended in January 2002. So if there is a mistake, the Board can go in 60 days later and correct that mistake. We view this process as dynamic and interactive. That means we are going to proceed to send the Comprehensive Plan to the Board for adoption prior to the end of the year, pursuant to statute. Does that mean its not going to change in the future? No. It will be updated as best available information is before us and the Board and that applies to what we call both down planning, not down zoning, everybody understand that? As well as up-planning. We intend to proceed with insuring that the Comprehensive Plan Update is as compatible as possible with the present findings of the Conservation Plan.

Question: How soon can we expect to learn what the alternatives are for paying the costs of the plan, whatever the plan ends up being? Secondly, when and from what source can we expect to get information about the marginal benefits or costs of the next particular square mile of land.

Mr. Huckelberry: The actual cost of implementing the plan is highly variable because a) there are a lot of alternatives including the No Action alternative, that has no governmental costs, but has other costs associated with non-implementation. Payment sources; well we have the traditional, tax payers of Pima County, which have gone to the polls over the last 20 years and approved 125 million dollars in open space bonds for acquisition. Governmental entities have their general funds as well as other revenue sources available to them to implement components of the plan. Those components range from acquisition of particular property to probably very direct subsidies, to the ranching community through the payment of grazing fees. The sources of funds at the local level come from direct taxation. At the state level they come from a variety of sources that have been enacted by the Legislature to date. An act of the Legislature lasts as long as one year unless it's a Constitutional Amendment. Those can be variable also, Arizona Preserves Initiative is an example. The Federal government has at least three sources of revenue available for implementation once Multi-species or Habitat Conservation Plans are adopted through funding sources, Section Six of the Endangered Species Act, through land and water conservation funds, a number of direct appropriations, typically from the Federal Government. Those are a number of sources. You can go down an exhaustive source that might talk about new fees, new taxes, all sorts of things that get folks talking. So those are just examples, ways the actual monetary cost of the Plan gets paid for. We can give you the full range, but what you have to understand is that it is typically a Congressional Appropriation process where everybody is in the game. You can either be a huge success or a huge failure. Economics and the Morrison Institute. The Morrison Institute scope is one that I believe we felt was appropriate and reasonable given the kind of detail we're going to be able to understand out of the economics. I don't know if we have sent you, I hope we have sent the Committee in the past, some of the financial studies that the County has dealt with. Mostly from the area of property tax and property tax revenues. It's those kind of issues that Morrison will be struggling with. This whole issue of marginal costs. Do you go one more section out or do you come back one more section. Well the question then is you have to assume how will that section that is in this marginal discussion what is its development capability, what can it be developed as, what is the probable revenues generated from that property taxation, sales tax, gas tax, all of the various sources that government derives versus what are the service levels that have to go into those areas. We've got some models, they're not perfect models, but their about as good as we can get now from governmental revenues, and they deal with telling us that in some cases marginal costs we can't pay for sheriff services in some areas of the county that are lightly developed. So those are the kinds of things we'll be looking at. Are there any clear cut answers? No. Same thing I'm going to tell you is that there aren't any hard, fast answers, you aren't going to get yes or no. Whether the economic study is going to be adequate for decision makers is obviously something that you're going to have some input in, everybody else is. And there are folks around, probably in this room, who are not going to feel bashful about taking an issue to court if in fact the Economic Analysis is not adequate in addressing the issue there.

Question: Has anyone ever done a study that took all of the land that has been put into preserves, out of the tax rolls or down-zoned and projected how much in property tax revenue is being lost to the county over the next ten years, say per acre, or something like that. That is one thing that I think we can use. How much can we afford to save?

Mr. Huckelberry: What we have found, at least with most of the acquisitions to date, that we can afford because there are certain acquisitions that we cannot afford because it's too costly. I'll give you an example, of a fairly recent one, a fairly large one, a fairly complex one and a fairly controversial one, its called Canoa Ranch. 6000 acres, 5000 of it purchased by the county. The actual aggregate property taxes paid on Canoa Ranch is equivalent to five single family houses in Green Valley. I don't think we will ever talk about making decisions not to buy property based on future tax revenue as it was purchased. What you can do is then speculate and what would be the property's use if it wasn't purchased? Is it a master planned community? Well we can give you tax revenues that come out of master planned communities such as La Paloma. Per acre that's \$250,000 per acre. We can give you tax revenue of Canoa Ranch if that is split up with no governmental regulation or not a regulated sub division, then its 1500 dollars an acre. That doesn't pay for sheriff calls to it. We can give you those kinds of alternatives. Our limiting factor on the land that we buy will not be the tax issue, it's going to be our ability to pay for it. In other words the Canoa Ranch cost the county six million dollars. Those kinds of things

are what is going to limit the amount of property the county buys in the future. That's why I say, if you think the Conservation Plan is going to buy a lot of property in the county, I'm here to tell you that probably that won't happen.

Question: In the October memo it said that agreements have already been made with the Bureau of Rec., Fish and Wildlife, BLM Service. What were these agreements or where do we find out what these agreements are?

Mr. Huckelberry: Those are actual cooperative agreements executed between each agency and the county. What they say is that the agency, whether it be EPA, Bureau of Rec or all the federal agencies, is that they will participate in the Conservation Plan and to the extent that it does not conflict with their with their mission, they will in fact, probably, once its gone through a public process of vetting what the important management aspects of their particular land are, they will manage them in accordance with the goals of the Conservation Plan.

David: Your letter indicated that the Board wanted the report on November 20th. There was some questions whether you actually wanted the SC report and appearance on the 20th, or did you just want the written documentation and actually have the SC appearance on the 27th.

Mr. Huckelberry: I think whatever confusion we have the study session is November 27th. That is the date when someone, hopefully, would want to come and talk to the Board. The material if you'll write it down, because Thursday is the agenda cut-off date. Typically that's our rules. We have to get all the written materials that will be before the Board in on that Thursday. However, that Thursday is Thanksgiving. So Wednesday will be an appropriate time to have written material completed, prepared and for our Board meeting on the 27th.

David: So really our dead line is written material on Wednesday, November 21, 2001.

Mr. Huckelberry: Thank you very much, you have a tough job ahead of you. A lot of people from time to time get irritated with eachother, with us, don't worry about it, that's just the process. What's important is just keep moving forward, and making decisions and recommendations. One of the things you have to understand is that as this process continues life goes on. The county has to make decisions on zoning cases every week. We have to do what we think is prudent for the county week to week on implementing things that are our policy direction says. So I don't think anyone should get disconcerted if you see the Board going off and making a decision about a zoning case in Catalina. That some people may think its contradictory to the Plan, that's like I say, some people's opinion. The Board will continue the vision. And the implementation of the Conservation Plan is a long term strategic vision; its not for next year or five years from now, Conservation Plan implementation is for ten and fifty year horizons. So with that piece of information, think about it.

The Governance and Membership Issues :

David presented the questions and responses that have been discussed and answered since the June 27th meeting:

- Should there be general membership meetings, similar to what we've been doing now?
- Should we have a Chairperson and or other officers be elected? Is that an approach that you want to consider.
- Should a committee structure be established, if so, what kind of sub-committees.
- What role, if any, should the county staff play in the work of the Steering Committee.

In the responses, most favored the following:

- Some sort of Chair position
- General membership meeting with no Chair, but with a Facilitator.
- Some sort of committee/subcommittees structure
- All topics areas open and no subcommittee

David then presented the following options:

Option One:

- Ad-hoc organizational subcommittee
- fiscal Economic/Legal subcommittee
- plan, scope and boundaries subcommittee, to be formed after the Organizational phase of the Steering Committee is completed.
- Mediation subcommittee
- Community/Governmental Outreach Committee, to be formed after the Organizational phase of the Steering Committee is completed.
- Special subcommittees to be formed as needed
- Any member can volunteer for any subcommittee

Option Two:

- General membership meetings with small group breakouts during the same meeting that report back to the full committee for decision making by the entire Steering Committee.

Comments:

- Ad-hoc had a stronger preference for Option One.
- Option Two best serves our purpose.
- Option Two best serves those of us that have a long distance to travel in order to make it to these meetings.
- With respect to Option Two, it's best if we stay in the big group, but if there is a need at a certain time for a subcommittee, we decide as a group, and if people sign up for it and they are in a certain part of town we can meet there for it as a subcommittee, but there are no standing subcommittees. This is just for if we see some serious need to get together on that basis, then we do it.

Consensus:

General membership meetings will continue, during the meetings we'll have small group breakouts that will discuss an issue and then come back to the larger group and make decisions at that same meeting. Subcommittees will be determined by the whole body on an as-needed basis.

Membership:

David reiterated that the County requested specific recommendations regarding non-participating members of the Steering Committee and that is was in the best interest of the Steering Committee to address this issue before the December 1st meeting. He presented the following options and these were ranked by the Steering Committee members, then voted on by the Steering Committee members.

1. Status Quo – Don't do anything on this issue and tell the Board of Supervisors that we don't see a problem **This received 12 votes during the ranking process.**
2. Recommend to the Board of Supervisors that they remove those that have attended less than 25% without replacements. **This received 18 ranking votes.**
3. Send a letter requiring a response to less than 50% encouraging interest and further participation in future meetings. **This received 18 ranking votes.**
4. Recommend to the Board of Supervisors that those that have less than 25% participation be removed and a letter will be sent encouraging participation to those that have less than 50% participation. **This received 22 votes during the ranking process.**
5. Less than 25% get a letter, encouraging interest and further participation in future meetings. **This received 8 ranking votes.**
6. We send the letter noted in Option 3 to those that have less than 50% participation and if there is no response before the December 1st meeting, we recommend their removal to the Board of Supervisors. **This option received 22 ranking votes.**
7. Modified Status Quo - Letter to less than 50%. With the Steering Committee to re-visit within three months. **This option received 16 ranking votes.**

Comments:

- Option four and six should be combined.
- This recommendations should be after tonight's meeting.
- Call to vote for Option 4: **This received 20 votes**
- Call to vote for Option 6: **This received 21 votes**

Consensus:

David will send a letter on behalf of the Steering Committee to those Steering Committee members that have attended less than 50% of the meetings. If there is no response by the December 1st meeting, their removal will be recommended to the Board of Supervisors.

Remove the Alternate designation from the five members that are presently considered Alternates.

Major Organizations

Comments:

- We need clarification from the County on what they consider a major organization.
- Anybody that is representing a major organization has already been identified by the list given to us by the County.
- Let each person self-identify if they are a major organization.
- It is not about major organizations it is about any organization that has a major interest in the Sonoran Desert Conservation Plan.

Consensus:

-The recommendation will be made to the Board of Supervisors that they identify a major organization.

-David Steele will be the Steering Committee spokesperson to the Board of Supervisors on November 20, 2001.

-Steering Committee members will make their comments on the Draft Letter Responding to Board of Supervisors directives in the October 9th letter from Chuck Huckelberry that was mailed to them in their packets.

-The Ad-Hoc will discuss the extension of the Steering Committee meetings when the Science and Technical Team will be present.

Meeting adjourned at 9:00 am

SDCP - Steering Committee

Randolph Golf course Clubhouse

9:30 am –11:30 am

Saturday, December 1, 2001

Meeting Minutes

Participants: See attached sign-in sheet, David Steele and SIMG staff.

Speaker: Ms. Sheryl Barrett, Assistant Field Supervisor; US Fish and Wildlife Service

Documents made available to the Steering Committee members at the meeting:

- Talking points for David Steele for the presentation to the Board of Supervisors.
- Extra Agendas and meeting packages.

Meeting Commenced at 9:30 am.

Meeting commenced with 39 Steering Committee members and 17 members of the general public present. **David Steele** opened up the meeting by introducing himself, presenting the Ground Rules, reviewing the agenda and presenting the meeting notes from the November 7th meeting for approval.

Ground Rules, as they would apply to this meeting only.

14. Only Steering Committee members can participate in the discussion of issues on the agenda.
15. General public will participate at the Call to the Public.
16. One minute per person per agenda topic.
17. Can only speak a second minute if everyone else has spoken.
18. Speak into the microphones
19. At appointed time, move to decision making or next topic
20. Start and end on time.

Discussion:

- None.

Ground rules should apply to this agenda.

Revision of previous minutes:

Discussion:

- **None.**

Minutes approved for the November 7th meeting.

Logistics for the next meeting:

- Wednesday, January 9, 2002 from 7pm to 9pm. The members of the Steering Committee requested a southwest location for this meeting. SIMG Staff will investigate the following locations suggested by the Steering Committee:
 - Tucson Estates
 - Three Points Middle School
 - Community Center at Sandario
 - Sahuarita Middle School

Old Business:

- Query to members that have not attended 50% of the meetings:
 - David presented the following data: 33 letters of inquiry were sent out. 18 members responded that they would like to continue their participation on the Steering Committee. One member asked to be removed from the Steering Committee. 14 members did not respond.

Discussion:

- We should send these members a second letter.
- We have already voted on this and we should not revisit closed issues.
- Part of the reason for attendance decline is that we can't move on to the substantive issues.

Course of Action: The names of the 14 members that have not responded will be given to the Board of Supervisors.

Course of Action: The Board of Supervisors will advise Steering Committee of major interest groups and replacements if any for Steering Committee members.

- Board of Supervisors Report:
 - David presented a copy of the Organizational Guidelines and progress report to the Board of Supervisors on November 21, 2001.
 - The Steering Committee has been placed on the Board of Supervisor' Meeting Agenda for December 4, 2001 at 9:00 am.
 - David went over the draft of the Talking Points that were distributed to the Steering Committee members at the beginning of the meeting.

Discussion:

- The Ranch, Historical and Cultural Advisory Teams need to be added to the teams that will make presentations to the Steering Committee.
- The request should be made for Fiscal as well as other funding resources available to the Steering Committee. The County Attorney's office should be present to address our concerns.
- Clarification is required from the County Attorney's office as to what constitutes a quorum. All the decisions the Steering Committee has made thus far may have to be ratified if we have not had a quorum of 50+1.

Call to the Public:

Comments:

- As a member of a major interest group replacing a previous member, I hope to be recognized at future meetings.
- By Open Meeting Law, a quorum is 50% + one.

Guest Speaker Ms. Sherry Berrett:

- I am the Assistant Field Supervisor for the Fish and Wildlife Service in Tucson. Tucson is a sub-office and we answer directly to the office in Phoenix. I would like to talk briefly about what the Endangered Species Act requires for a Section 10 Permit.
- A Section 10 Permit is a permit to request authorization for Incidental Take of Listed Species. When a jurisdiction, such as Pima County, applies for a Section 10 Permit, there are Application Requirements:
 1. The impact that is likely to result from the taking. The applicants have to describe the full impact of the species taken and the related habitat issue
 2. The steps that the applicant is going to take to minimize and mitigate the taking.
 3. How they are going to fund that mitigation.
 4. Alternatives to the taking and why they are not being used. This is a key element of what you are doing now. You will be proposing the preferred alternatives. There are two different alternative analysis that are involved in this process:
 - Through the Endangered Species Act: That there have to be alternatives to the taking.
 - Through the National Environmental Policy Act which also requires alternatives analysis.
- Once the Application has been received it undergoes some analysis. Keep in mind that taking applies only to animals, not living plants. The ESA is quite broad in how we do that analysis:
 1. The taking is Incidental. The difference between Incidental and Direct taking:
 - Incidental taking is when the purpose of your activity is a lawful activity such as grading a lot for construction and during that you may kill or harm an endangered species.
 - Direct take is if one captures, shoots or kill a listed species. This sometimes occurs under research. During research, activities may result in the death of an endangered species.
 2. Show that you have minimized and mitigated to the maximum extent practicable.

3. Findings must show that the taking will not jeopardize the species. This is the same definition that we use when we analyze projects. We develop a biological opinion on our issuance of the permit because this is a federal action that requires compliance with this provision.
 4. Other measures required by the Secretary of the Interior will be met.
- As of June 2000, an addendum was published in the Federal Register to the handbook for Incidental Take Permitting Processing. This resulted in a five-point policy. These five points came from Scientific Analysis of our permitting process done by several universities throughout the US. The five-point policy addresses five issues:
 1. Biological Goals and Objectives: Expected outcome has to be defined. What the take will be and what the conservation is expected to achieve. Guiding principals have to be provided for the conservation. Goals and Objectives have to be measurable, based on species, habitat or both.
 2. Adaptive Management: A method for examining alternative strategies, for meeting measurable biological goals and objectives. This is based on scientific rigor, to make sure that the preserve is, in fact, working for the species for which it is intended.
 3. Monitoring: This is a feedback loop that shows what works within a preserve, what is not working and how the structure needs to be changed to make it work better. The future conservation management actions are adjusted according to what is learned through the monitoring. Evaluating the compliance with the terms of the permit to make sure that any mitigation requirements are actually being implemented, so this is the program monitoring, making sure that the commitments in the permit are being complied with.
 4. Permit Duration: This may be anywhere between 2-50 years. The County is considering somewhere between 30 and 50 years. The Mitigation that results is in perpetuity, as is the management and monitoring, because the development that will occur as a result of the permit is also forever. The permit duration is based on the duration of the applicants proposed activities, the expected positive and negative effects, and the extent of the information underlying the HCP. For example on certain species if we don't know enough, maybe the permit duration for that species is shorter because you're still collecting information. The time necessary to implement and achieve the conservation benefits, and the extent to which the program incorporates adaptive management.
 5. Public Participation: The public comment periods are directly related to the National Environmental Policy Act review. The reviews are associated with Environmental Impact Statements, which require a 90-day review with the public. There is also a permit review for the Endangered Species Act. When we receive a permit application, this has to go to the public for 30 days. Both review periods are conducted simultaneously. In the case of the Sonoran Desert Conservation Plan, there will be an Environmental Impact Statement because of the large nature of the geographic areas and the species that will require a 90-day period.
 - The Endangered Species Act states that when we issue a permit we have to ensure that we know the specific impact to each species. So the best scale to plan this Conservation Plan on is Habitat Conservation Planning, but we have to go back and check it at each individual species. Listed and unlisted species that may be listed in the future may both be addressed. If the unlisted species are addressed as if they were listed then when these species are listed, they are automatically permitted for take. This prevents having to go back and change conservation strategy and goals.

Question: Explain the flexibility of the Permit.

Ms. Barrett: There is a 'no surprises' policy that benefits the permittee: If you are implementing the permit and it is properly functioning, and circumstances change, we're not going to go back and ask for more mitigation of those species. If more mitigation is required then it becomes the responsibility of the Federal Government to pick that up. To get come under the 'no surprises' policy you have to address one of two circumstances: 1) Unforeseen circumstances, those that are not very likely to happen in this area. 2) Changed circumstances, those things that are likely to happen in this area, such as drought, invasion of non-native species, fire and floods. These have to be built into the plan so there are contingencies to address these as needed.

Question: To what extent will your department provide information and guidance to the Steering Committee?

Ms. Barrett: Our goal is to work closely with the applicants so that when they come to us with the application, it is something that we can move forward with in a positive way.

Question: Do you check the validity of the Science and Technical Advisory Team?

Ms. Barrett: We are very involved with the Science and Technical Advisory Team and so we are checking this as we go. We always check the science very closely, no matter what. Our goal is to make sure that the plans are, in fact, going to work for the species. So that viable populations are there for the future.

Question: What about the economic impact?

Ms. Barrett: The economic impact is looked at as part of the Environmental Impact Statement.

Question: How many species are recommended and recognized as endangered?

Ms. Barrett: I would have to get back to you with those numbers. They change all the time.

Question: What level of certainty do we have that this will be implemented?

Ms. Barrett: Certainty that the Plan will be implemented is one of the criteria for granting the permit. Determining how that implementation occurs is the function of this group. There are three broad areas in how you can implement a preserve: 1. Acquisition, 2. Zoning, 3. Mitigation ratios.

Question: What happens if an area is taken over by another jurisdiction? Can the permit be changed?

Ms. Barrett: This is a legal question, but to the best of my knowledge, it depends on whether or not the de-annexing jurisdiction can pass-on the land use restrictions to the annexing jurisdiction, but this changes from state to state.

Question: What happens to land set aside for a species that dies out?

Ms. Barrett: This may not apply to this plan. Presently we can de-list a species for three reasons:

1) Recovery: We look at those elements that are set in place for its conservation. So if a piece of land is set aside for the benefit of that species conservation, we expect that's going to be there. 2) Extinction: This plan is not going to set aside specific land for one specific species because this is an eco-system level plan that addresses multiple species under that one layer.

3) Bad taxonomy is the third.

Question: Does Incidental loss refer to loss of species or loss of habitat, and please explain the 'no-take' alternative, how it works, how it would apply to a habitat.

Ms. Barrett: There are mechanisms where we can address Take Through Harm, which is loss of habitat. Incidental take provides for harm which is the loss of habitat and that is where mitigation is going to become important because we are going to need to show that because we are losing some amount of habitat in one area, a good preserve design is going to be managed in an alternate area to off-set the loss of some of this lower quality habitat in the original area. I would need more information on a direct example in order to address your question of a 'no-take' alternative.

Question: Where do the financial resources come from? What happens if the funds run out for this?

Ms. Barrett: Part of granting the permit is providing certainty that it will be implemented. Implementing includes funding so that is something that is going to have to be part of the program. The Jurisdiction or the applicant has to show to us that they can achieve this funding source. So the funding source that needs to come includes the acquisition, the management and the monitoring.

Question: How does Fish and Wildlife respond to not everyone participating in the Conservation Plan and why are we including State land?

Ms. Barrett: Pima County's goal was to look at an umbrella for the whole region. State lands may not want to commit today, but they may want to do so in the future and we could still make an analysis at the point in the future where they chose to come in if they wanted to go for their own permit.

Question: How far does the list go for Endangered Species? How can you possibly know which species will become endangered? There is no typical line drawn to say what species should be or not be on the list.

Ms. Barrett: Yes, that is correct. You can request a permit for one species or one hundred. You can request a permit for just the listed species or those that will be listed in the near future so that you don't have to go back and redesign your plan. Because this plan is occurring at the vegetation community level, the regional level, there is a lot of overlap. We recommend that you try to address the bio-diversity of the area and try to pick up as many of those vulnerable species as possible so that you haven't just spent four years of your lives planning a preserve, only to have to go back and have to start re-designing because of a new species. It doesn't mean we're not going to list other species that you haven't considered. There is always the possibility that there is one that we didn't know about before or one that has suddenly become more threatened. The goal of this plan, as stated by the Board, is to preserve the heritage and bio-diversity of this area. So they don't have to request an application for all of those species.

Question: Does a Section 10 Permit require a Cost Analysis, as well as a Social Economic Analysis?

Ms. Barrett: NIPA requires some sort of social economic analysis. There are two separate and distinct analyses that are made.

Question: How is the plan framed and what is the proposed action?

Ms. Barrett: Basically, the proposed action is where they are going to build and where they are not going to build. Where they build will be 'the take' and where they are not going to build is going to be the conservation. With the exception of Ranching, which is an element, that we still need to figure out how it will be described, and what action you as a committee are going to hope that they seek. I am not very clear on this myself so this is something you will have to weigh in on.

There may not be a full answer to your question, because it will depend on what Pima County wishes to apply for- because you may fall under their jurisdiction. Regarding how this plan is framed depends on the implementation mechanism. If the whole community decides that acquisition up front is the best way you may only need one permit because you're going to buy the whole preserve, you're going to have enough money to manage it and you're going to have enough money to monitor it and you're done. Everyone knows what's going to be conserved and what is going to be developed. But that is not usually the mechanism that happens. Usually there is some amount of implementation through the local land use authority. If that's the case, if they are actually going to be using more of these local land use tools, you're going to have to have a separate permit for the separate jurisdictions because Pima County, for example, has no land use authority over the development in Marana. Those projects that come up through Marana go through their city council and their permitting process. Pima County cannot say how they do or do not occur. In that case you would have to have separate permits for each jurisdiction.

Question: Is NIPA to show us how we have lived here and how we will live here, that is, how we should treat critical habitat?

Ms. Barrette: NIPA is a disclosure document designed to disclose to you the impacts of a federal action and how it is going to be mitigated. It doesn't have a great philosophy or anything like that. The Endangered Species Act is the goal or recovering endangered species, so it is also quite narrow. You have a larger, philosophical perspective and I think that may be more in sync with the goals of the Sonoran Desert Conservation Plan at this point in time. Our federal laws are not this over-arching great philosophical perspective.

Question: What guides do we have, as a body, regarding how we should treat a critical habitat?

Ms. Barrett: We are trying to come out with a draft recovery plan that will actually be a better guideline for the conservation plan. That's coming forth, but also we are going to have to put the Critical Habitat back in within sixteen months, and the court is about to rule on that. At this point I think that using 'Important Habitat' instead is probably is just essential. Habitat isn't a legal definition. Critical habitat gives it a legal designation, and we already know what a Critical Habitat should look like.

Question: Are state lands exempt from this? Will this Section 10 Permit be a blanket for all of Pima County, regardless of jurisdiction and are all the areas being looked at?

Ms. Barrett: It depends how it is structured. If there is no permit then all of those projects will have to continue to go through a project-by-project basis review. This makes things more difficult for a landowner because when we look at an individual project, as we are doing right now, it is called a Section 7 Consultation. Most of these projects greater than five acres require an EPA Permit, and for Storm Water Discharge, under 402 the Clean Water Act. EPA's issuance of that permit requires that we analyze, under Section 7, their effects. We're

addressing all those project for example in Northwest Tucson for the pygmy owl and South of Tucson with regard to mostly the Pima Pineapple cactus on a project-by-project basis. And they all have to do their own mitigation. It's much easier for those land owners if we have a broader perspective of what is going to be developed and what is going to be conserved, versus that individual process and it also is much more streamline for the landowner to get that permit. The goal of this permit is that if we give Pima County a permit, that when they issue grading permits in compliance with their big permit, that landowner is covered. He doesn't have to come back to the Fish and Wildlife Service to address his individual project, it's all done. This is regardless of jurisdiction. If Marana goes for one and they are using land use authority and Marana has a permit they say how they are going to implement it and they do that correctly on the issuance of that grading permit that landowner is covered and they don't have to come back to us. And yes, the science committee is looking at all of Pima County, all the way to Ajo.

Question: Does the Section 10 Permit allow for disclosure of socio-economic impact in the Environmental Impact Statement?

Ms. Barrett: We have to disclose socio-economic impact in the EIS. We also have to address the National Historic Preservation Act because we are issuing a permit; this is a federal action so the Fish and Wildlife Service has to make sure there is compliance with the National Historic Preservation Act. This is a policy issue that the Fish and Wildlife Service is still struggling with at the Washington level. We don't know to the degree to which our compliance is necessary. Whether or not we have to require that when we issue these permits to the jurisdiction they have to do all these surveys or that we have to do all this up front. It's just a policy issue that we have not resolved.

Question: Are you able to tell us how the County is doing on funding this plan?

Ms. Barrett: You first have to decide what you are going to acquire. And so you first have to structure how you are going to put this preserve together. Using the three mechanisms on how to put a preserve together, that I mentioned earlier, you have to decide how much of each one you are using, and then decide how much land is actually necessary. At this point, I don't think this process is at that level. I have not seen anything on how they are going to do this so that's a little pre-mature.

Call to Public:

Question: Does the Section 10 Permit cover all species and how does the Endangered Species Act discuss potentially endangered species?

Ms. Barrett: The Endangered Species Act requires a permit for take of listed animal species. In the Congressional Language for Section Ten, it does address the un-listed species in that regard to get a handle on them. So it is only in the Congressional intent of the 82 Amendments to the Endangered Species Act that provided for the Incidental Take of the Section 10 Permit, and it includes both endangered and vulnerable species.

Question: Can the Fish and Wildlife Service compel Marana, the Town of Oro Valley, or the State to cooperate with the plan?

Ms. Barrett: Application for a Permit is voluntary. However they do have the prohibitions of take on them so they need to be sure that their actions don't result in take.

Question: Can recovery include trans-location of an endangered species from elsewhere and could you address the take of habitat?

Ms. Barrett: The Recovery Team is looking at that. There are a lot of issues that have to be dealt with before you can just start bringing in an endangered species and dumping them some place. You have to address the problem first, we have to look at genetics, the appropriate places to put them, land owner issues and we have to ensure survival and propagation. Captive propagation is the last resort because it is expensive and it is better if you can have the habitat restored and have the species expand. Regarding the second part of your question, there is no take of habitat. However we can address the species take through harm and that is the loss of habitat, but you have to tie that back to an individual species.

Question: What number constitutes recovery of an endangered species?

Ms. Barrett: There is not a set number; it varies by species, because it depends on the reproductive rate of each species.

Question: How can setting aside less land possibly help the recovery of a species?

Ms. Barrett: A lot of land out there is being degraded by various land uses – off road vehicles for example, that are tearing it up, but if you have a piece of land that is set aside and managed specifically for the conservation of species, you can often have a smaller amount of land than you would a large amount that is not necessarily managed for its benefit.

Question: Are you familiar with the three for one rule?

Ms. Barrett: This is not really a rule but what it derives from is the Science Technical Advisory Team's development of the preserve design. They looked for a mechanism by which they could capture the greatest amount of bio diversity in the smallest land areas. What they looked at were areas where at least three of the 56 vulnerable species were underlying a particular piece of land. That became the outer edges of the preserve design, the core then was where there were at least five species and it denoted even greater species richness and you will get to hear more on this when Paul Fromer makes his presentation. The three for one is not a policy; it is just how this particular Science Technical Advisory Team determined to move forward with the development of the preserve design.

Question: How can we do anything with this plan if our information is flawed?

Ms. Barrett: You should provide any correct information you have. We don't have the funds or manpower to do in-depth investigations of each square mile so we do a lot of extrapolation of knowledge from the public.

Question: How is this plan going to effect state land and federal properties and is Pima County going to be able to change these boundaries after we get the Section 10 Permit?

Ms. Barrett: The BLM and the Forest Service have both signed cooperative agreements with Pima County for future management. While Pima County does not have land use authority over federal lands, but there is an intent to cooperate in the management for the goals of the conservation plan across those federal lands including the Park Service and the Fish and Wildlife Refuges. Whether the boundaries change will depend on the significance of the effect and whether or not we need to go back and evaluate if there is a change in conservation.

Issues for Future Meeting Agendas and New Business

- David went back and checked the date for the January Steering Committee meeting and confirmed that it was scheduled for January 9, 2002. He also confirmed that the Morrison Institute was locked in for January 9th.

Discussion:

- Can we ask the STAT to attend the February meeting and request the long version of their presentation?
- David re-capped his conversation with STAT member, Mr. Paul Fromer regarding the Science and Technical Advisory Team making a presentation to the Steering Committee at the January meeting. The STA Team will be unavailable for the January meeting as confirmed to David Steele by STAT member, Dr. Bill Shaw. Mr. Fromer did confirm that the STA Team is meeting on January 17 for their regularly scheduled meeting and there was the possibility that they could remain until Saturday, January 19 and meet with the Steering Committee, if the Steering Committee agreed to an additional meeting.

Discussion:

- I propose that we add a meeting for January 19th.
- I have a conflict with adding a meeting on the 19th, and I would really like to be here for this presentation. We have already decided on Saturdays and Wednesdays for our meetings. I think we should keep them that way.
- Will the Morrison Institute study be finalized when they come to see us? Because it will be of little value if it isn't.

-I propose that the Morrison Institute provide a draft of their study prior to their presentation so that we can look it over and come to the meeting more prepared. I also propose that when the Science Committee comes they also include the Ranch and Mining Committees.

-If the Morrison Institute will not have a final draft by the January meeting then perhaps we should schedule them for February and have the STAT come in January.

- Final proposal is that all points of view are heard, the Ad-Hoc discusses this during the next week or two and send out notifications when the Morrison Institute and the STAT are locked in to a date.

Discussion:

-We need to start looking at our objectives and directives in March.

-Can we schedule our next six meetings at the January meeting?

-Let's get a list going of issues we need to address at each meeting. Otherwise we're going to run out of time and have done nothing but planning.

Steering Committee Member Issues:

Alan Lurie, Southern Arizona Homebuilders Association:

1. Membership- Suggested that the Steering Committee broaden the scope of membership to include a host of community and governmental institutions in Pima County (See attached for complete list). For members who are already on the SC that represent these organizations, Mr. Lurie said that they be designated as the "official representative" of that organization.

Mr. Lurie also suggested that the Steering committee reconsider its rules on attendance to apply to only prospective member and not to members who send in a representative

Discussion:

-We have already gone over and ruled on membership and we also ruled that we would not revisit issues that have been voted on.

-This is a closed issue that should not be revisited. We have received our directive from the Board of Supervisors.

-David's letter to the Board of Supervisors addresses this issue and we will get our list the Board of Supervisors.

2. Substantive Issues- With regard to substantive issues that included "good science and economics", Mr. Lurie asked members of the committee to make a motion that requests the science teams, County staff and other relevant county authorities of the SDCP to present a "full explanation" for the following:

- Selection of the 56 species currently on the SDCP list.
- Selection of the geographic areas identified for each species.
- Whether the draft plan's reliance on the recently invalidated Critical Habitat for the pygmy-owl also invalidates those portions of the SDCP.
- Complete economic impact analysis identifying costs and benefits of the SDCP.

Discussion:

-The County has done a good job of addressing our questions and providing information with regards to the economics of this plan.

-We do need to ask the Board to provide us with a list of funding sources.

-It would be good to advise STAT of these very questions.

Steering Committee Executive Session:

The continued role of the Facilitator:

Decision:

SIMG will continue to facilitate through the process portion of these meetings. Steering Committee needs to provide David Steele with guidance on stronger facilitation of the meetings. This will be addressed by the Ad-Hoc Committee.

Meeting adjourned at 11:00 am

SDCP - Steering Committee

Tucson Estates Multi-Purpose Room

7:00pm to 9:00 pm

Wednesday, January 9, 2002

Meeting Notes

Participants: See attached sign-in sheet, Maeveen Behan, David Steele and SIMG staff.

Speaker: Rob Melnick, PhD, Director; Morrison Institute for Public Policy

Documents made available to the Steering Committee members at the meeting:

- Memorandum from Chuck Huckelberry regarding members that have attended less than 50% of Steering Committee meetings.
- Open Space Funding Options – draft- Provided by Maeveen Behan of the County Administrator's Office
- Power Point presentation with all Decisions beginning with 7-28-01
- Extra Agendas

Meeting Commenced at 7:00 pm

Meeting commenced with 42 Steering Committee members and 40 members of the general public present.

David Steele opened up the meeting by introducing himself, presenting the Ground Rules and reviewing the agenda.

Ground Rules, as they would apply to this meeting only:

21. Only Steering Committee members can participate in the discussion of issues on the agenda.
22. General public will participate at the Call to the Public.
23. One minute per person per agenda topic.
24. Can only speak a second minute if everyone else has spoken.
25. At appointed time, move to decision making or next topic
26. Start and end on time.

Discussion:

- None.

Ground rules should apply to this agenda.

Revision of previous minutes:

Approval of the December 1st minutes was deferred pursuant to the County Attorney's letter, as a quorum was not achieved to do this.

Logistics for the next meeting:

A Centrally located venue will be researched and secured for the Saturday, February 2, 2002 meeting from 8:30 am to 12 noon.

Review of the Agenda:

Discussion:

- Extend the Call to the Public to more than five minutes.
- Consolidate the two five minute calls to the public into one ten minute segment.
- Hear Dr. Melnick first.
- Combine the two calls to the public into one ten minute segment after Dr. Melnick's presentation and take an additional five minutes off the meeting schedule so as to extend the total time to 15 minutes for a call to the public.

Course of Action: The two five minute calls to the public will be deferred until after Dr. Melnick's presentation. Any time remaining will be given to the public.

Guest Speaker Dr. Rob Melnick:

- The Morrison Institute for Public Policy is an Arizona State University resource for objective policy analysis and expertise. The Morrison Institute researches public policy issues, informs policy makers and residents, and advises leaders on choices and actions. The Morrison Institute's services include policy research and analysis, program evaluation, and support of community participation in public affairs. Our mission is very simple; it is to conduct public policy analysis and provide that information to the public decision makers in the community in the interest of making better decisions for the future of that community. This analysis will produce both quantitative and qualitative information on the prospective costs and benefits associated with various alternative plans.
- In conducting research, analysts draw upon a variety of disciplines and methods: collecting original data through public opinion surveys, interviews, and consultation with experts; and analyzing existing information through review of published research reports, current legislation, and statistical data.

Questions from Steering Committee Members: SEE ATTACHED

Question: Who makes the decision of the manner in which you output your data?

Dr. Melnick: The Morrison Institute does.

Question: What is the time frame associated with Question Five in your presentation?

Dr. Melnick: You are looking at three different lengths. We go out for about possibly fifty years. The problem is that the further out you go the data gets very questionable. So we are playing around with everything from twenty to fifty years at this point. We don't have an answer at this point. But we'll probably run several and look at different scenarios.

Question: When can we anticipate receiving information from you?

Dr. Melnick: Originally we had projected a time frame so we could deliver this report by the end of February. That is no longer the case because we have done a great deal of work on Questions One and Two. In order for us to crunch the numbers, we need specificity with regards to the Alternative Plans that are being considered. We can't do this for every conceivable scenario we can come up with. We anticipate getting data, and I am going to ask Maeveen to help out here, within the next couple of weeks, which will be sufficiently detailed. The GIS and other related data so that we'll be able to put that data through our models and produce output. I have reserved judgment as to what we'll be able to do time-wise. The condition of the data will determine the number of alternatives that are presented. In other words if twenty-seven alternatives are presented—we can't do all those. We're going to have to limit that number in order to make a report that is going to be useable and sensible when we bring it to the committee. That said, I think we are looking certainly into the spring, probably April, May timeframe.

Question: How will you handle additional questions we may have to your report.

Dr. Melnick: We will be happy, upon delivery of the report, to do whatever we can to create a report that is going to be useable for you. If additional questions are going to be asked; that are significant questions, that expands the scope of work, that's a whole different thing. We are working within the parameters of this scope right now, and if the Steering Committee or the County determines that they have another five questions, we have another study to do. Then the clock starts ticking. But regarding the refinement of these questions, and responding to your questions about this study and making it clear about this study, we'll do that. As long and as much as you want. We'll have that very readily available for you. We'll make all of our staff available.

Question: Under Question Three of your presentation: Are you looking at land where people want to live? Is one acre the same in all places in the County? Does it take into consideration the type of housing that people will have? How do you treat State land? Is that in play?

Dr. Melnick: State land is in play, I know that, but State land is a real question mark for us because...I don't know the answer to that. That is my answer to that. Type of housing as I understand it is definitely court addressed. Portability price is, I believe. Where people want to live, I'm much less clear on and I have some doubt about that, because it's going to be based to some extent on what is subjection for where things are going to be developed. In the case where there was no activity, such as the Sonoran Desert Conservation Plan, part

of the job is to figure out where the development is going to go. Given the whole bard where would development be and presumably developers know where people want to live. So that goes into the equation.

Question: Has 'lost opportunity costs' been factored into Question Four? Since some opportunities will be eliminated, it should be factored in. Have you come up with the cost of having no alternative? When you talked to the fifty some people, did you talk to any small landowners that will be affected?

Dr. Melnick: When we originally designed the interview matrix of who, and where and how, we were not only thinking of big business. We were thinking big business, small business, etc., so I am pretty sure the answer to your last question is yes. The lost opportunity cost, I believe is not calculatable in the way we are looking at this in number four. Because we are looking at the cost of doing business with and without, so it's not opportunities as much as it's going to be focusing primarily on carrying costs.

Question: Are you going to analyze the economic impact on each of the business sectors that you listed? Such as the economic impact on ranching or mining, and if you have not, why not?

Dr. Melnick: No, we have not, because it is beyond the scope of our study. This study doesn't encompass every known variable, because you are talking about an enormously complex, dynamic process of economic growth and development in this county affected by conservation. With one hundred years and an unlimited budget we could look at transportation, at each one of the business sectors out there, the effects on schooling, etc. The value of the study is something you have to decide. We were asked 'what is the economic impact' and we responded by saying: We can answer this question in this way, indeed by answering these five questions. I would submit to you that to answer that question for each of one of those sectors, is an enormous study onto itself. And we would not have been able to do that nor take on this work, simply because it is so detailed it would have taken much more time than we have available.

Question: Did you look at the fact that the housing stock in mid-town Tucson is aging? Also, did you consider the impact that the Light-Rail will have on the urban growth forum?

Dr. Melnick: We are looking at housing, certainly in Question Five and we are looking at it, to a certain extent, in Question Three. There is a separate housing study being conducted that we will bring into play as well. We have not, at all, factored in any Light-Rail into this. Because it's not there, and yet, of course, this could affect dramatically, the land performance sector. We are going to do the best we can with regard to the implications, especially in number three, for what form and density would result from the adoption of various alternatives.

Question: Have you factored in water supply? Also, you have factored in the public revenue generated by this plan?

Dr. Melnick: No, we have not factored in the water supply. The public revenues issue is really a separate issue from the economic impact study that we have done here.

Question: How are you going to rate the responses of the interviews?

Dr. Melnick: One person one response. The interviews, even though they were quantified, were expressed qualitatively, in other words, just for process, when you are doing these interviews you ask as many people as you are able to reasonably ask, and you try to get a good cross section, but you don't get half a vote because your business is half the size of another business. Each input is handled as separate input. When we have an expression of output, even though it will be based on numeric, we are not going to give you a specific number. We are going to tell you this is how it broke down, a large number of people felt this way, a smaller number felt that way.

Question: Are you aware of what the funding sources are that will support the Section Ten Permit? And if you are not, then how can you help us develop this plan?

Dr. Melnick: No, we are not. We have asked the County to provide us with estimates of the cost of implementing the plan. What the funding streams are, would be a sub-set of that question. Once alternatives have been collectively narrowed and we know where they are and what they are, presumably that allows the county to put a number on them. This is what it costs, this is where we get the money. That's input to particularly Question Five. Within the scope of this study we are not saying 'these should be your funding streams' or, 'this is how you could fund this' or 'looking at this plan this is what it is going to cost you to do whatever you have to do to implement this plan'. It's just the opposite, we're saying, 'given plan a, b, c alternative whatever they may be, the cost is x, y or z from these funding sources, we plugged that into our

model and say how does that effect your economic future. We are doing what I believe you are getting at, but we are not waiting for input to calculate that.

Question: How is the Economic Analysis different from the Benefits Analysis?

Dr. Melnick: What we are doing here is basically answering these five questions. I would not characterize this as a Benefit Analysis. It's an economic impact study as defined by these questions. It's not just a Benefit Analysis, for example in Question Four, we don't have a hypothesis that says given Section Ten Permit there are going to be x number of benefits. We are simply asking the question, will there be any benefits? The answer could be yes, of this magnitude and this nature or no or something else, but it's not just a benefit analysis, it's an economic impact analysis.

Question: When you are looking at cost benefits are you looking at how it is going to affect the multi-cultural diversity of our community?

Dr. Melnick: We are not looking at SCS variables, that would be awfully complex for us. That said, in Question Five what we would be looking at is the question: 'what is the elasticity of labor supply and demand. The factor that we are going to get at, different strata economic earning capability. Now that is just an economic variable. We're not going to be dealing at all with social structure, race, ethnicity, and things like that. But what we look at is the cost of doing business, housing cost, earning, and supply and demand of labor that is going to be a kind of backboard for these issues.

Question: To what extent are you going to be addressing the economic externalities? To what extent will you address marginal costs for utilities? Or will you give us the tools so that we can analyze the variables once we know what the variables are and we can figure out what the marginal costs for utilities are?

Dr. Melnick: We are going to be given in the near future, alternatives. I don't know how many. I don't know where the lines are going to be drawn and what the characteristics will be. What ever they may be, we're going to plug in a reasonable number, we're going to answer these questions based on alternative A, B or C which will be driven by where those lines are drawn. Now if your question is what is the marginal cost of moving a line one hundred yards in alternative A; I would presume that our model would that you could re-run the numbers. I would not want this to be an endless exercise in moving the lines and running the numbers for one hundred yards then another hundred yards.

Question: How many alternatives do you want?

Dr. Melnick: Ideally we will be managing three, possibly four. After that I have to be honest with you the report is going to become unyielding. I'm worried even with three. You have to have a 'No Action' alternative built in to figure in ground relationship and then perhaps two other scenarios. If the data are precise and clear, then we can address three. The original document called for five possible scenarios, and those have all changed in different ways and different times. We came back and said, we would be much more comfortable doing three, which is the baseline, or no action scenario and two others. Could we fit in a fourth, perhaps, but that will depend on the timeline. However, keep in mind that the more scenarios we run, the more alternatives we are asked to look at, the longer this is going to take to do. Very honestly this is not an overnight job. What you need to understand is that all five questions are interactive at some level.

Question: Isn't 51 persons interviewed a small number for a scientific study?

Dr. Melnick: We are not trying to create a scientific piece of evidence. That would be done through random sample surveying. However, I would submit that 51 people interviewed that represent sections of a community, is a fair number of interviews. We could interview 1000 people, but I am not so sure that we would get a different response because we went through a very deliberate process of trying to get people who by their very nature were representative of their communities. This has proven to be very viable. These are people focused on the business community. We are not interviewing people who are disassociated with the business community. The list of the 51 will be published with the report, but there will be no attribution in the report to the people we interviewed. They will be accurate responses, but the list will only have the names of the people we have spoken to.

Question: Where are you going to get the scenarios to run your questions on? Where do the alternatives come from?

Dr. Melnick: It doesn't matter to us where the alternatives come from. I understand that one of the charges of this committee is to select among certain alternatives which are the committee's preferred alternatives and recommend them back to the Board of Supervisors. We have no stake in this outcome. As long as it's what the existing are there for consideration, we can plug anything into the model. We have no stake in what those numbers are. You can draw the lines where ever you want. If these are being submitted to us by the County then I will defer your question to Maeveen.

Maeveen Behan: The alternatives have a range from "No Action" to well everything else. The way we can express it most simply for the County is that it is a set of decision points. So decision one would be we do nothing. Decision two would be we get a Section Ten Permit that covers just the County. Decision three would be that the Section Ten Permit would be County impact and the development community, who we issue permits to. If I could just make this point, it is the job of the Steering Committee to select a preferred alternative, we can give you the range, but ultimately you have to choose one, I think the sooner you can get the substantive discussions before you the sooner you will be able to make decisions on this.

Question: My question is for Maeveen. Can the County provide four alternatives to the Morrison Institute in time for them to have a completed document ready for us by the beginning of April?

Maeveen Behan: Yes.

Question: Are you going to assume that the housing will remain the same as the economy?

Dr. Melnick: One of the impacts we will be getting is a housing study. That is going to be one of the inputs to the study.

Call to the Public:

Question: How were the 51 interviewees chosen, that is what was your sampling procedure? What are the costs of each one of these plans?

Dr. Melnick: The cost of each one of the plans, needs to be provided to us. That is part of what goes into model number five, presumably that is going to be some aspect of the cost. With regard to the sampling procedure, keep in mind that the scope of question number two was not to ask the general public what they thought would be the economic impact. It was asked of the business community. We spoke with approximately 10-20 people and got candidates for who would be representative of their community to be interviewed.

Question: Who is going to be working on question number five?

Dr. Melnick: Kent Hill, will be directing the team working on question number five. Kent works with the Center for Business and Research at ASU.

Question: Who is going to be doing the science study? Are you planning on making conservancy areas around Tucson?

Dr. Melnick: The County is separately doing a study of natural sciences and biological sciences. We are not studying the science of biology. The closest we come to science is economics. We are going to be receiving information on what the proposed conservancy areas are and then using those as input to determine how that might affect various aspects of the economy in the area. We are not making up the boundaries of the conservancy areas, we are receiving them.

Question: Who is going to make up the boundaries for these conservancy areas?

David: The Steering Committee will make its recommendation for the boundaries to the County Board of Supervisors and they will make that final decision.

Question: Do you believe that the product you are going to submit will withstand court challenge? Have you ever testified in a court of law?

Dr. Melnick: I have never testified in court, but I cannot speak for the other members of the team. Typically when you get a challenge like this it's aspects of the study, not the entire study. It's that something was arguably at fault in the modeling or the inputs, in which case I would not want to speak for the other members of the team. I would like to think that our study would hold up under such scrutiny. Keeping in mind what the parameters of the study are. Whether it will withstand a court challenge all depends on the input we get on the alternatives. Once we get precise inputs, the answer is yes.

Question: What measures are you taking to insure the objectivity of the interviews?

Dr. Melnick: Five different people interview within the group. The same exact questions are asked in the same manner to each person being interviewed. As to their objectivity, I can personally vouch for the objectivity of my team.

Question: Does this study address what this conservation plan will do to property taxes?

Dr. Melnick: No, we are not dealing with the tax or governmental revenue side of this. Our focus has been on the economic development and the development landowner side.

Question: What is the economic impact of the loss of bio-diversity on future economies.

Dr. Melnick: We are not going to be able to quantify that, but that is going to be addressed in Question number One. There are other areas that have gone through these processes, they have put plans in place and there are result that will be recorded. So that will be part of what you see. We are not going to say this cost or added monies to the County. It will be more what changes in the economic patterns or fortunes were stimulated or oppressed by this.

Old Business:

- **Report on Board of Supervisors Meeting**

Membership Issues:

Discussion:

- The County sent a letter to the 14 members that were indicated at the last meeting. Letter from the Board of Supervisors was handed out showing which members responded that they wish to remain on the Steering Committee, which members will be removed and the names of new appointees.
- Quorum Issue:
Discussion:
We should ask the County to take care of our quorum issue as we are not able to handle this ourselves.
- Suggested course of action is that individual members contact the Board of Supervisors with these concerns and make their sentiments known
- Resources to implement plan:
The County Administrator's office provided a draft of the Open Space Funding Options in response to the December 4th directive from the Board of Supervisors.
- Katarina Richter opinion:
Ms. Richter's opinion is that the Steering Committee could ratify all previous decisions on block. **David Steele** made the following suggestions before opening the floor for discussion:
 1. The Steering Committee can argue with the County Attorney to get them to consider those other issues and modify their opinion.
 2. The Steering Committee can go to the Board with a package to retain legal counsel to argue with the County Attorney on behalf of the Steering Committee.
 3. Maybe there is a mechanism, that the Steering Committee can legally present to the Board of Supervisors so that the Steering Committee can move forward.

Discussion:

- We need to ask the Board to get the Steering Committee down to a number so we can have a quorum.
- Making a change in the status of those in regard to their attendance, would be useful.
- We are only here to make an unofficial recommendation to the Board. Does it really matter if we have a quorum?
- The Board should either resolve this issue for us or give us the resources so we can retain legal counsel and solve this problem for ourselves.
- We actually only need a quorum when we are voting on the final recommendation.

Develop meeting schedule beyond February 2nd meeting:

The Steering Committee established a meeting schedule for six months the sixth month being February. The Ad-Hoc Committee has made the following straw proposal for the following six months. Study sessions were added between Steering Committee meetings and the meeting were extended to three hours.

Wednesday	January 9	6:00 to 9:00 pm	Steering Committee Meeting
Saturday	February 20	6:00 to 9:00 pm	Study Session
Wednesday	March 6	6:00 to 9:00 pm	Steering Committee Meeting
Saturday	March 16	8:30 to 11:30 am	Study Session
Saturday	April 6	8:30 to 11:30 am	Steering Committee Meeting
Wednesday	April 17	6:00 to 9:00 pm	Study Session or Steering Committee Meeting as needed.
Wednesday	May 1	6:00 to 9:00 pm	Steering Committee Meeting
Saturday	May 18	8:30 to 11:30 am	Steering Committee Meeting
Saturday	June 1	8:30 to 11:30 am	Steering Committee Meeting
Wednesday	June 19	6:00 to 9:00 pm	Steering Committee Meeting

July 1, 2002 Steering Committee Preferred Alternatives Recommendation forwarded to the Board of Supervisors.

Discussion:

- Saturday April 6th meeting should be with the Morrison Institute and Wednesday, June 19th should be the time for adopting our recommendation.
- We should focus on whether we want one meeting per month or two meetings per month.
- Will we have enough time if we have a study session between Steering Committee meetings to get this to the Board of Supervisors?
- Is there some mechanism for when we have technical questions about when the County is going to give information?
- We should discipline ourselves to fewer meetings and focus on the issues we need to solve.

Role of the Ad-Hoc organizational subcommittee:

Presentation by Ad-Hoc members, Carolyn Campbell and Patty Richardson:

There has been some talk about what the role of the Ad-Hoc Committee might be. The Ad-Hoc Organizational subcommittee is comprised of Environmentalists, Realtors, Developers and all kinds of people. It is not limited to any number of people. We don't make decisions for the Steering Committee. We try to set up some structure and straw proposals so that there is some direction to the Steering Committee meetings. The recommendations we make are only that- recommendations, they are not your only options. The meetings are open to all, Steering Committee member as well as the public. The meeting announcement is posted at the County.

Issues for future meeting agendas and new business:

- Jonathan DuHamel chose to defer his proposed agenda item until after the STAT presentation.
- The Ad-Hoc Committee should be charged with getting us those four alternatives on paper so that we can discuss them at a future meeting.
- We can ask the STAT provide us with alternatives. Maybe the County should be attending our Steering Committee meetings as an advisory.
- We should be thinking about the minimum number of endangered species.
- Questions that the Steering Committee has should be sent to SIMG so STAT is prepared to answer and address our concerns.

Additional Call to the Public:

- I would ask that the membership of the Steering Committee be reopened.
- I suggest that the entire Steering Committee be disbanded.

Meeting Adjourn: 9:00pm

SDCP - Steering Committee

Elk's Lodge - #385

8:30am to 12 noon

Saturday, February 2, 2002

Meeting Notes

Participants: See attached sign-in sheet, members of the Science and Technical Advisory Team, members of the public, County Administrator Chuck Huckelberry, Maeveen Behan, David Steele and SIMG staff.

Speakers: Dr. William Shaw, Director of STAT. Paul Fromer, RECON Consultants.

Documents made available to the Steering Committee members at the meeting:

- Meeting notes from the January 22, 2002 Ad-Hoc Subcommittee meeting noting the dates and times for the next three meetings for the Ad-Hoc Subcommittee.
- Extra copies of the STAT presentation
- Schedule and locations for future meetings.
- Copy of correspondence between Paula Wilk, Deputy County Attorney from the office of the County Attorney and a member of the public.
- Extra Agendas

Meeting Commenced at 8:30 am

Meeting commenced with 33 Steering Committee members and 31 members of the general public present. The total count ended at 47 Steering Committee members, 7 members of the STAT, and 40 members of the general public.

Introductory Comments and Logistics

- **David Steele** opened up the meeting by announcing the Steering Committee's intent to ratify en bloc all previous decisions that were presented to the Steering Committee members in their information packets per the resolution offered by County Administrator Chuck Huckelberry and advised by County Attorney Katarina Richter, at the time that a quorum was achieved.
- David reiterated that it was also recommended by the Board of Supervisors that staff be directed to create a resolution that would address the attendance policy to the Steering Committee. The Board of Supervisors' recommendation was dismissal for missing three or more meetings.

Ground Rules, as they would apply to this meeting only:

27. Only Steering Committee members can participate in the discussion of issues on the agenda.
28. General public will participate at the Call to the Public.
29. One minute per person per agenda topic.
30. Can only speak a second minute if everyone else has spoken.
31. At appointed time, move to decision making or next topic
32. Start and end on time.

Discussion:

- None.

Ground rules should apply to this agenda.

Logistics for the next meeting:

Wednesday, February 20, 2002 from 6pm to 9pm
Sheraton Tucson on Grant
5151 E. Grant Road

Old Business:

- Membership Issue: The Board of Supervisors made some changes to the Steering Committee membership. **David** presented the new members of the Steering Committee. The changes made by the

Board of Supervisors left 75 Steering Committee members. This makes the quorum requirement 38 Steering Committee members.

- Quorum Issue: Established by the transcripts from the January 15th Board of Supervisors meeting. The Board of Supervisors directed staff to come up with a resolution that would indicate that the Board will review and consider the comments forwarded by those Steering Committee members in attendance at any of the Steering Committee meetings; including meetings attended by the quorum of the Steering Committee.

Issues for future meeting agendas and new business:

- Blank index cards were passed around to the Steering Committee members so they could write the issues they would like to see addressed on future agendas. The Ad-Hoc Subcommittee will use these cards when assembling agendas for future meetings

Discussion:

- Could you clarify the difference between a Steering Committee meeting and a study session?
 - A Study session is one in which information is provided to the Steering Committee members and a quorum is not required, so no vote would be taken and no decisions would be made.
 - A meeting is where there is the possibility that decisions will be made.
 - The Ad-Hoc would like to recommend that a study session, with sufficient notice, might turn into a meeting.
- With respect to the February 20th meeting, it was discussed with Linda Mayro, who is managing the Cultural and Recreation Team, and the Ranch Team, that those two teams would come to address the Steering Committee on this date.
- There had previously been a concern that the May 18th meeting would conflict with the UA graduation. It has since been clarified that the UA graduation is on May 11th and will not cause a conflict for the Steering Committee.

Guest Speaker Dr. William Shaw:

- The Science and Technical Advisory Team had the general objective of providing the Steering Committee and the community of Tucson with the kind of information that would be useful in making intelligent decisions about land use and the Sonoran Desert Conservation Plan.
- Formed a committee of nine people, selected for their expertise in conservation biology, natural resources and experience in those topics. Broad representation from resource management perspective, broad representation from tax-anomy expertise, but they are all conservation biologists.
- RECON; a company with a local office as well as national experience in doing conservation planning, in large scale and specifically in habitat conservation plans.
- Get all involved on the same level of education regarding Government Species Act, Habitat Conservation Plan, and all of the general issues, including conservation biology principals, reserve design principals; proceeded to identify specific goals and define process to accomplish those goals.
- Laid out two basic aspects of the objectives of STAT. One is to provide information incorporating conservation and biodiversity issues into large scale planning for Pima County. Secondly, plan to assure the perpetuity of the full spectrum of biological resources that we have in this county.
- Separation of the information needed to obtain a Section Ten Permit. A mechanism for getting some relief from the Endangered Species restrictions.
- We're going to do a landscape scale; biological community and biological richness emphasis plan for Pima County. Will lead to qualification for the Section Ten Permit.
- Developed a process to accomplish those objectives that included all the various gathering of information that's specific to Pima County, consultation with hundreds of experts in the field of conservation biology and local biological resources, reviews, and development of this very comprehensive database with the help of Pima County.
- This is the largest scale conservation plan ever attempted and also the largest scale multi-species habitat conservation plan that will lead to a Section Ten Permit.

- Species richness level planning, rather than an individual species. Logical, from a conservation perspective to look at the big picture. In planning for all this biodiversity, we will do the same for the individual species.

At this point it was noted that a quorum had been achieved.

David read an excerpt from County Attorney, Katarina Richter's December 26th letter:

"...The best way to fix the problem [the problem of not having a quorum] is to have a full quorum of the committee ratify any action previously taken by less than a quorum of the committee membership. It is my understanding that thus far, the meetings of the committee have been dealing only with procedural matters for which ratification should be fairly simple."

David began to read the list of decisions that have been presented to the Steering Committee members in meetings and through their information packets.

Discussion:

- We've all heard these decisions, we have received the list of decisions in the mail, and we have been present at the meetings where these decisions were first made, I don't think we need to go through them one by one all over again

Motion: Suspend further reading of the specific decisions

Course of Action: Further reading of the specific decisions would be suspended.

Discussion:

- We have all seen the correspondence between Peter and the County Attorney's office I say we let him speak.
- If there are legal issues we should get those to the County Attorney and get a response from the County Attorney and not take legal advice from the public, but to have the County Attorney review issues members of the public raise. In the interim the County Attorney has advised us that we can ratify en bloc.

Motion: En bloc ratification of all previous decisions would be voted on

Course of Action: All previous decisions were ratified en bloc by consensus of the 47 Steering Committee members present.

{Comment by member of the public}: There wasn't a legally posted agenda with the decisions for public review. By Open Meeting Law, there is a thirty-day time limit in which decisions may be ratified en bloc, but that time has passed and you cannot ratify these decisions without discussion of each one. These are laws that are followed by every board, commission and committee in the county.

Paul Fromer, RECON Consultants

- This is a presentation made to a peer review committee in October; reviewing the scientific aspect of the development of the Sonoran Desert Conservation Plan.
- Section Ten Permit, a permit to incidentally take a listed species, added to the Endangered Species Act in 1982 for non-federal entities, states, local governments, and private entities to be able to incidentally take along with conservation measures.
- The non-federal applicant is asking for a permit to incidentally take a species whose presence may present a problem for either public or private projects. It is a voluntary application. The Fish and Wildlife, or the Federal Government cannot require you to apply for a Section Ten Permit.
- Section Seven of the Act, is the portion of the Act that's available to federal entities that must comply with the Endangered Species Act.
- The issuance of the Section Ten Permit is a federal action requiring review under the National Environmental Policy Act, requires development of an Environmental Impact Statement or an Environmental Assessment. Large Habitat Conservation Plans go through the full Environmental Impact Statement process.
- First: define the impact that will result from the proposed incidental take. Second: Have measures to monitor, to minimize and mitigate those impacts. Third: Have a set of assurances that those things will be undertaken as part of the plan. Fourth: Unforeseen circumstances, how to respond and what are the responsibilities of the applicants versus the responsibilities of the federal

government to deal with changes in either the status of the animal or global climate change. This guarantees the applicant certain constraints on what the Fish and Wildlife Service can require.

- Alternatives of the proposed action, alternatives, which may have lesser impacts to the species, why didn't you choose to, move forward with those. As well as any additional measures that the service may recommend during the development of the plan, which would be necessary to avoid jeopardizing the continued existence of the species.
- Fish and Wildlife Service has a parallel set of criteria that they must find before issuing that Section Ten Permit. First, that the taking will be incidental, that there is no direct intentional taking of the listed species. Second: The applicant will minimize and mitigate any taking that will occur of the species. Third: There will be adequate funding to implement all of those actions that are incorporated in the Habitat Conservation Plan. Fourth: Unforeseen circumstances are documented.
- The Service has to make the finding that the incidental take permit, as issued, will not reduce the likelihood of survival and recovery of a species. Important criterion, not easily defined from a scientific and objective standpoint, but necessary.
- Then any other measures that they require as conditions of the plan. Then a fully developed assurances document, which is a legal contract between the applicant and all the participants, in particular Fish and Wildlife Service.
- The adopted biological goal of the Sonoran Desert Conservation Plan tries to embody the desire to go beyond the Endangered Species Act and while concerned with endangered or threatened species, looks at the entire range of species, biological resources that occur here in the county and to develop a plan that will conserve and protect representative aspects of all of the communities for the future heritage of the community.
- Starting point - develop the technical side of the Sonoran Desert Conservation Plan. Create a plan that will achieve that goal and be useful in providing the background information for the development of an incidental take permit for those species that we have concluded—they either are listed or will be listed in the future, that they're already protected under the Section Ten Permit so that won't effect the orderly planning and progress of the county.
- These standards must be applied to those species that would be proposed as covered. Standards are more stringent than those of the Fish and Wildlife Service.
- We ask for those species for which we can demonstrate real coverage. Information needs can be a balance of- we've got everything that we know the species might need, within a proposed reserve system so we really don't need to collect much more information about it, or if a substantial portion of the range might not be within the reserve system, then we have adequate information to clearly define that we will manage and conserve the most important portions of that species range.
- Second set of criteria: mitigation and protection standards for the species proposed for listing. First define minimum habitat needs to assure protection and long-term existence of the species. To assess the protective status of these habitats, either currently or in a proposed plan to ensure that adequate protection and management is in place and mitigation will be assured, that there is funding and that there are legal mechanisms for insuring that mitigation. We develop some levels or thresholds of minimum protections that we can meet before we apply for a permit for those.
- Those are the criteria that STAT has established. Finally monitoring, management and peer review standards for reviewing all of the information and reviewing all of the future status of these species.
- External scientific peer review, the plan for monitoring the status of species must have adequate funding for management and activities. There must be institutional responsibilities so that we don't have a plan that works for the first few years and then because it's no longer in the focus, it disappears.
- The disappearance of species, and the disappearance of habitat that will occur over the next fifty years will be in perpetuity. The management for these species also must be in perpetuity so the plan has to have that permanence. The plan must be adaptive, able to change with either change in conditions or to changes in information that we have available, both in the species themselves and changes in the effectiveness of management practices.
- The actual plan area that we focused on excludes the Tohono O'odham Nation. We have collected biological information from existing data sources throughout the county, but the plan itself proposes nothing within the Nation lands. The plan area is in east and west Pima County to the east and west of the Nation.

- In our office we have been assisting the STAT as well as working very closely with Pima County staff, and with the expert review team, which consisted of 30 plus scientists who have participated at one level or another in helping us develop our information base. In addition, the Ranch Technical Advisory Team, the Cultural Resources Advisory Team and other issue teams, recreation and others have also worked with STAT and there have been a number of overlapping subcommittees with an exchange of information. We will continue to do that; as we get to some of the most important overlapping issues dealing with how are we going to actually implement management throughout this plan area and in the conservation land system as it is being developed.
- RECON is primarily consultants to the STAT although we certainly are available for meetings like this to provide information as is required and necessary and useful to the Steering Committee.
- The first major task was the development of a reserve design to meet the biological goals. Our next phase is the development of structures and mechanisms and methods for the implementation of an adaptive management plan. Finally that will then be folded into the Sonoran Desert Conservation Plan as a Section Ten Permit application
- The land use planning aspect from the Comprehensive Land Use Plan perspective has taken input from the biological resources plan, the reserve design, and development of the conservation land use system, input that into the Comprehensive Land Use Plan and that now will be taken in as part of the implementation program for the Sonoran Desert Conservation Plan.
- The Steering Committee's role is to evaluate alternatives that will finally go into the actual Sonoran Desert Conservation Plan Section Ten Permit application, the Habitat Conservation Plan.
- There are a number of different elements, the habitat, corridor, riparian conservation, mountain parks, natural reserves, cultural resources and part of the ranching conservation elements. All of these are being taken into consideration in the development of the final alternatives that will be proposed.
- The biological aspect has to recognize each of these other elements although these elements are part of the Comprehensive Land Use Plan as opposed to the Habitat Conservation Plan. A number of those elements are embodied in the Habitat Conservation Plan aspect and reserve design; mountain parks, the riparian and the natural resources are all part of the Habitat Conservation Plan.
- Began process with individual species information for priority vulnerable species. The species that we wanted to focus on in the planning process. Looked at potential threats and stressors and determined a level of threat for each one of those such as being threatened by another species or loss of habitat.
- Evaluated the existing status of conservation within Pima County, compared to the kinds of threats that we could see, to come up with a 'Gap Analysis' to find the gaps and conservation status for those species and other vegetation communities and biological features that were in our plan for conservation when looking at it on a broad scale.
- What resulted in the reserve design, and the biologically preferred alternative configuration was to look for additional conservation measures that would be necessary, in particular those portions of the landscape which might need to be added to conservation management at one level or another to assure we are meeting the minimal biological needs of those species.
- In the end those will lead to a list of covered species, many or most of the fifty-five species that we currently have listed.
- Priority Vulnerable Species- Started with list that STAT developed of vulnerable species. Evaluated the priority vulnerable species list. Reviewed STAT's list and wound up with the 55 species, developed detailed write-ups, called Species Accounts. Numeric and quantitative data as well as qualitative data that we needed to use in the development of habitat distribution models for the species. Developed summary or compendium of available information on those species.
- A requirement in the guidelines that the Fish and Wildlife Service has is that you must provide overview of the available scientific information for the species. We have the basis for that and we will update the data as we go along and as we receive comments in the public comment period for those documents.
- We developed a summary of the number of types of species within each one of the watershed sub-areas. This was a peripheral task that we did to aid in the development of the biological threats and stressors analysis that we did early in the process that helped us to develop a structure for moving into the rest of the process.
- The vulnerable species list is composed of four different sets of species.
 - First: species that were at risk in Pima County and for whom habitat in Pima County is crucial for their existence. They are endemic species; they occur only in Pima County or species that have most of their range within Pima County.

- Second: species that are at risk in Pima County and elsewhere throughout their range. The majority of their range may not be in Pima County, but they are threatened elsewhere.
 - Third: species that are rare in the Pima County but their overall status is unknown, they may or may not occur in numbers elsewhere.
 - Fourth: species at risk in Pima County but not at risk overall.
- We focused our attention on list one and two.
- Criteria for refining the priority vulnerable species:
- The ability to use other species as umbrella species, if we conserved this species, these other species which have similar needs would be conserved, so we don't need to keep these on the list.
 - If an insignificant number of this species occurs, or there are no known occurrences, in the planning area, even though there are historic records of it, then that was another criteria for removing them from the first priority list.
 - If they're not likely to occur in the study area or within the planning horizon of fifty-year period then they could be removed from the list.
 - If they're too broadly distributed within the county to help us distinguish, they might occur any and everywhere in the county, also were culled from the list.
- Species on land managed by federal agencies and on the Tohono O'odham Nation, are a federal responsibility and there is not any incidental take need for species that only occur on federal lands. Those are dealt with in Section Seven of the Endangered Species Act.
- "Short List of priority vulnerable species"
- 9 mammals (7 bats)
 - 8 birds (6 riparian)
 - 7 reptiles (three aquatic/riparian)
 - 2 frogs (aquatic dependent)
 - 6 fish (aquatic dependent)
 - 16 Invertebrates (mostly snails)
 - 7 plants (2 aquatic or riparian)

Of the 40 non-snail species, 25 are dependent upon or associated with aquatic or riparian ecosystems.

Land Cover Data Assessment: Combination of the vegetation of the county with other land surface information, urban, agricultural, any other land use, encompasses everything that covers a land surface.

- Compilation of a multitude of GIS layers developed a Land cover map for Pima County using information gathered. Not financially and physically possible to go out and survey all 55 species and do a full inventory. We try to predict the distribution of those species on the landscape. We look at cover/vegetation maps because the species are distributed by their habitat requirements.

Biological Stress Assessment: Establish baseline knowledge of existing/potential threats and stressors to biological resources using components of past, existing and proposed land/water uses posing the greatest threats.

- Comprehensive overview of issues and concerns specific to each of the County's eight watershed Sub-areas.
- Stressors to biological resources are loss of habitat, alteration or degradation. Habitat fragmentation, decline in groundwater levels, water quality and in surface flows, character and function. Also human use and overuse, conversion of vegetative cover, competition and predation by invasive species, and disease.
- Examples of habitats of concern are streams with perennial and intermittent flow, springs, cienegas, areas of shallow groundwater and the remaining riparian woodlands. Cave habitats, limestone dependent plant communities, mine adits used by bats, grasslands low elevation valleys, saguaro, ironwood and xeroriparian areas as connections to and extensions from existing preserves.

Land Conservation Status: Land use, ownership, and management categories were assigned a value reflective of their level of existing protection or conservation status.

Reserve Design Overview: The first task to build the exterior of the reserve and the conservation land system boundaries and management areas. Then we build the interior which pulls from the Biological core, the scientific

management area, the multiple use, recovery management area, and urban/agriculture areas within that reserve boundary. All these combined to build landscape lineages to connect cores across barriers.

- Other considerations are the priority plant communities, hydrological conditions, areas of high species richness outside the existing reserve system, areas needed to support minimum viable populations of each priority vulnerable species, and areas identified by the Nature Conservancy as having regional significance for conservation.

Alternatives: The alternatives that are being looked at are

- No Action: The County is required by **NEPA**-National Environmental Policy Act to have a No action Alternative. This is used with each alternative as a comparison, what happens to this area, if nothing is done.

The County can come up with any combination they want. The following are examples of what the County could say they want covered by the Section Ten Permit:

- County projects only, the County can apply for a Section Ten Permit and have it apply to only their projects and nothing else.
- County projects plus in process permits; that would only cover their projects and projects already in process, but nothing else.
- County projects plus in process and future projects, again this would only apply to county projects.
- County projects, permits and other entities within the County. This would include all those that would like to be included and covered by the Section Ten Permit.

Questions from Steering Committee Members:

Question: Will the economic analysis be part of the impact statement and if the conservation plan is amended, how will that impact your reserve?

Mr. Fromer: The economic analysis will be part of the impact statement. While different boards can update the conservation plan, assuring its permanence is one of the things that we will include in the application for the Section Ten Permit.

Question: If a landowner comes across an error in your data regarding his/her land, what is the process for corrections to the data?

Mr. Fromer: I cannot answer that because that is part of the mechanism that you as the Steering Committee need to help develop, it's part of the implementing agreement between the County and Fish and Wildlife.

Question: The inaccuracy of the input data needs to be looked at.

Mr. Fromer: We recognize the limitations of the data available. We have made allowances for that, and of course we welcome any data that can be provided to us from the public or the Steering Committee.

Question: How firm and closed is the list of species?

Mr. Fromer: It is our intent for this to be a living document, this is a process that is not species specific, but landscape and biodiversity oriented, therefore species that might be potentially listed have already been addressed, but the permit can be amended to include those.

Question: When and where will scoping meetings be held?

Mr. Fromer: That is out of my jurisdiction, I leave that answer to Maeveen Beham.

Maeveen: We 're scheduling now for probably March or April, and we are looking at several different locations, those have yet to be determined, but they will probably be in a couple of different places, so we'll get that information out to you.

Question: In regard to the process followed by the Fish and Wildlife and the process followed by the Habitat Conservation Plan, do those run separately or simultaneously?

Mr. Fromer: For the most part simultaneous, they both happen at about the same time.

Question: Can we get a copy of this presentation and do we have the opportunity to go to the GIS department at the county and go through these maps?

David: Yes, we will get this presentation for you and if you put the GIS question on the index card we will address that as well.

Question: I thought the Steering Committee was going to come up with the preferred alternative that we were going to submit to the county for review, but it sounds like you already have adopted a preferred alternative and you're already into the implementation stage.

Mr. Fromer: The list of alternatives that I outlined of potential alternatives, ways of adopting is clearly within the range of alternatives. The county, because they were required by state law to update the Comprehensive Land

Use Plan, they tried to incorporate the best biological information that they could get within their documents, but the implementation aspects of how the conservation land use system is implemented and how that fits into the Section Ten Permit, those are the kinds of alternatives that the Steering Committee will have to look at.

Question: Is there anything between the 8 listed species and the biologically preferred alternative that you can help us consider?

Mr. Fromer: There is a wide range of alternatives that can be looked at in between those two, again a hybrid would take two philosophical approaches to conservation, and it would have to look at the landscape approach versus the species approach and reconcile those two.

Question: How would you predict the Fish and Wildlife Service's response to an eight species only reserve design versus the biological preferred reserve design, which doesn't capture a lot of the habitat of some of the listed species?

Mr. Fromer: We wanted to take the landscape within Pima County and try to look at it as a functional whole, then try to assemble a reserve design that responds to the broadest variety of needs within the County without focusing on any one species. Our assumption being that if we did a landscape conservation reserve design, that it would capture everything necessary for, if not all, then the vast majority of the species that occur within the County. In looking at the data I think that we will adequately cover all the species through the conservation plan and through management of the plan.

Question: What does the fact that a large portion of the land noted here is state land doing to the validity of your conservation land use system in the eyes of the Fish and Wildlife Service?

Mr. Fromer: It can certainly influence the list of species that they will agree to provide coverage for under the incidental take provisions of the permit. It may be that the list of species is substantially less if we don't include state lands.

Question: Can you help us to come up with a preferred alternative by comparing apples to apples of the 55 species short list and perhaps a shorter list so that we can compare subsets?

Mr. Fromer: From a technical standpoint that is something that we can do. In that direction we will certainly provide whatever input and advice that we can.

Question: Will you take that direction from us?

Dr. Shaw: That is one of the things I would hope that the Steering Committee would consider is not just numbers of species as alternatives, or geographical scope such as county lands versus private property. You ought to consider the implementation; we have a map that we think is defensible from the biological perspective, but the implications for land use policies range over a whole spectrum from are we going to go out and buy all the high priority areas, to keep zoning how it is now, and the zoning is our most powerful tool because there is a range of implementation alternatives that really translate this biology into what the county can live with socially and economically. I would encourage you to look at those kinds of alternatives rather than numbers of species and geographical scope.

Question: The last page of your outline lists five alternatives, are these the set of alternatives that the Steering Committee is expected to be looking at?

Mr. Fromer: That was a set of alternatives that I provided as a starting point for discussions, they don't have to be the range of alternatives that you look at, but that is a pretty logical set of alternatives based on the existing condition.

Question: Your work is geared to coming up with answers as to how one might reasonably decide what alternative is appropriate.

Mr. Fromer: It's an interplay to a certain extent between the participation of state lands and what we can actually get coverage for and then what level of permitting, county only, county plus in process, county plus future, the reserve system that we can guarantee what level of coverage we can match to that level of potential impact coverage in the permit.

Michael Zimet: Let it be stated that I am unclear as to what the alternatives are.

Question: Is it correct that you only considered the biology aspect? Would you consider this committee ill-equipped to make a decision or recommendation until they also have the understanding of what the economic impacts of all these decisions ought to be.

Mr. Fromer: I would agree.

Call to the Public:

Question: Who are the range scientists that are contributing to the data for the areas where cattle are being considered to be problematic species, and what will be the suggestion to the Steering Committee on how to

implement the management alternative as far as biological cores and land systems on private land and monitoring for private landowners that don't want to participate?

Mr. Fromer: We have had communication with the Ranch Team, Dan Robinette and others in the ranching community at a subcommittee level and so we've opened that dialogue and we intend to move forward towards developing an adaptive management plan to incorporate the best range science we can incorporate because we feel that's a critical element to the plan. We hope that the ranching community and other private large landowners that have lands that fall within the boundaries that we have identified will cooperate and participate in management, because they are the land managers. We would like for them to be active participants and beneficiaries of the information and coordination that will result from the overall process. Those that don't want to participate, the Section Ten Permit is voluntary and they can't be forced to participate. So they can't be forced to manage their lands in a way that is contrary to their plans.

Question: How long did it take you to get to this stage in the land system resources and how long do you expect it to take to promulgate the adaptive management part?

Mr. Fromer: We've been working for about two years on the conservation land system. We have started working on adaptive management, we will do as much as we can to fit the timing into the plan, it is our goal to have the most defensible scientific information incorporated into at least the guidance and the initial stage of adaptive management accomplished this year.

Question: Do you think you'll have the job well based by June?

Mr. Fromer: I can't guess at that.

Question: Could you address the statistical, modeling and fundamental uncertainties of gap analysis? Due to this uncertainty, which is entirely geographic and not biological, has it ever been subjected to legal review or challenge?

Mr. Fromer: I don't know that the gap analysis has ever been subject to legal challenge or review. The term Gap Analysis is a very loose term; it's a methodology that in its broadest aspect has been used by the federal government in assessing certain needs for conservation. We applied gap analysis to identify the level of the problem. Our approach was to go beyond that to take in the best available information on the species, revise the vegetation mapping to the extent that we could revise it and then go beyond what gap analysis does in terms of resolution and quality of information to do our modeling. There is modeling, a certain amount of methodology and statistical uncertainty although we haven't applied statistical modeling to the overall program. We can't compare it to scientific methodology but what we can compare it to is what we could accomplish in this period of time and how much better it is which is substantially and significantly better than what we started with.

Question: I don't see a lot of overlap in what is being recommended in the landscape view critical habitat versus what would be critical habitat with those six species.

Mr. Fromer: There is a substantial amount of overlap between the two; especially if we look at it in terms of acreage or square miles. The big areas, like the southern part of the Tucson basin and the far western areas that are the lower Sonoran desert areas that happen to not have a lot of habitat for our 55 species.

Question: What assurances do you have in place within the Sonoran Desert Conservation Plan that will keep the habitat designations from being abused?

Mr. Fromer: These assurances are included in the plan and will be included in the implementing agreement as terms and conditions of the Habitat Conservation Plan.

Meeting Adjourn: 12 noon

SDCP - Steering Committee –Study Session
Sheraton Tucson – 6pm to 8:30pm

Wednesday, February 20, 2002

Meeting Notes

Participants: See attached sign-in sheet, members of the public, Maeveen Behan, David Steele and SIMG staff.

Speakers: John Regan, Pima County Geographic Information Systems, (GIS).

Documents made available to the Steering Committee members at the meeting:

- Meeting notes from the February 7, 2002 Ad-Hoc Subcommittee meeting.
- Extra copies of mailed information packets
- Board of Supervisors Agenda Item Summary
- Letter from David Steele to Katharina Richter dated February 11, 2002
- Sonoran Desert Conservation Plan Steering Committee Issues – February 2, 2002
- Sonoran Desert Conservation Steering Committee Decision Flow
- Requirements for Habitat Conservation Plans
- List of Business Community Stakeholders Interviewed by the Morrison Institute
- Extra Agendas
- Copy of Lucy Vitale's presentation

Meeting Commenced at 6:00pm

Meeting commenced with 37 Steering Committee members and 8 members of the general public present.

Introductory Comments and Logistics

- **David Steele** opened up the meeting by announcing the logistics for the next Steering Committee meeting and the next Study Session:

Meeting: Wednesday, March 6, 6pm to 9pm
Pima County Public Works Building
201 North Stone, Conference Room C

Study Session: Saturday, March 16, 8:30am to 11:30am
Casas Adobes Baptist Church
10801 N. La Cholla Blvd.

Ground Rules, as they would apply to this meeting only:

33. Only Steering Committee members can participate in the discussion of issues on the agenda.
34. General public will participate at the Call to the Public.
35. One minute per person per agenda topic.
36. Can only speak a second minute if everyone else has spoken.
37. At appointed time, move to decision making or next topic
38. Start and end on time.

Discussion:

- None.

Ground rules should apply to this agenda.

Old Business:

Report on February 5th Board of Supervisors Action: Resolution provided the following three

Directives to the Steering Committee:

1. Regarding attendance: Any member that misses three meetings will be removed from the Steering Committee.

2. Regarding replacements: Any member of the Steering Committee that is dismissed will not be replaced.
3. Regarding quorum: If the Steering Committee is going to make a recommendation, the Board of Supervisors will consider the recommendation from the Steering Committee regardless if there is a quorum or not.

Review of Steering Committee Member Input:

At the February 2nd meeting we handed out index cards so the Steering Committee members could write down issues that they would like to see addressed by the Steering Committee. David compiled a list of these issues and divided the list by topic. The list was handed out to the Steering Committee members so they could see all the issues and consider what will be addressed at future meetings.

Discussion: None.

Steering Committee Issues:

- Steering Committee member, Lucy Vitale made a presentation on how she thought the Steering Committee should proceed towards choosing a preferred alternative. Copies were made and handed out to the Steering Committee.

Discussion – Overview of available maps and how the Steering Committee can work with them as it formulates alternatives:

Guest Speaker: John Regan from Pima County Geographic Information Systems Department

Mr. Regan: I have a short presentation and then I will show you the Sonoran Desert Conservation Plan Map Guide site. When we get into the map guide site I would like to ask you to be thinking about what other data layers you want to see on these maps. Right now we are putting the 55 priority vulnerable species on there, but if there's other layers that you think would be useful for you, please let me know so that I can get those on there for you.

- GIS, Geographic Information Systems, is a computer-based technology combining geographic data and other types of information to produce maps and reports. The maps are the result of analysis and research.
- The GIS mission is to provide timely and accurate information to decision makers.
- The planning process begins with collecting data, these days there are a lot of digital data available from other sources, occasionally we still use digitized paper maps inputted into the system. All this goes into our data management programs. We retrieve that data, apply an analytical program to it, crunch the numbers and come up with a map and or report that go to the decision makers that take action on these maps and that action is applied in the real world.
- We break up the data layers and turn them into separate layers rather than trying to represent them as attributes. By breaking them out into individual layers we can combine them to represent various scenarios as necessary.
- What we manipulate are the non-spatial attributes that are tied to the spatial features.
- One of the main things we do is called Topological Overlay, where we take different maps and we combine them topologically where the spatial features are joined and the attributes of those features are joined, this is what we manipulate. All this does is produce different ways of looking at the same data.
- Another source we have is our Parcel Base. Every parcel of land in the county is mapped and has a database attached to it. Owner, dimensions, tax code, property taxes, sewer service area, zoning code, full cash value, improvements, but we can also come up with population estimates. Data has improved since 1999.
- For the biologist, we provide maps that show all the information we have on the species that inhabit that area. They take those maps out to the area, add their data to the maps, and bring it back to us where we input that data into the system, and then various types of analysis can be done with that information.
- We have maps that show archeological sensitivity at a high, medium and low level.
- We use satellite imagery, but we usually use that as background or for regional views to give the viewer an idea of what is actually on the ground.
- For more detailed work we use Digital-ortho-photography, the one-meter cells, we actually generate data from these.
- The Sonoran Desert Conservation Plan Map Site Guide is at:
<http://www.dot.co.pima.az.us/cm0/sdcpmaps/>
 - There are tips on how to navigate around the site and I recommend that you use these.

- The data cannot be manipulated, but you can view the data so that you can see what has been happening.
- Presently we have maps for 4 species, we intend to have maps for rest within the next couple of weeks.

Discussion:

Question: Can you identify location by lat/long?

Mr. Regan: No, not really, but if you know one of the following: parcel code, street, owner, township range section, you can find a location that way.

Question: Do you have a layer for mines locations and where did the data come from?

Mr. Regan: Yes, we do and I don't know where that data came from.

Question: Where do we call for further information or to ask questions?

Mr. Reagan: We like to keep one point of contact, so if you call the County Administrators office they will direct the calls to the proper department.

Question: Do you have a topographical map and what is the resolution?

Mr. Regan: It varies between quads, we go anywhere from ten to forty feet.

Question: How do we identify state trust fund land as opposed to other lands?

Mr. Regan: You go to the layer called: Land Ownership, and there you will see the State Lands.

Question: Do you have an overlay showing motorized recreational zones?

Mr. Regan: **No.**

Question: Do you have a critical habitat map for the fish in the San Pedro?

Mr. Regan: Presently we don't have that.

Steering Committee Issues:

Presentation by Lucy Vitale: Critical Path of Steering Committee Choosing Preferred Alternative(s).

Lucy: My plan fulfills all the requirements of meeting the objectives of varied groups, adhering to the open meeting laws, addressing the concerns of the public, in addition to being efficient and cost effective. It incorporates a time-line that gives us the option of several **iterations**, before the final adoption. It is my hope you will accept it as the basis for how we can successfully accomplish our mission. I am asking GIS staff and the four individuals I have named to accept the plan, as they will bear the brunt of the work.

- Leaders: Environmentalists - Carolyn Campbell, Land developers and builders - Allen Lurie, Ranchers and rural community - Pat King and the private landowners - Mike Zimet. Key executives of their stakeholder groups impacted by the Sonoran Desert Conservation Plan. This entails that those four stakeholders groups present their individual preferred alternative.
- Sonoran Desert Conservation Plan Steering Committee Parameters for Preferred Alternative(s).
- Immediately after the four initial groups present their plans to the Steering Committee at the same meeting, the GIS staff will show us the map overlays, color-coded; to show what is in agreement and what is in divergence. Areas in agreement-- incorporate them into the final alternative. Areas of disagreement-- begin discussing at that first meeting of what could be as compromises or solutions from the Steering Committee.
- The four individual members are representatives of private groups so they can pay for their own consultants and advisors such as economists and legal counsel to tell them what they should do; and because they are private groups they do not have to have public input.
- This is the time line we will follow:
 - April 6th to May 18th the groups work alone. If they want the Steering Committee to have any copies of what they are doing they need to send it to us. Otherwise we don't see anything of what they are doing until they make their presentation to the Steering Committee.
 - **After May 18th the Ad-hoc committee together with SIMG will begin to prepare a composite plan of all the stakeholder presentations and the compromises reached by the Steering Committee. The Ad-Hoc will present the composite plan to all the Steering Committee members.**
 - At the June 1st meeting we discuss compromises.
 - Between June 1st and June 19th the Ad-hoc Committee along with SIMG, will come up with the final alternative(s) and GIS staff will prepare the final composite map(s).

On June 19th we take the final vote. July 1st SIMG presents our preferred alternative to the Board of Supervisors.

Discussion and development of recommendation to Steering Committee on decision-making flow:

David reviewed the chart showing the Decision Flow that the Ad-Hoc Subcommittee developed. He also reviewed the checklist showing the requirements for Habitat Conservation Plans.

Discussion:

- I hope that at we can recommend at the next Steering Committee meeting, that the 'No Action' alternative be rejected.
- The county is moving ahead with us or without us so it is incumbent upon us to give them some sort of recommendation. So beginning with this meeting and finalizing with the March 6th meeting, I would hope that we could move through the first two boxes of this chart and focus our attention on the third box.
- I don't think that the first two boxes are very controversial. Let's just make the recommendation for the March 6th meeting agenda that we concentrate our efforts on coming up with a recommendation based on box three, because implementation of the recommendation we make is where we are really going to see the results of our efforts.
- Are the bullets points in the first box different proposed actions from the County and we are supposed to come up with recommendations for these proposed actions? Are these different alternatives in which case the No Action Alternative is legally required?
- These have been characterized as Alternatives. We have to make a decision on the scope of the plan, but we also are going to make a decision on the preferred alternative with respect to the design of the reserve and the implementation issue.
- I was told that there would be no decisions made at these meetings, but it is starting to sound as though we are getting very close to making a decision right now.
- There will be no decisions voted on at this meeting, but if there is consensus on a proposed item for the agenda that comes out of this meeting then that will be noted on the agenda for the next meeting for a definitive decision.
- We are here to get a Section Ten Permit. I would like to suggest that we throw out all this other stuff and obtain a Section Ten Permit for the entire community.
- I would recommend strongly that the funding be examined at the bottom of the first box.
- The more I look at this the more I believe the only way this is going to work for anyone is to begin with focusing our attention in getting the Section Ten Permit for county projects, permits and other entities within the county.
- This is an incredible opportunity for us to plan how our community is going to grow. Fiscally we don't know all the money issues, but we can decide a lot of where that money comes from.
- We're giving ourselves a little more power than we have, we are simply an advisory committee, here to make a recommendation to the Board of Supervisors, not tell them what to do.
- Until we have looked at each alternative and seen what each one entails, we have no business throwing one out.
- Looking at all these alternatives the only one that we are required to have by **NEPA** is the No Action Alternative, the other alternatives, we can do whatever we want, but we are required by **NEPA** to have a No Action Alternative.
- We are not required by anyone to do anything. The County is required by **NEPA** to have a No Action Alternative with at least one other alternative, but this Steering Committee has no legal bound to have a No Action Alternative.

Issues for future meeting agendas and new business:

- I recommend that the following three issues be on the March 6th agenda:
 1. What the Scope of the plan is going to be
 2. Which map are we going to approve, 8 or 55 species?
 3. How are we going to implement the plan?
- I would like to see the Ad-hoc's Decision Flow chart of as an expanded presentation at the March 6th Steering Committee meeting that shows only one item per screen.
- Any Stakeholder group that wants to make a presentation of alternatives to the Steering Committee should do so at the April 6th meeting.
- Can we get members of the Steering Committee to make presentations to the full Steering Committee representing the following points of view:
 1. Rule out no action, + County Projects permits and other entities within the county. Mike Zimet
 2. County projects + in process and future permits. Alan Lurie was going to make this presentation, but declined after reviewing his schedule.

3. Coverage for either 8 species or 55 species. Jenny Neely agreed to make a presentation for 55 species.

Call to the Public:

No members of the public asked to speak.

Meeting adjourned at 8:10pm

SDCP - Steering Committee
Pima County Public Works Building, Conference Room 'C'
6:00pm to 9:00 pm

Wednesday, March 6, 2002

Meeting Notes

Participants: See attached sign-in sheet, Maeveen Behan, Lori Woods-RECON, David Steele and SIMG staff.

Documents made available to the Steering Committee members at the meeting:

- Carolyn Campbell's presentation
- Ernie Cohen's presentation
- Lucy Vitale's proposal
- Updated Agendas
- GIS Powerpoint presentation made by John Regan on February 20th.
WEBSITE ADDRESS FOR GIS MAPS AND OVERLAYS:
<http://www.dot.co.pima.az.us/cmo/sdcpmaps/>
- Additional Maps

Meeting Commenced at 6:00 pm

Meeting commenced with 40 Steering Committee members and 16 members of the general public that signed in, but more were present. **David Steele** opened up the meeting by introducing himself and reviewing the agenda. At 8pm there were 54 Steering Committee members present.

Logistics for the next meeting:

Saturday, March 16, 2002

8:30 am to 11:30 am

**Casas Adobes Baptist Church—Palo Verde Building
10801 N. La Cholla Blvd**

Old Business:

Approval of meeting notes from previous meetings:

Meeting notes previously deferred pursuant to the County Attorney's letter, as a quorum had been not achieved to do this.

Discussion:

- December 1st meeting notes approved.
- January 9th meeting notes approved
- February 2nd meeting notes approved
- Correction to the spelling of N E P A
- Are the meeting notes from the Study Sessions considered actionable items? If they are then they must be noticed on the agenda of a future meeting.
- Place the meeting notes from the February 20th Study Session as an actionable item on the next meeting agenda.
- A Study Session, as previously discussed, is an opportunity for the Steering Committee to have information. There's a need for information so we ought to have our regular scheduled meetings where we can make decisions and recommendations where we require a quorum and then we'll have the study sessions where a quorum won't be required and there won't be decisions made. However, the meeting notes for the study session need to be considered.

Board of Supervisors Attendance Policy:

Board of Supervisors' adopted a resolution on February 5th. Any member that misses more than three scheduled and noticed meetings of the Committee shall no longer be qualified to serve as a member of the Committee and any vacancy created by the application of the attendants' policy shall not be filled. The attendance policy does not apply to the study sessions and that it be prospective forward from February 5th.

Discussion:

- I propose that the study sessions not apply. We're going to lose members if we're expected to come twice a month. Especially now that we're asked to attend study sessions that you've scheduled in the last month.
- Please clarify when the three meeting missed rule begins to apply to our attendance. Is it three meetings per year, through the entire history of the Steering Committee, or from now until July?
- It's not for us but for the Board of Supervisors to determine who is eligible to be on the Steering Committee and the Board of Supervisors took action and we've decided to tell them what our understanding is of their action. They will tell us whether they agree with it or not. It is appropriate that we proceed to tell them that we understand that it is prospective in terms of the three meetings and that it does not apply to study sessions and if they tell us it's different then whatever they tell us governs.
- Does anybody object to David Steele expressing the sentiment on behalf of the Steering Committee that the policy should be prospective from February 5th from the date of enactment and study sessions should not count in terms of the three missed meetings?
- With what the Board has directed us to do by July 1st; what happened at the study session a couple of weeks ago and what's happening here is a lot of repeat work because we can't make any decisions and I'm just afraid that we're not going to have enough meetings. We only have three meetings left after tonight – official meetings -before we have to report to the Board of Supervisors. Ask the Board of Supervisors what they want us to do as opposed to giving them a suggestion.
- Based upon needed workloads – we can convert the meetings from the study sessions to meetings if it's needed. The Ad Hoc Committee is recommending that. Obviously we'll do it with the concurrence of the Steering Committee.
- We appreciate the fact that all these people have invested all this time and we're not supposed to be looking for ways to dump people out.
- Encourage everybody to come to those meetings and to the extent that we don't make any decisions at those meetings you could report to the Steering Committee what happened in those study sessions so that we don't waste a lot of time when we do need to make decisions

Course of Action:

David Steele will ask an open ended question from the Board of Supervisors and let them tell the SC whether or not the study sessions count in the attendance policy. 20 members supported this action.

Express a sentiment on the part of the Steering Committee that study sessions do not count on the three meeting policy. 22 members support this action.

Discuss objection by member of the public and clarify Committee's February 2 action, which was to take formal action on issues previously considered at times for Committee meetings, but at which less than a quorum was present:

On February 2nd the Steering Committee considered and retroactively approved its previous decisions based upon counsel from the county attorney. The county attorney asked me to inform you that we could not, based upon their first interpretation, take an action that was retroactive and that the action that we took on February 2nd was only from that day forward. Given the fact that it was just our government's process, I think it's my view and others that it's really the same net effect; that the decision that we took on February 2nd was from that day forward. The county attorney said that there was no additional action necessary.

Call to the public:

- I hope you incorporate the public's participation when you make decisions.

Decision-making flow to arrive at a preferred alternative recommendation by July 1st

Introduction – Carolyn Campbell:

At the Ad Hoc Committee meeting and the February 20th study session, we talked about coming up with a decision making flow so we could actually start to get moving and make some decisions. The county is going to be moving ahead with us or without us. They have given us a deadline of July 1st to give them a recommended

alternative. If we don't give them anything or if we don't come up with something together then we really aren't going to have any input. I don't think that we've wasted our time here for the last three years in order not to have any input. The biological goal of the Sonoran Desert Conservation Plan that the county adopted is to ensure the long-term survival of the full spectrum of plants and animals that are indigenous to Pima County through sustaining or improving the habitat condition and eco system functions necessary for their survival. It would behoove us to look at that biological goal and continue to check ourselves against this as we're developing an alternative. Why do the environmentalists care that we have all the stakeholders there? We can't have implementation of this plan unless we have all of the stakeholders. A lot of people are represented in this room; we've got a broad spectrum, we call come up with something together. In talking with some of the folks here, I don't think we're really that far apart. Now as far as the charts – this is what we came up with. We wanted to focus on what we're trying to do and see if we can get past some of these. We've broken it down into **WHAT, WHERE, and HOW.**

We're not here to get the county a permit. My purpose is to try to get us past the things that we don't need to be stuck in. Another issue discussed at length at the February 20th study session was whether it should be the threatened and endangered species that Fish and Wild Life Service and the county will have to deal with or whether we use the STAT method. The Steering Committee should get to the how of the regulatory issues, the funding issues, and the mitigating ratios. Regarding the maps -- we know that the county is moving – they have made the decision, apparently because the comprehensive plan to go with the 55 species map, we can come up with a different recommendation from this committee but I would rather focus on the things that we actually can have some affect on. I've got a feeling that if we go with the 55 species map we're going to have more of an effect, we really should focus on this. I'm not very good at remembering quotes but it's something like God give me the courage to change the things that I can and not change the things that I cannot, and have the wisdom to know the difference. We should focus on the things that we as a group can change and have an effect on this plan and again, we have to do it by July and I hope we're not going to get stuck in rhetoric and we can start moving forward.

Questions:

- Perhaps the best thing to do is go parcel to parcel and ask if they want to be part of the plan, State lands didn't opt in, Oro Valley didn't opt in. How do we deal with that?
- State trust land is owned by the state, is not going to be developed by the state trust fund, it's going to be sold. Once it's sold it comes under whatever the county's plans are so that if we adopt the Sonoran Desert conservation plan as soon as that land is out of state hands and is subject to development it then is subject to whatever restrictions we have adopted.

Scope of the Plan – Discussion and Action

No Action – County Projects Only -At the February 20th study session we talked about these options at length, and the Ad Hoc Committee talked about them as well. We were looking for individuals to get up and advocate for the various options here and we found there was a strong sentiment for county projects, DSD permits, and other entities within the county. We didn't find anyone specifically that was willing to get up and articulate for the no action alternative.

County projects, permits and other entities within County – Michael Zimet:

My sense is that we're spending our valuable time on the Steering Committee in order to obtain a Section 10 permit that will benefit all private and government, quasi government development projects undertaken in Pima County with the proviso that no additional development or building permit fees will be charged to reimburse any government agencies for the cost of obtaining the Section 10 permit. In the county's budget Pima County's state program goal for the SDCP is to obtain a Section 10 permit under the Endangered Species Act from the US Fish and Wild Life Service by December 2002. This stated goal means that the Sonoran Desert Conservation Plan needs to produce the documentation required to obtain that permit but it doesn't say how many species that permit should cover nor who should benefit from that permit. I cannot support the county's far-reaching preferred reserve, which is intended to cover a total of 55 endangered and other species that I'll call the maximum plan. The fact is that we're still waiting for the economic analysis on this plan and because of this fact and many unanswered questions that exist today, the county's plan is unsupportable. However, I can support a plan that would do the minimum required to obtain the Section 10 permit for Pima County. The Board of Supervisors has directed our Steering Committee to come up with our preferred biological reserve in order to obtain a Section 10 permit but has given us only their plan to work with. This means, in my mind, that we either accept their plan or come off that benchmark and create our own plan. We don't have the resources as

individuals to create our own plan in my mind. In order to create our plan I believe that it's imperative that we have an alternative plan that would do the minimum required to obtain a Section 10 permit that I'll call a minimum plan. Then we could compare that minimum plan with the county's maximum plan and hopefully find sufficient common ground to develop a consensus as to a preferred final plan that will satisfy all stakeholders. There are some folks who have suggested that the best way to advance their interest is to develop their interests outside the Steering Committee process. However, I believe that all interest will be best served by developing alternatives within our existing process since the policy makers will not seriously consider any alternatives developed outside our process. Accordingly, I simply propose that we request of the Board of Supervisors and county staff to provide us with the necessary resources and funds to develop a plan that will provide for minimum compliance with the requirements to obtain the Section 10 permit for Pima County. I now would like to ask that we poll the Steering Committee tonight to consider and accept this proposal. Thank you for your courtesy in listening to me and giving serious consideration to my proposal.

Questions:

- If the state lands and the incorporated areas are not willing participants we cannot do this alternative.
- I'm in agreement with Michael's general perspective that we want something that includes, as much as possible. I would like to move that we spend no further time discussing or considering a no action alternative or an alternative that considers only county projects on the grounds that neither of those will get us a Section 10 permit.
- In terms of other entities, we have absolute ability to determine what happens to the state lands when they come out of the trust and we have no need to make a decision as to what happens to the state lands while they're in trust because they are the best reserve you can have,
- Amendment motion to further exclude county projects and in process DSD permits and county projects plus in process and further DSD permits so that if this amendment is approved in addition to the main motion we will have approved by default county projects and DSD permits and other entities within Pima County. If we don't; we've wasted three years of time.
- Will this amendment mean that we will shift our attention more towards looking at alternative ways of getting to a recommendation?
- I would like to propose that instead of dealing with motions we come to consensus that this group would like to pursue a Section Ten Permit that deals with County projects, development services permits and any other willing entities within Pima County and see if anybody has objections to that.

Course of Action: The Steering Committee will recommend to the Board of Supervisors that the scope of the Section Ten Permit cover County projects, development service permits and other willing entities within the County.

Reserve Design Alternatives (Map)

Additional Information is needed before a decision can be made—Ernie Cohen:

Thanks to Mike Zimet for his presentation which has presented a mechanism for agreeing on a Reserve Design Alternative, ultimately for dealing with our most important issues, which are restriction on use within the biologically reserve map. The nature of the restrictions on use are the most important issues that we are going to be dealing with, but the reserve design is also of significance and ask any land owners whose land is included in the reserve design and any land owner whose land is not included with the reserve design and I am sure that they will concur that this is a decision that has an impact on them albeit it is not as important as the decision concerning restriction on use of those within the design alternatives. What Michael has proposed is that we take the resources that the County has put into designing the biologically preferred to alternative put them into designing a minimum biological reserve that would still afford a Section 10 Permit success possibility then look and see where the two maps agree and disagree and measure then measure the disagreements against a common set of objectives which hopefully we can develop together to the extent that we can preserve 55 species that would be wonderful. To the extent that we could protect as much of the property rights of landowners as possible, that would be wonderful. If the minimum and the biologically preferred alternatives aren't terribly different, we may be fighting shadows. We also need to take into account other objectives such as the economic consequences, because part of the quality of life, which I think we as the representatives of the wide divergent group of stakeholders and of the public need to take into account, is how this plan will effect the quality of life today and in the future and there you must have some

economic input it would be sending the wrong signal to potential stakeholders and the public if we foreclose the discussion of which is going to be our preferred map today. We have to make that decision, and we have to make it quickly and today we have to develop a timetable for making that decision, and we have to request the resource so that that decision can be made effective. But it is premature to make that decision today. Although I think we must give ourselves a fairly short time period because most of our time needs to be spent on the issue of what restrictions there will be on use. I urge you to take a couple of minutes to read the paper and see why I put forward these arguments and they have been furthered by the actions we just took on the scope and by Michaels presentation as far as a possible alternative and also possibly a second alternative which would take into account both the maximum, the minimum, and a set of objectives which might help us to resolve whatever differences may appear between the two designs.

Questions:

- The Morrison Institute can't give us any hard facts and figures. Unless they must know what the real implementation is going to be associated with the reserve design. So reserve design doesn't mean anything financially speaking and that's what the Morrison Institute is going to be looking at. Unless they know exactly what restrictions within the reserve if there is one, etc. outside of the reserve. They're not going to be able to give us any hard facts unless we give them hard facts and we're not going to be able to do that by April.
- To me they reflect a political map and not a biological map. The Tortolita Mountains for the most part are in another county. The Indian Nation is a great space. Mexico doesn't exist and either neither does Santa Cruz County in terms of species. I think that the biologists have taken this into account but we don't know, we don't see it, we cannot justify it until we see it on a map.
- When you say this can best be accomplished by hearing from stakeholders, are you referring to stakeholders presenting in April and then we work from them?

Ernie: I do not believe that it is our role to define who should lead various groups of stakeholders and who the stakeholders should be. Many of you have accepted that but it's in the paper that people may have read. I want to make it clear that I'm talking about inviting stakeholders to come forward with proposals in April and inviting the various groups who have been studying this process and who have been working on this process to assist those stakeholders so that they can have the benefit of that information and use it as they see fit.

- I don't think the discussion of the reserve design is the same as implementation – is what I think you're talking about – and that's again kind of the next step. I think what we're trying to do in Ernie's discussion and what Larry Berlin is going to say and Mitch and Jenny, is have some simple discussions about species – how many species we're going to look at and then move to that step.
- There's an awful lot less that could be considered in order to get a Section 10 permit and what we have in front of us that's called a preferred biological reserve. I don't mean necessarily that we're dealing with 8 species or 10 species or 150 species. Whatever the minimum is that will allow for that Section 10 permit is what I'm trying to have the country bring forward to us.

Comparing the 8 and 55 species maps – Larry Berlin:

How do we reasonably rationally compare the map that's been proposed for the 8 listed species with the map that's been proposed for the 55 species including the 8. The answer is that they don't compare directly. The way to work with them is through determinations about land use restrictions and management. Once we determine what the uses will be, the level of use. Then to determine how those uses will be managed and supervised. The process that I went through was really simply discussion with Paul Fromer on the science team first or on the RECON team first with Sherry Barrett with Fish and Wildlife next. The obvious question, and one that a bunch of us who have been working this wanted answered is what's the minimum? Give us a baseline, what are the minimum requirements for us to get a Section 10 permit. And the answer is, that depends upon what species we want it for or it depends on which land we want it for. And so the ball gets thrown back to us again. You're going to see here again the circular situation we've gotten into with Morrison and others where everybody wants somebody

else. Give them the data to work with. Skipping sort of to the bottom line is, mechanically, how do we go forward. The suggestion from both Paul and Sherry was that this an iterative process. We need to tell them what uses we want to make of particular uses of land or tell them what species we want to protect or tell them how we want to manage a particular area. They will come back and tell us, yes you can do these parts of what you want to do but some of these other parts are problematic and in identifying those issues or conflicts, we then get focused on what we need to resolve. Now there's some good news and bad news in all of this for everybody. To the environmentalists I would say be careful what you wish for. What appears to be the much more inclusive, broader map for the 55 species actually may provide somewhat less protection for the 8 species that are already listed as threatened and endangered. The process that RECON went through in developing the 2 maps is one in which for the 55 species they included, they captured, in their words, any of the habitat that included at least 3 of the 55 species. Because there weren't enough species involved and not enough overlap involved to use that same protocol with the 8 listed species what they did was to go through it on a species by species basis and to reserve or to map out a reserve of most of the best habitat for each of those species. If you go into the map of 55 some of that best habitat for those 8 listed species is left out. That causes a concern for Fish and Wildlife. The selling point, in response to Fish and Wildlife, is although we may not be preserving in that way, may not be preserving all of the best habitat for those 8, by preserving the broader landscape and in the configuration that they've created for the 55, that it nets out to be better protection for those 8 species anyway. When I asked Sherry about this morning, her response was that they just don't know yet and, here's the kicker, it's going to depend largely on what uses we want to put the land to and how it's going to be managed. The statute requires, a direct quote here, "requires that we mitigate harm to the species to the maximum extent practicable." That does not include tradeoffs. So if, for example, there is an area that we would like to set up for use for development on the least dense zoning that the county has in place at the time, which would be 1 house for 4 acres. That may be just fine for 54 species but it is not fine for the Pima pineapple cactus. Problems with pets, with children, with roads, apparently it's a very vulnerable species. And for the Pima pineapple cactus, we will not get the permit for that particular area. However, if we can show that the use of a broader area will be such that it won't have the kinds of roads or children or whatever it is that's going to be so detrimental to this poor pineapple cactus. Then maybe the best practicable preservation and we'll get it anyway. The questions of how many species is a red herring and the question of where to draw the lines on the map is a red herring. The issues that matter to us are how can we use the land and how are we going to manage the land in accordance with those uses. Just as I offer a caveat for environmentalists whose concern may be heavily balanced to the endangered species, let me offer a suggestion as well. Luck is the ability to recognize your opportunities. Just cause a piece of land is going to be included within a reserve, doesn't mean it can't be developed. The question becomes, how do we develop it and how do we manage it for some of the parcels.

Questions:

- If we don't have sufficient coverage on the 55 - 56 species map for the 8 listed species, what might make more sense then is to overlap those two maps and include everything in the 8 species map and the larger map. Then we're covered, we know we're going to get the Section 10 permit depending on implementation. And if we do anything less then that we don't know whether or not we're going to get a Section 10 permit anyway.

Larry: Apparently I've been unclear on one point and left out another. If indeed it's not that we're not going to get adequate coverage for the 8 on the 55 species map, it's that the adequacy of the coverage will depend on the use decisions and on the management decisions. Also, the 8 species map, with only a few exceptions, doesn't seem to cut to anybody's advantage. One of the places – the two maps are not congruent to each other and one of the places that 8 species goes and creates restrictions that the 55 species does not, is on to a lot of property that in the path of development in the southeastern part of the valley. Another similar point is that the 8 species map would restrict more private property. The solutions - I wish the solutions were as simple as, give us another alternative to measure. It's not. The solutions lie in what both Paul and Sherry describe as the iterative process. Going back and forth we would like to use the land for these purposes. Can we do it? How would we have to manage it if we do it that way? We get an answer back. If there's no conflict, Bingo, that's in the plan. If there is conflict then we need to work that one out. How to adjust it and how to resolve it. It's a back and forth proposition.

Bill Arnold made the motion that the 55 species be accepted and not the map, but it failed. The motion was amended by Larry Berlin, but failed again. Gayle Hartman seconded motion; it was voted on and failed. Larry Berlin made a backup presentation to the motion, the motion was resubmitted and it failed again.

The Eight Species Map—Mitch McClaran:

The blue is the listed species reserve, the green is the biologically preferred reserve, the beige is both and then the crosshatch is the current reserve. I am not necessarily an advocate for this approach. I'm an advocate for analyzing this approach compared to others. I am proposing that we take a look at what areas would be covered, what would be the value of those lands, how could we coordinate uses of those lands with some other alternative. I think this should be one of the alternatives we send forward to Morrison in comparison with others. Another would be the STAT team's approach. With that said that I'm not necessarily for this approach, but proposing we at least look at it in comparison to others. That's where I'm coming from. Secondly, I think that these maps are inaccurate, but I don't think it's impossible to get the data. The blue area is supposed to represent some amalgamation of all 8 currently listed species. I know that part of this Santa Rita experimental range includes area for the Pima pineapple cactus. It's not shown as being part of the reserve. The blue is missing some coverage. I'm not saying this to say let's get rid of these things, I'm saying they're a little inaccurate. We can get the accurate data. I also disagree that the brown being both. If you look at the map above it, the biological preserve is green, so when you put those two together they ought to be something different than beige. Beige is like everything else except that. I'm confused with what is being displayed as both. If I look at the map above that says listed species reserve, biologically preferred reserve, and current preserves, and blue is listed species reserve, green is biologically preferred reserve, and the both is everything in between. I'm having a hard time thinking that much of the county is covered by both of them together. Something is amiss here. It's a correctable thing. If we had somebody from RECON to assure us that these are accurate, I would feel better. It doesn't negate the approach of asking what would the distribution of 8 species look like, what proportion of the 55 species is covered by that 8 species. What proportion of the 8 species are covered in existing reserve and what would it cost. What's the value of the lands outside the existing reserves that include the remainder of the distribution of those 8 species. Let's just imagine that these are our alternatives; we have alternatives running down and they become roads. We ask ourselves what proportion or what percent of any species is habitat. The percent of the species habitat is covered by that alternative. We could have an alternative the STAT team's alternative. And then we have 55 species including the 8 we find out what proportion of any one those 55 species is that habitat accounted for in the reserve design. Now we have that for 55 of these. 8 listed and under statutory protection, the other 47 of some sort of biological significance to the STAT team members. Under here we'd want to ask what proportion of that is in existing reserves, what proportion of that is in some sort of reserve forest service state parks, Santa Rita experimental range, some BLM land and then not reserved. You do that for each alternative; put the 55 and then the 8. So now you have this table of all the 55 species, what proportion of that is captured in existing reserves in a design like this and what proportion of their habitat is captured under a reserve design that looks like this. Then under this non-reserve, you ask Morrison to assemble value of those lands. How much are they valued today? What's their property value. That begins to give us the tool to ask the question what would it cost to acquire easements? What would it cost to reduce densities of development as a tool for deciding where we might target those types of things. This is a framework for asking what's the difference between a 55 species plan and an 8 species plan. I'm not advocating that we take any one of these as the one we want to take, but I'm advocating that we at least compare the 2 and then we go on and talk about land use within them. Until we put lines on a map we can't even begin to talk about land use where. I do think I agree with you everywhere except for the fact that you got to put some lines on a map before you start talking about what are you allow in certain places. You need to have some place on the map to talk about. That's all I have to say about 8 species.

Question: Can we also weigh the habitat as to whether it's exceptionally good habitat or marginal habitat for each of the species?

Mitch: I was assuming we were only going to look at the most high potential habitat. On that map that you see blue, I went up and talked to Fromer after our February 2nd meeting and asked him, how did you come up with blue? He said it was the high suitability habitat for those species. I would suggest that

we stick with high suitability habitat across the board rather than mixing those up because then it becomes 5 dimensional table and I can't handle that.

Question: Are you suggesting that we can ask the county to come up with another baseline from which to compare? To use with, if you will, the plan that we have in front of us now. Are you suggesting that we can ask the county or Fromer or both to come up with something else that we can put along side that plan?

Mitch: They have already done that. That's that blue area. The beauty of what the STAT team has done for decision making is they've assembled all this information into the geographic information data base and you can ask the questions. What proportions of overlap occur when you put 2 species' distributions over one another. It's simple. You just tell them what you want and they should be able to give it to you – a map like that – they should be able to give it to you in a matter of days.

Question: But you're not saying 16 species.

Mitch: No I'm not saying 16 species. I think the place to start this process is the 8 versus the 55 because the 8 have some statutory significance. They are already listed. And the question is, if you do 8, what proportion of this comes with it? If you do 55, what proportion of this comes with it? And then the iteration process begins, but until we start something other than 55 --- But they haven't given us this. They've given us these maps and, frankly, I can't interpret them. I question their accuracy and there are simply visual things. It would be nice to see something tabular to go with the visual to look at proportions of overlap, something numeric in addition to this visual thing which, frankly, to me is really hard to understand.

Question: It is my understanding that a lot of that data has already been prepared in the priority vulnerable species assessment and in the process of doing that and there was a gap analysis done by species and a reserve gap analysis where it was in a reserve and where it wasn't and I would think Dr. Steidel could help you with that because they did all that and was handed out, many hand outs, many drafts, to each STAT meeting I attended. A lot of that data is already done and we do have someone from RECON who can clarify that for you.

Mitch: Let me answer what I've gotten from RECON. Bob is just down the hall from me, Bill Shaw is just down the hall from me, and Bill Manner. All team members the STAT team and when I asked them to do that, they had never done an 8 species map until I asked them to do it in January. They'd been focusing their attention – when they did a STAT map it was where can we get 3 species, the distribution of 3 species to overlap any 3 of the 55. That's what their design is. Where do you find any 3 of the 55 overlapping in space put that in as part of the reserve. And then when they tried to do connecting areas of vulnerability they starting adding on to those 3 species overlaps. It didn't matter if they were listed species or not. That's new to them. They've never done that analysis, but they have the data to do the analysis.

Question: Is it fair to summarize what you have been presenting as a pro 8 species exploration is really a need for more information before we make these decisions?

Mitch: I'll characterize this as an alternative worth investigating.

Question: Why would numbers from inaccurate maps be more accurate?

Mitch: I'm pretty confident about their data, but I think they could clean up their numbers. I don't know what makes the Steering Committee think that they have to come up with all the answers. I am suggesting that we tell them what we want to know. Starting with gross and some other technique other than purchase, they are the ones that we want to have do that work not us.

The 55 Species Map—Jenny Neeley:

I would like us to look at the listed species reserve boundary that the STAT came up with. I think they would stand behind that map as well as the biologically preferred reserve map, which we all know they would stand behind that because we listened to them in February explain how that came to be. Just so it's really clear I am going to be advocating that we adopt the 55 Species map tonight. So that we can start deciding uses. The listed species reserve map is larger than the biologically preferred reserve and

I think it's going to be easier to you folks to note this if you at the maps. The listed species reserve map includes more lands closer to the built out areas of Tucson and Green Valley. This would come into play with what Mitch was saying as far as the value of the land. I think that we could expect, for sure, that the listed species map would result in higher land values. The reason that the listed species reserve is larger than the biologically preferred reserve is because the listed species reserve would need to take into account the specific habitat needs of each of the eight species that are threatened or endangered. It does not look at the landscape at an eco-system level. In contrast the biologically preferred reserve takes a landscape eco-system approach to the reserve design. Also notice that the biologically preferred map uses much more, already protected land, meaning existing reserves. The species specific map also going to be effected if we're going to be looking at land values. The STAT started with over 200 species to be considered for coverage, through the process they ended up with 55. This type of design responds to the broadest variety of needs without focusing on any one species and assumes that a landscape approach would encompass all the habitat needs necessary for the vast majority of species that occur within the County. This corresponds to the stated biological goal of the County and the STAT. Using this approach is going to benefit from a conservation perspective because the ecosystem approach the STAT has taken will protect the integrity the ecosystem. Any land manager will tell you that ecosystem management rather than species by species management is really the only meaningful way to ensure long term conservation of species and habitat. What I would like to talk about now is how listing 55 species on the Sonoran Desert Conservation Plan is going to benefit landowners and other permittees that are going to be covered by the Section Ten Permit, because this is what I think has escaped a lot of peoples' attention. The landscape approach is more efficient, because it is able to encompass the habitats of more species in a smaller area. Since doing it this way does not require that the entire habitat for each species be protected. Doing more with less is the ultimate definition of efficiency, as any economist will tell you. Because of this efficiency, it is very logical to assume that the landscape reserve design will ultimately end up being more economically efficient because management strategies could potentially also overlap in much the same fashion and instead of managing species by species basis, the County and landowners can manage on a more holistic fashion, saving time and money. With the landscape approach there will also be more flexibility in protection measures, I would imagine. The biggest benefit to covering more species rather than less, to landowners and others covered by the Section Ten Permit, is that once the landowners have agreed to terms of the Habitat Conservation Plan and the incidental take permit is issued, the landowner cannot be required to take additional mitigation measures for any of the species covered under the plan. This policy is called 'The No Surprises Policy'; it was added to the Habitat Conservation Plan process in 1994 to provide certainty to applicants so that once the Habitat Conservation Plan was in place the federal government would not come knocking on their door demanding more mitigation measures or requirements if unforeseen circumstances should arise. By protecting unlisted species with our Habitat Conservation Plan we can reduce the likelihood that any additional listings will be needed, and if it turns out that one of those species takes a turn for the worse, the County and all of those covered under this permit will have no liability under the Endangered Species Act as long as they are complying with the terms of the Habitat Conservation Plan, whatever those terms might be. I have to be honest with you here, Larry Berlin hit the nail on the head when he said that environmentalists need to beware because from a conservationist perspective there are serious problems with the Habitat Conservation Plan program overall because for the most part Habitat Conservation Plans that have been implemented around the country have failed at protecting covered species and their habitats. In fact, many Habitat Conservation Plan and Multiple Species Conservation Plans, which is what we are working on, have made the situation worse because they allow a substantial loss of habitat, do not have a clearly stated biological goal, have inadequate mitigation requirements and have inadequate monitoring programs in place. So from a conservation perspective, up until now, adding more species to a Habitat Conservation Plan just spells trouble for those species, especially considering that these plans are in place for decades at a time. So traditionally conservationists are for less species to be covered not more. What is different about the Sonoran Desert Conservation Plan is that Pima County is committed to creating an effective Habitat Conservation Plan that does better than the rest, and so far the process that has be utilized has clearly demonstrated that they are serious about it. The conservation community for the most part embraces the STAT approach as the most scientifically sound approach we have ever seen any Habitat Conservation Plan take. The science is not necessarily perfect, but science will never be perfect. This is the best science available which is mandated under the Endangered Species Act and

therefore, it should be utilized. We are anticipating the Sonoran Desert Conservation Plan will have more clearly defined biological goals, better monitoring systems in place and will utilize better adaptive management strategies to respond to the information that we get from monitoring. In short, as a conservationist, I am taking a huge leap of faith that this multi-species conservation plan is going to do right by the species it covers and it will be more effective than plans in the past. Even though unfortunately for us, this could eventually lead to more take of imperiled species, whether they are endangered right now or they become endangered later. I advocate that we adopt the 55 species map because it is the best available science, has a higher level of efficiency and will provide more certainty to the County that Endangered Species Act liability issues won't come back to haunt them later. How this plan succeed will be measure by how this plan is managed and what land uses are allowed in each area of the reserve, not where on the map the reserve lies. Once we adopt a map we then get to decide what happens in each part of the reserve, whether we allow grazing to continue in some or all of the reserve or whether we continue to allow housing to be built, whether, frankly anything changes at all in some areas that are on this map. Those are the things that we need to start deciding. There is no cost to adopting this map. I am confused by the call for an economic analysis before we adopt a map. If we adopt a map it doesn't cost anybody anything. While I understand land use values, I don't understand how we can do an economic analysis until we have determined land use. One thing that needs to be considered besides the 55 species or the 8 species, is the rationale for the number of species that are covered. We have to provide the STAT with some sort of criteria to use to come up with a new map. I don't know if we will be able to look at anything but the eight or 55 species map, because I don't know if we have time to come up with new criteria. I understand landowners being concerned when their land shows up on these maps. But just because it is on the map doesn't mean the land uses are going to change. That is what we need to get to—deciding what is going to change, if anything, but we need a map first to determine what uses we decide to keep, ban and manage. There will be a negative impact if we adopt this map tonight. The most contentious part is coming up when we begin to decide the uses, the management, etc. if all we do is go round and round debating on whether to use the 8 or the 55 species maps, then the county is going to move ahead, the plan is going to be adopted, uses and management will be decided and we will still be sitting in this room. So I say let's use the 55 species map because, again, it is the best available science and let's get down to the issues of management and implementation.

Questions from the Steering Committee :

Question: If I read that map correctly the listed species reserve boundaries 75% or more of Pima County. Could you clarify the quality of this habitat?

Jenny: That would be a question for the STAT. I wasn't there the day they came up with this map.

Lori Woods-RECON: The most useful bit of information to take away from these maps is this: The blue areas are areas that would be incorporated into the eight listed species reserve that would not otherwise be incorporated into the 55 species. This is high potential habitat.

Question: Would it be possible to get an overlap map using the 8 species?

Jenny: My understanding is that there is not enough overlap with the eight species being considered to create such a map. So we have to look at all of the habitat for all of the species, but when you put 55 species in there then there is quite a bit of overlap because with 55 species there is more land to consider, presenting more overlap of habitat.

Question: Please clarify what is meant by landscape.

Jenny: By landscape, I mean on a large level rather than looking at it piece meal. I am using the words landscape and ecosystem interchangeably, so I hope that clarifies this, if this incorrect then everytime I said landscape, replace it with ecosystem, because that is what I meant.

Question: Do species follow political lines, for example the Indian lands.

Jenny: There is no way to compel the Tohono O'odham Nation to participate or even provide us with information. This plan cannot compel another jurisdiction to participate, so if Marana and Oro Valley decided not to come on board, there is nothing we can do.

Question: Which of the two, 55 species map or 8 species map, cover more land?

Larry Berlin: The 55 species map reserves 2.9 million acres, the 8 species map, 2.4 million acres. It appears to be more intrusive even though it's a half million acres less, because it intrudes more on private property and the path of growth.

Jenny: So the 55 species map uses more land that has already been preserved and the 8 species map, while smaller is going to use a lot more land that does not yet have management controls or other restrictions on it.

- If we had an overlay map with the existing roads and improvements we would get a better sense of the economics involved. Land values vary from location to location even in a small area.
- Assigning value to the lands is useless, clearly not all the land in Pima County is going to be or can be developed, so this may be an exercise in futility.
- We need larger scaled maps and maps with overlays so we can examine the routes that are feasible and practical.
- Because a determination has been made regarding the species in my area without anyone going out there, I feel that this study can include the Tohono O'Odham lands and other places they have not been to.

Jenny: Any habitat that falls within another nation, or jurisdiction, is not going to make a difference towards Pima County getting a Section Ten Permit.

Question: Should landowners be compensated if their land is subject to regulations and therefore a reduction in uses under this 55 species map?

Jenny: While I, as a landowner understand the concerns, I am not effected by the this because my property does not fall under the reserve. Therefore I may not understand the breath of them as well as a landowner in the midst of the reserve. But those decisions have yet to be made, so while it may seem scary that one's property is in question if we adopt this big map, nothing else has been decided so be assured that nothing else has been done with this map other than establishing a starting point from which we can start discussing these issues and other things.

Question: Could you mention again the GIS website that we can go to and look at all of these different overlays?

David: We have made copies of the GIS presentation and the website address will be given out here and in the meeting notes so folks can refer to it as needed.

WEBSITE ADDRESS FOR GIS MAPS AND OVERLAYS:

<http://www.dot.co.pima.az.us/cmo/sdcpmaps/>

- Could Larry Berlin please clarify—would the 55 species map be the preferable map requiring at the end special land use maps for some areas for some species?

Larry Berlin: I only referred to the 55 as 'preferred' because that is the label it has been given. I personally don't assign a preference to it. No matter how we look at it, ecosystem or species by species, Fish and Wildlife is going to look at species by species and grant the permit species by species. STAT and RECON got from the 200 to the 55 through an elimination process that left them with the species that effectively reflected the species in the County. When you slice this down further, to the eight that is where it becomes marginal and at this point it is too close to call on whether the Fish and Wildlife will pass on the 55 species map with respect to those eight. That is going to depend on what the land use levels are and the quality and level of management and supervision. For my money the most practical thing I have heard tonight is Gerald's suggestion that we get larger scale maps so we can identify the areas where we have use issues and management issues and we can bring those questions to the Science team, find out where there are conflicts that we can work on resolving. To adopt any map tonight would be paradoxically empty and controversial. The map is meaningless without the use assignments and the management assignments to go with it. All it will do is create more discussion than we want. Many among us have had the feeling that the county is cramming a 55 species map down our throats. Whether that's so or not, RECON now is working on what the use restrictions, use levels and management will be. They would like our help and input. This is not predetermined. This is where

both RECON and Fish and Wildlife have said that we can help them steer the outcome of this plan; this is where we can be most effective.

- I would like to see the analysis that Mitch is recommending. Could we have the county maps that I last saw at the open houses the County is holding?
- Why don't we submit to David a list of the maps that we would like to see?
- With all due respect to Jenny's presentation, using words like banning and grazing restrictions with ranchers, puts them on the defense.

Jenny: My apologies to any of the members from the ranching community if they got the impression that I was advocating for grazing restriction. The point of my entire presentation was advocating for the 55 species map as a starting point from which we could begin to make decisions.

David: We discussed previously the cost associated with making color copies of the maps from the RECON presentation, which is why we provided cd's for each Steering Committee member so you could make as many maps, as big or small as you would like. We will certainly work with the GIS department to get as many of the maps as we can for you to see. The website information that we have handed out enables you to do all kinds of map overlays.

Moving forward with developing alternatives

Jenny Neeley proposed that the Steering Committee adopt the 55 species map at this meeting. Ernie Cohen and Larry Berlin seem to be agreement that map selection needs to be concurrent with the other alternative developments. Stakeholders need to organize themselves, find out what they want and don't want in terms of lines on the maps.

Mitch is proposing a flowchart that looks at the distribution of the species within the existing reserves and within the new reserves.

Perhaps we should try to get a sense of where the Steering Committee members are on these.

Discussion:

- You only have two decisions, decide for or against adopting the 55 species map tonight.
- We could actually choose 55 species and ignore the map.
- It was worth a try to try to deal with the maps tonight. Every map is going to have some sort of biological core. The one thing that I keep hearing though, is that we have to start moving on these issues.
- It would have been helpful to be able to decide on a map tonight.
- I'm ready to talk about the number of species and then everything else I think will fall in line. We should move now, on 55 species and not the map.
- What if we put it in terms of endeavoring to develop a map with the goal of including all 55 species dependent upon on information to be developed on the uses and management

Proposal for Steering Committee Consideration—Lucy Vitale:

At the February meeting the Ad Hoc Committee set up for review and discussion as part of the general flow of actions and decisions to be taken which Caroline has spoken about. If you refer to your three page plan, the first page is that one. At the February 20th Steering Committee meetings I presented a three part strategic plan that will help us achieve our goal of preferred alternatives. A copy of that plan is before you. In evaluating the merits of this plan keep in mind some of the constraints the Steering Committee is working under. We have a looming deadline before us, we are a large and diverse group with differing needs and objectives, we must operate within the Arizona Open Meeting Law guidelines, and we must at all times try to incorporate the suggestions of the community at large. I believe this plan fulfills all these requirements with the added benefits of being efficient and cost effective. It is a win win strategy for all. It also incorporates a timeline which is page three that gives us the option of several iterations before final adoption. I would again repeat what I said before at the last meeting. Attitude reflects leadership. As members of the Steering Committee we have been placed in a leadership role. Let us then act as leaders and work together to help the county in achieving all of the SVCP goals not just the Section 10 permit. Now in front of you, if you see that your paper that was handed out – that is

my original plan. I started out with four large stakeholders and I named some members simply to say that it should involve some of the Steering Committee members. When I named the stakeholder groups I was just trying to identify large stakeholder groups, but there was an objective last time and it seemed to be mired on that top line. So I changed it, if you look up there you'll see that I changed it. And by the way, it's not just professors who use this, it's also business people. So here are the five, I put five simply because on an 8-1/2 x 11 it just becomes untidy to use five. You can have as low as two groups who will then take eight and then 55 or you can go as high as ten, twenty, as many stakeholders who want to present to us. Then the presentation would be, if you look at page three, you will see the first presentations should be on April 6th. At the same time that the presentations are being made those groups are going to present should ask the county GIS to give them color coded maps so that when they present we can then have up there overlays of all the alternatives and right away we would see what is in agreement and what is not. If there is agreement we would come down and put it in this included in this final plan any part that there is agreement on. If there is no agreement we would then have a discussion like we just did on each plan presented and then maybe have offer them some solutions or compromises and if there is further agreement we would put it in the final plan. If not we would go back into the first, second, and third reiterations. On page two are the parameters within we must all work. The first of it is STAT map of 55 species. Right there and then it tells you work with the 55 species map. If you don't agree it tells you can go either 55 or 8 or some other number if you want in between. OK. So that as long as you do you work within all of the parameters of page two. Okay, so I also wanted to say – here's page two if you could put it up please that way I can refer to it. If you go to the fourth from the bottom where it says groups to present reasons, that means valid justification. The US Fish and Wildlife demands of any alternative plan that we offer that there is valid justification. So for any of you that want to present on April 6th or a date later you need to give us the valid justification of what why you're using that plan and why you're using the configuration on the different maps. I only request that when you ask GIS to do your maps to have it color coded so that we come and put them up with the overlays we can see immediately where the disagreements and agreements occur. And finally, on the final one, no majority of the Steering Committee membership and any individual group it's because of the Open Meeting laws. If you remember the lawyer told us back in November that no large group of the Steering Committee membership or a percentage should agree beforehand on one alternative because that would be presetting the vote. So that's what I said about the final point. Now we go to the – do you have any questions, by the way, as I'm presenting? About the first page. If you go to the third page, which is the timeline, I took it to be March 6th is supposed to be when we would adopt this plan of how, not what we are going to plan or anything. Just what the process is going to be. If we decide to adopt it then everybody needs to – whoever wants to present –whatever stakeholder group wants to present then needs to work because by April 6th we need to make the presentations. When I put that it was assumed at the time that March 6th and March 16th were going to be the RecTAT, the cultural, the historical, the ranch team, and the mining teams were going to present. But now we have one, the ranch team is going to present on April 6th so instead of three hours we will only have two. So we are already late people. Between April 6th and June 1st is when we have to have the final plan, the final discussion and adoption because then SIMG has to take that plan with the GIS Department and prepare it for our final vote on June 19th so that July 1st we present the Board of Supervisors. Now in between the gray areas are the times between meetings and what the groups are supposed to do. It says four groups, but actually ignore that and just as many groups or as few groups as we present to us. If you have any questions, that's the plan.

Question and Discussion:

- It's up to us to divide ourselves into groups however we see fit and to come up with an alternative. Each of these groups, should request assistance from perhaps a Fish and Wildlife person or someone who works with RECON to sit with us and help go through and figure out how to do this. We may need to flip one meeting's work because of the change in presentation. Perhaps we'll do this on April 17th instead of the 6th.

Lucy: April 6th can be some of those members that are ready because they will have a longer time of discussion and iteration.

- We need to ask for the information that tells us what the consequences of these decisions are to be put in map form simple enough that we can understand it

Lucy: Part of that is that whoever is presenting, going to present, can ask - go and ask the county, ask RECON. In other words, whoever want, whoever is presenting, that's part of it, that's why I broke it up away from all 75 of us.

- My proposal is to accept Lucy's process that she has presented to us, *in concept*, and we can work with it and tweak it as we go along and put it into action. We can make some changes to it and make some new suggestions. With the expectation that stakeholder groups would organize themselves by the April 6th meeting to be able to present not the details, not the final details, but the framework of their alternatives. So we can identify who the stakeholder groups are.
- No, I don't think that's the right way to go. Period. Until these group identifies, until they get organized-- just to say we're going to make them up, and everybody has to come to the table by the 6th is sort of silly. Who are these stakeholder groups?
- If for example you are a developer, you simply get together with Alan Lurie and Chris Sheafe and whomever else you want to on the committee and then draw from other people who are on the committee who you think have the same opinion and come up with an alternative.
- Call to question. Who disagrees with the proposal to accept this proposal in concept with refinement as we move forward. Stakeholders can identify themselves between now and April 6th to be in a position to prevent the framework of their proposal and alternative.
- Disagree, we can't have a presentation ready by April 6th.

Lucy: I started with April 6th but if you're not ready, you don't have to present April 6th. If she is ready, she can present and we can discuss it. You can come later.

Issues for future meeting agendas and new business:

- Make the April 17th study session a meeting and then we do it by mid-April. Between now and April 6th the stakeholder groups that want to organize themselves and at some point present alternatives, let David know who you are and he will work with arranging the connections between the Fish and Wildlife Service, between RECON, and between the other resources needed to develop a presentation pending county approval. Obviously only the county can commit money. A status report of support on that process will be made at the April 6th meeting.

Call to the Public:

- The Sonoran Desert Conservation Plan website needs to be much more informative with regards to meeting announcements and agendas.
- It would be a good idea to find out what happens if the County is not granted a Section 10 Permit.
- Could we receive more information on how the department of Fish and Wildlife tracks these diverse species?

Meeting Adjourned 11:30 am

SDCP - Steering Committee Study Session
Casas Adobes Baptist Church, Palo Verde Bldg.

Saturday, March 16, 2002 – 8:30am to 11:30am

Meeting Notes

Participants: See attached sign-in sheet, David Steele Maeveen Behan, and SIMG staff.

Speakers: **Ted Eyde, President, Gadsden-Sonora Holdings; David Cushman, Cultural Resources Technical Advisory Team; Randy Gimblett, Chair, Recreation Technical Advisory Team; Pima County Supervisor Sharon Bronson; Pima County Administrator Chuck Huckelberry.**

Documents made available to the Steering Committee members at the meeting:

- Letter from Dr. Melnick, Morrison Institute to David Steele of SIMG
- Letter from David Steele to Clerk of the Board Lori Godoshian
- Presentation from Sonoran Desert Conservation Plan Cultural Resources Technical Advisory Team
- Updated Agendas
- Comparison of Multi-Species Conservation Plans and Implementing Agreements

Meeting Commenced at 8:30am

Meeting commenced with 37 Steering Committee members and 18 members of the general public. **David Steele** opened up the meeting by introducing himself and reviewing the agenda.

Logistics for the next meeting:

Saturday, April 6, 2002

8:30 am to 11:30 am

Tucson Estates Multi-Purpose Room

5900 W. Western Way Circle

Mineral Exploration in Pima County

Introduction—Jonathan DuHamel: **Talked about exploration for mineral deposit, mineral wealth and production.**

- **Had maps that showing the areas of critical habitat for mineral exploration and production in Pima county. The maps showed areas considered essential by the US Geological Survey, areas critical according to the local geologists, those that the USGS thinks have hidden mineral deposits, undiscovered mineral deposits, based on certain evidence and the industrial minerals, that need to be locally sourced.**
- **Overlay of this map on the biological preserves shows areas of conflict and large areas of no conflict. The mineral potential of the county is important, provides jobs, taxes, and drives part of the economy. Also there is a property rights issue.**
- **Jonathan introduced Ted Eyde, President, Gadsden-Sonora Holdings, past president of the Society for Mining Metallurgy and Exploration, an international society of professionals.**

Presentation—Ted Eyde, President, Gadsden-Sonora Holdings: **Addressed aggregates and industrial mineral resources or non-metallics in Pima County.**

- **Aggregates are commonly called sand and gravel. Arizona is the third largest producer of aggregate in the United States after California and Texas.**
- **Aluminum clay deposits used for bricks and in the manufacture of cement. Ground calcium carbonates--marble, used for filler extenders in plastics, joint cements, adhesives, swimming pool plasters, power plant scrubbers, limestone for cleaning and as architectural aggregates used in fronts and lentils in buildings, ground cover, and animal feed supplements.**
- **Pantano clays near Benson are the only source in the entire State of Arizona of high alumina clay suitable for making facing bricks and tiles. Alternative source of alumina for Arizona Portland Cement. Dross is what you get when you melt aluminum.**
- **2000, according to the US Geological Survey**

Produced:

Value in Millions

59 million tons of sand and gravel	304
8 million tons of crushed stone	48

- **Evaluation of aggregate resource potential of the Tucson metropolitan area which includes Marana, Oro Valley, Tortilita, and Green Valley done in 1995, shows that Tucson, Pima County has some land use constraints built into the county that may cause significant increases in the cost of construction and public works in the next decade.**
- **There are 70 of these pits, formerly mines, filled with garbage in the washes where they get plenty of exposure to water and cause a real potential contamination all along the Santa Cruz River.**
- **All minerals are withdrawn on federally owned lands. There are no operating properties on the reservation or in the Saguaro National Monument and the San Xavier Indian Reservation.**
- **The sand and gravel deposits and debris that washed down the mountain leave a big fan at the base of the mountain.**
- **Driving on I-10 toward Phoenix is where the Canada del Oro enters the Santa Cruz River and there's a very large pit there that's owned by Tucson Rock and Sand. That has been mined for many, many years and it's near depletion.**
- Fee land is when the surface and the mineral are owned by the same company or individual. They own the surface and the minerals as well.
- We posted the location of all aggregate deposits on maps of what's called the surface geology because that's what you're really concerned with. Sand and gravel is near surface.
- This word litho logic – means layers of the same sand and gravel that you could project. We located on the ground and then we projected it off and away from the property. Checked the air photography to locate any large channels that might be there or areas where drainages came together which were very prime areas to look into. Examine the producing aggregate deposits to determine whether or not they were suitable to making concrete. Determine the land status and ownership of the potential aggregate deposits.
- The Indian Reservation has significant sand and gravel occurrences on. We're boxed in on the east principally by the national forest lands, the Sahuaro National Monument East, San Xavier, and Santa Rita Experimental Range,
- The Catalina Foothills were originally called stock raising homestead lands. These were lands that ranchers could acquire from the federal government in parcels of 640 acres or one square mile. Except the minerals underneath were not conveyed. So in spite of the fact that they're privately owned lands, the sand and gravel belongs to the federal government.
- After the sand and gravel is gone, they filled these things up with garbage, car batteries with lots of lead in them, all sorts of biochlorinated phynalic materials, plastics, paper, organic matter of all sorts which decomposes and forms methane, the Hilton Hotel just before you pass the Pantano Wash is built on a landfill that was active in 1959. Of course, that emits methane and they actually had to design a methane drainage area on that. That wasn't probably the best place that you could do this but they built the hotel there anyway.
- In Arkansas River near Pueblo, Colorado they actually made a deal with the Colorado State Parks Board after they mined, they filled it with water, stocked it with fish, they installed trails in it, beautiful area. The same thing is done in Boise, Idaho.
- We have 70 landfills along the Santa Cruz many of which are managed by the county. You have a sewage facility here but the discharge is so high in ammonia nitrogen that aquatic life can't live in it. They fixed that in these other areas. Fortunately they have a little more water to dilute it.
- Most of the large aggregate producers such as Vulcan Materials and others have large real estate departments to develop these lands. Because of the gravel on the bottom of these things, you could recharge CAP water, you could recharge sewage if it was treated and the ammonia and nitrogen removed from with.
- So there's a real opportunity in the Tucson area to develop along the Santa Cruz River and make real parks out of it with running trails along it and things like that. You'd have not conservation you'd

have enhanced preservation, which means it would be better afterwards – after it was mined than it was before.

Discussion and Questions:

Question: What about mine tailings like down there in Green Valley, running that material through your process? Is that possible? How do you acquire mineral rights on your property.

Ted: Mine tailings are ground very, very fine. You have to have coarser aggregate because it's the aggregate that contributes the strength to concrete. To acquire mineral rights – for sand on gravel and federally owned land you get a materials purchase contract, pay the federal government 50 or 75 cents a ton for the material removed. On state lands for sand and gravel and common materials, you pay approximately 60 cents a ton royalty for those. But you have a purchase agreement with them. That's the only way that you can acquire these things on federal or state lands. On private lands then you deal with the owner and you'd probably pay him about the same thing or possibly he might sell it to you. Split or state lands are difficult to deal with. I can only discuss the sand and gravel operations and the aggregate

Question: Calmet leased the state land site near Copper Creek School. Oro Valley has now purchased that to make a park. They hope some day if they can pass a huge bond. We noticed some really strange looking things left behind like lime green ponds, or a funny color of water, like neon lime green and there was smoke that was produced. There was a lot of public pressure to get that Calmet operation shut down. As you pointed out, it's not compatible with urbanization. What was that that was left behind?

Ted: That was probably their wash water. In sand and gravel operations you usually have three pits. Your first pit is a settling pond for the coarser materials. The second pit usually gets most of the clay and the third one is usually clean. In Arizona, if you've ever had a pond in your yard, I will tell you it turns green because that's called algae. That's what grows in it because the nutrients are there and the sunlight is there. It's harmless but it doesn't look good. It probably depends on the kind of algae.

Question: Could you tell us the percentage of the area and to what extent the life of those areas are from a protection standpoint?

Ted: I can't tell you the number of acres in the Tucson area relating to sand and gravel. It isn't terribly large because most of them were filled as I said. But it was what it was filled with that was the problem. The rule of thumb for most sand and gravel operations in Arizona and most other places, they require approximately 80 acres of space to provide for the equipment and to provide for the pit and to provide usually a reserve at least 20 years. So 80 acres is a minimum size that they usually can deal with. Used to be able to get 20 years of life out of it in the Tucson area. It all depends upon the amount of growth that you have in the area.

Pima County Supervisor Sharon Bronson:

I want to give you just a sense of where the Board is in relation to the economic analysis that needs to accompany any Environmental Impact Statement permit.

- It's on the agenda for Tuesday. What I fully expect is that we will move forward. We have 2 choices. We actually have all the data. We've given it to Morrison in a GIS format, multiple layers, over 600,000 layers, bits of data.
- We can do it in-house or we can do it an RFP outside. If we do an RFP that will probably delay us by 45 days to 6 months depending on the responsiveness as we seek that RFP. What I will personally make is a commitment but understand I have to count to 3. So even if I make the commitment, that's not the Board making the commitment. If we do make the decision to move forward with an RFP we will make sure that we appoint 2 people from the Steering Committee to be on the review team that reviews the RFP so that you will be there and the public would be heard.
- Second, several of you have asked and contacted my office and I think other supervisor's offices asking that the voluminous material that we produced be made available free of charge. Here's what we're going to do. We're in the process of putting it all on CD so that you can take it and stick it in your computer at home and look at it. This is where I need your feedback. We want to set up maybe 3 or 4 sites for lending libraries where we will deposit all of the materials that we compiled to date and you or anybody can go and check out those materials. We're looking at libraries perhaps, or perhaps you have some better ideas. Then we will try – I can't make a promise that we'll be successful – it's really quite expensive. When I started looking into the cost of reproducing it, the color copies are really very, very pricey. We may look at in some instances on some documents that you feel are important making

them not available for free as color copies but perhaps as black and white. If you get the copies from us or from the library, feel free to photocopy them. We're not going to stand on copyright here. It think it's important that we all have all the information we need so we can make the best-informed decision. Let me hear from you your sense of as we move forward we try to put the copies in various locations where you think or maybe you can tell David and he can let us know afterwards where you would like to have this stuff available.

- I just want to reiterate, the Board is committed to moving forward with the Sonoran Desert Conservation Plan, particularly with the Section 10 permit, that's our focus now. We hope it's your focus. I want to congratulate you for the decisions you made last week. We're moving forward.
- With the economic analysis what we're going to be doing. Maeveen and staff have prepared for you the economic analysis that other communities looking at MSCPs have done. The Board is committed to the conservation plan as a whole, which is much broader in scope than just Section 10 Environmental Impact Statement permit. We are committed to getting that Environmental Impact Statement permit. We would have liked to see a recommendation by July 1st, but understand we're probably looking at sometime between August and December. By the time you come back to us with recommendations.
- What we want to see in terms of the economic analysis is what happens with a no action alternative. I think you agreed on the 8species alternative and then the 55 species. I think those are 3 good benchmarks. Certainly it's an interim process and we can look at things in between but I don't think that's going to be very helpful.
- I think you want the very maximum coverage of the 55 and then look at the 8, which is probably the minimum in terms of what's on the endangered or about to be listed. Category in the end if we do nothing.
- Again, I want to thank all of you. If know this has been a along process and sometimes not a cohesive process. But thank you all for sticking in and because of you I think we're going to have a vision for Pima County that's going to make us a very, very special place. Thank you

Cultural Resources Technical Advisory Team – David Cushman: Cultural resources staff person with Pima County talked about the cultural resources element and what has been done over the last 3 years. He reviewed the process used in collecting information and data then compared the cultural resources data to other kinds of information that have been collected during the course of the planning for the conservation plan.

- The reason why we have a cultural resources element in the conservation plan is because the citizens of Pima County value their cultural heritage. The county has had a long commitment to preserving cultural resources really since the early 1970s and starting in the mid 1980s passed land use regulations that affects rezoning and grading that apply to development and that require protections of cultural resources.
- Archeological sites of prehistoric and historic in age include: historic buildings and structures including engineered features and bridges, roads, historic landscapes, parks, and streetscapes. Traditional cultural places which are places important to the cultural practices or beliefs of living communities that are rooted in the community's history and culture.
- The cultural and historical and technical advisory team, about 26 people, with representatives from every major federal agency, as well as some state agencies, was created in June of 1999 to assist the county in developing the cultural resources element for the conservation plan. They're archeologists, historians, and architects, and experts in historic preservation.
- 5 support teams on an ad hoc basis to solve particular problems have been working very closely with the technical advisory team. He then introduced Terry Madusky, a member of one of the technical support teams. The staff has produced 9 technical reports and 5 other reports have been prepared on contract to Pima County.
- The process began by collecting, compiling and presenting in comprehensive manner the baseline information about the kinds of resources where information has been collected over the last century.
- There are very large sections of eastern Pima County that have never been formally investigated and which potentially contain large numbers of high value archeological sites. Experts believe that the highest concentrations of archeological sites are along the riparian areas in proximity to water.

- Over the years there have been over 2400 archeological survey investigations. A little over 12% of eastern Pima County has been inspected. Over 3500 sites, and we're finding one archeological site every 84 acres. There are 4000 historic buildings have been recorded, most in the Tucson metro area, 9600 National Register properties. There are 26 historic districts, 13 historic communities, 10 ghost towns, and 3 historic trails, and 5 traditional cultural places,.
- The technical team thought that it was important to tell the county which of the thousands of known cultural resources were the most important so that these places could be considered for conservation. PCRs, are places of such extraordinary importance to the history and culture of the citizens of Pima County that their protection is warranted in the public interest. 70 archeological sites were selected out of the 3500. They represent about 3000 years of human history in eastern Pima County
- 3000 known archeological complexes within 29 areas that span about 7000 years. The median size is over 5000 acres and collectively they cover about 181,000 acres, which is about 7% of eastern Pima County.
- He showed different architectural examples, buildings, houses, and bridges from different eras in Tucson a Pima County history.
- The archeological record is the only record that contains information on human interaction where the environment over long periods of time. There's no other source for that information.
- Areas with high value natural resources and cultural resources –are places that we should be looking at for conservation purposes. There are other areas that have very high cultural resource value where the biological values are low so we're going to have to figure out other means of protecting those resources.
- Cultural resources in Pima County are very old. Every major time period since the end of the ice age is representative in Pima County. These resources have scientific, educational, recreational, esthetic, and even spiritual values
- Pima County is going to have to develop incentive based programs to encourage private land owners to work to protect these cultural resources and at the same time reactive land use regulations which control land use that adversely affects cultural resources.
- Conservation will require the cooperative efforts of multiple federal, state, and local government entities working with private landowners and the public at large in order to achieve common conservation goals.
- In summary, there is a need to develop an adaptive management strategy in order to make this work over to work over the next 30 to 40 years. Conservation is achievable as a long-term large-scale cooperative effort.

Discussion and Questions:

Question: My problem with rock art is when I investigated the state records or all the best records that are available on where rock art is all that really is known by anyone is possibly our location. Not even a GPS location of where the sites are. Nobody has gone in and recorded the rock art sites. GPS locations and these are being plundered at a phenomenal rate right now. I'm sort of suggesting that the county come up with a means of – maybe a volunteer program to record known sites working with the Rock Art Research Association.

Mr. Cushman: As you pointed out, they're being lost now . So that's an excellent idea. Pima County has been working with a site steward program to get people on the ground to monitor cultural resources that are on county land, but it's the kind of thing that needs to be done on other public lands as well and to involve private landowners who are willing.

Question: Aren't these areas protected by law?

David: The location of archeological sites in particular are protected under state law because so many of them have been vandalized and all it takes is one person to do the damage even though thousands of people want to save something, if one person acts irresponsibly then the resource is lost. What's required is finding the balance between letting people know about these things and inviting them to participate in protecting them and keeping some of that information withheld from others. I'm not entirely sure how we do that but I think that what you can do is to inspire people to work with the county, in this instance, to protect this place through, for instance, the site steward program. But what you don't want to do to broadcast the location of these things publicly because then you end up losing the resource that you're trying to save.

Question: When can we expect the development and implementation of recommendations in a form that will be really useful to us in correlating with the biological in particular setting recommended levels of use or use restrictions and recommended management structures?

David: We can provide you with this information in a number of different ways. One of the easiest ways, of course, is to print out large-scale paper maps, which show in even greater detail the information that's presented here on these slides. That's something that we can make available to the Steering Committee – and mount them on boards or give them to you rolled up. That's one way of doing it. The other way of doing it is to put that kind of information on CDs and make it available to you to see on computer screens, on laptops and things like that. Whatever your pleasure is but it's important for you to have this information.

Question: Are there no laws to prevent developers from turning archeological sites into golf courses?

David: No, there really aren't. There are laws that would require that excavations be done and information be gathered, etc. etc. but that's not conservation. That's just another kind of consumption. Turning archeological sites into reports that sit on shelves. We're talking about keeping these places in tact and on the ground. There are a wide variety of things that can be done to facilitate conservation and development at the same time and those are the kinds of things that we'd be happy to talk about with Marana and the state if they're interested.

Recreation Technical Advisory Team--Randy Gimblett, Chair: provided background on what has been done in terms of the recreation task force.

- Studying how people move through environments, impact settings, looking at a lot of tourists activities, continued use, the increase use, recreation use, and the impact associated with those uses on lands, where people recreate, how long they spend, the kind of activities that they come here to do, and in particular the kind of opportunities that exist within the county to do those kinds of activities.
- Unbridled access degrades the natural environmental settings. Traditionally recreation has not been considered an important element, but it's extremely important because of social impact, visitor environment relationships essential to achieving balanced policies that are both biologically and socially sustainable.
- Balance between public use and environmental protection is needed. It doesn't mean inhibiting activities, it means balance with other activities and the resource values. Public input and support are essential in providing resources required for recreation while insuring long-term protection.
- One of the biggest problems that we have in the recreation management arena is trying to understand the volume of use. How much use can a landscape take without it eventually deteriorating to the point where we not longer have the kinds of recreation opportunities and associated biological values that we need.
- Evaluate and assess current science and land/recreation management techniques but strike a balance between conservation and natural resource based recreation.
- There is an economic benefit as a result of providing a good amount of recreation opportunities that meet the demand. Access issues to both public and private-- where the potential is for access, where the potential is for conflict, and then how do we begin to deal with some of that in terms of recreation opportunities. Equitable opportunities for all people to participate.

Discussion and Questions:

Question: Do you have participation from Game and Fish Department on your team?

Randy: Yes

Question: Have you addressed the impact of dogs on the landscape and the need for individuals to have a place where they can run their dogs as well?

Randy: That will be an issues that will probably will come in terms of the conflicts of use and the kinds of activities that people prefer to do in these types of settings and I don't know if that's something that we'll deal with specifically as an issue but it sure will come up unless Carolyn has the solution to this already.

Carolyn: I just wanted to announce that since Randy has been out of town there's an organization that has been formed, I think it's called National Adventure Dog Association. It's getting involved with the recreation

technical advisory team and it's been formed to educate people about how to take their dogs and be good stewards or for their dogs to be good stewards. Also to lobby for access for dogs. That's a new one.

Question: When can the Steering Committee expect to get specific recommendations with regard to levels of use and management structures for particular areas.

Randy: There isn't a lot of information about that right now. So it's either going out and using some existing statistics that are out there, which aren't very good, or a matter of going ahead and actually collecting some of that data ourselves or employing somebody and we're already doing some of that now. I would say over the next six months you should expect to see some information about use levels in certain areas that are going on within the county. But I would say that this is sort of longer term venture in terms of I think you really need to go out and start seriously thinking about how to collect that kind of data, how to monitor that kind of situation.

Question: Are hunters also on your group and being considered, and on your team.

Randy: Yes. In fact, we have met with several of the groups already and will continue to meet with them over the next year or so.

Question: We're here to get information, so that we can include this information in our planning process. If this is just an exercise in giving us information, thank you very much for it but I think it's real important that if you guys want this included, and I think it should be included in any land use plan that we have it post haste.

Randy: I totally agree with you. If I had had the last three years to do this we'd have the recommendations for you right now. We're working as quickly as we can. We've convened. I think we've identified the issues. We're moving ahead. I can give you some facts and figures if you'd like that. But I have to tell you something that the information is simply not there. In fact, it's a disgrace that the information hasn't even been mapped to begin with. So we as a committee are moving forward you with what we can provide you. As soon as we can do that, and I would certainly like that to be incorporated into what you're doing. We haven't spent any county money yet. This is totally committee, my work, my student's work, and the University's work. We've contacted a number of groups and we're still working with them. I have to say that some of the information that exists is collected in a different fashion than I think it should be collected in. It doesn't tell you much about the distribution of how that happens. It tells you that people are coming in there, but it doesn't tell you where they're going and what the impacts are that they're having. That's the kind of information that I think you need to start looking at these impacts and incorporate that into what we're doing with endangered species.

Questions from the Public:

Question: Where can a person get a list of the groups that you're working with?

Randy: If you contact Theresa here, she has a list of people who are working with us.

Question: Is the lack of scientific, systematic or comprehensive surveys, your principal obstacle?

Randy: That's one of the obstacles. But that's one that we've had to deal with that we didn't know was existing when we first began but now we're understanding that --it's hard to provide numbers on something you don't have information for.

Question: How do you propose the dynamics of that, and particularly climate change will be occurring into this?

Randy: Those are going to be accessibility areas, they're going to be sensitivity issues related to recreation, there's a whole variety of layers, opportunities. We might even decide to run an opportunity spectrum analysis on the whole county to find out where opportunities exist for recreation based on natural resources. There's been a variety of efforts. We're already doing that in terms of mapping some of that resource. Regarding dynamics we'll incorporate as best we can the long-term statistics that have been incorporated. I think the biggest challenge right now is figuring out what we got. I think we need to think a little bit clearer about one thing projecting down the road but it's another thing figuring out what we even have to begin with. I think we're at that, I hate to keep saying it, but we're at that really baseline stage of saying, what have we got here first of all, and then let's reconvene and figure out where we need to go with that information in lieu of some of the information that we're seeing from the long-term projections as well as what other teams have provided.

The Morrison Institute Issue

The Comparison of Multi-Species Conservation Plans and Implementing Agreements was handed out to all Steering Committee members present. David Steele noted that at the last meeting the Steering Committee set up a schedule for stakeholder groups to begin the frameworks for their alternative proposals, alternative recommendations for habitat conservation plan, keeping in mind the July 1 deadline. The questions of how the Morrison Institutes' action affects the timeline, where did Mr. Huckleberry think the Steering Committee could go, and what opportunities are there for the Steering Committee to help, were addressed by Mr. Huckleberry.

Pima County Administrator Chuck Huckelberry: Let me try to answer that as distinctly as I know knowing that the Board is going to discuss it on Tuesday.

- The timeframe with regard to the economic analysis we had hoped we would be getting information clearly probably in a month or 2 to coincide with your July date.
- The Board has a couple of options before it on Tuesday. One is to re-scope the environmental impact statement economic analysis and then craft a request for proposals, send it out to the community, see who's interested, who wants to respond based on the scope. That we can do fairly quickly I think from our perspective because you can look at all these economic analysis plans and they vary from in Austin, 3 sentences, to a little more complex in other more contemporary plans.
- The Board has a couple of options, I could say county staff, you got the data array mass and we have a number of individuals working within the county who are qualified from the perspective of economic forecasting impact analysis in our various departments. It could be done with our own staff, which means you're going to get your data and information a lot sooner, however, obviously, because it is done by county staff, it may be by some people suspect and then require some type of peer review in itself. So that's an option.
- Another option is to do this request for proposal process. If that goes forward I have never seen a request for proposal get written, advertised, responded to, evaluated, and a contract awarded in less than about 90 days. That means that at the bare minimum a lot of this discussion is pushed back 90 days depending upon whoever then receives the contract. Then they have to say, well I can do this work in 45 days, I can do it in 60 days, I can do it in 90 days, and I can do it in 120 days. We will probably, in the RFP process, if the Board in fact goes to RFP we will probably ask them, can you do it in these many days and what would be the price? What happens, is it's a matter of the function of if they want it done quicker, they have to put more resources to it, and therefore the cost goes up.
- So those are options that are raised can be achieved in the RFP process but if we were to start RFP today or Tuesday, it's probably not until about 45 days until we then have the array of respondents. Meaning firm X, Y, and Z and then on what they can do, what their view of this economic analysis is. Then in that array we'll probably ask for, if you can do it in 60 days what would be the cost, if you're given 120 days what would be the cost? My own general feeling, not based on anything at all, not based on science or facts or all the rest of that, is that we're probably looking at being pushed back to at least about December 31st from the same timeframe that you were thinking July 1st. I just want to be realistic and let everybody know that it's not as if we're going to snap our fingers and this is going to appear out of the blue.

Discussion and Question:

Question: If we do have to wait on the economic analysis, how does that affect our input on the Section 10 permit decisions? How do you respond to Rob Melnick's comment that the county data was not received on a timely basis so that's one of the reasons why they had to break their contract with the county.

Chuck: First the Section 10. The Section 10 can't be completed without the economic analysis. All the things that the Steering Committee can participate in as you read these documents on implementation, which is really one of the other steps that's important to you. Implementing agreement is that you get all these arrays of things that can be done to manage the resources in accordance with the goals which, in the case of a Section 10 permit, long-term survival of endangered species, or in the case of whatever you finally choose, to be a list of priority vulnerable species whether it's 55 or whether it's 8. So you still have a lot to be based on. I looked at the minutes and notes of the meeting ten days ago and I think you made significant, substantial progress that was almost light years in the space of an hour and a half. I think you still will have a lot of those discussions that occur. There's tons to do even without beginning to look at the economic analysis from the perspective of there are things that deal with implementing agreements that have – and things that the county has and can do in the issue of what we normally do in regulating land use will have very little impact on the actual economic analysis.

With regard to what the Morrison Institute says, I think it's pretty – one of the things that we don't want to get into is a finger pointing contest, but the data is there, has been there, always was there, was delivered on time, was delivered en masse. If any of you know anything about the county's geographic information system, you know it's one of the leading systems in the country, it's based on fairly stable state-of-the-art technology. Stable meaning it's about 1990 technology. It's not as if we're trying to take a 2000 year experimental GIS system and push it on to somebody. I think it's fair to say that we completely what Mr. Melnick has said.

Question: If to write RFP, is the way to go, how can we get some insurance against this kind of thing happened again and what kinds of firms are out there that you can have some confidence in?

Chuck: We're going to completely spell out our GIS system. It's dimensions, it's capacities, the data sets they have to use, and the data sets they have to manipulate, the 350,000 tax parcels, for example. If you begin overlying sets on top of that you get into what we call monumental data management tasks. We will probably participate in that. One of the things we may do is make the respondents come down, sit and listen and watch and go through our GIS system so they know exactly what they have.

Question: Could you go into a little more detail about the County doing this work themselves? Do you feel that you have the capability to do that? Does the county have an economist with the capability? Would it be a team, would it be more accountable to perhaps some, I wouldn't call it peer review by the Steering Committee but some kind of involvement in terms of monitoring it any making sure that it's on the right track. Now that we're finally getting educated on things, we know the questions to ask. And then one final comment is that one fellow that's been involved in this, Harold Barnett, an economist, has been working with the county to a certain extent on the Steering Committee that it was brought up that perhaps that he could work with the county and help to frame the questions and monitor it as well. That's a lot of issues, but if you could respond to that.

Chuck: First, I think in accounting we obviously have the capability to do the analysis. Particularly the capability when it deals with the issues of taxation and land use and future land use and the differentials thereof and land use regulatory policy. That's our expertise, that's what we do. With regard to gaps, yeah there're probably gaps in certain economic elements that obviously we're not going to have the expertise in what we call ranching economic analysis or some of the others, maybe the mining, or this, or that. If we could then do very similar to what we've done in constructing the biological element of the plan. That has been to have kind of one over all particular consultant, which we did, we could act as the coordinating role and then bring in a series of sub consultants on typically minor contracts at not great expense. That's the model that I would say would be a "county economic analysis model." The other model is you just turn it over to a firm who comes in and gives you a bid and they put together the sub consultants. That's the only real difference. It's usually a lot more expensive on the firm side versus the county side. Historically we've seen that happen all the time. Then you're right. The problem is the trust of the county.,

Question: In terms of pacing our work, what else, if anything, should we expect from the economic analysis that will be tools that we need in order to go forward or in order to complete the work?

Chuck: That's almost that chicken or egg kind of question. I don't mean that to be funny. What the problem is that some of the tools you in this committee may say, well we think the only option is acquisition in certain areas. We can certainly calculate that in a dollar magnitude and give that to you. But there also may be other management strategies that could be employed that are significantly less costly than acquisition. I guess what my question would be is what we have do is get ourselves in a position to be able to portray the differential cost of those alternatives that you might come up with during this deliberative process. Somewhere down the road as we get into this whole alternatives and implementation, we have to become a lot more interactive with the committee as the county resource agency. Meaning if we say, we need to go out and buy these 6 ranches because we think there's something there. We can say, here's what we think the cost of buying these 6 ranches is, here's what we think the cost of the economic losses associated with the production, tax base, etc. We can give you all that. Then the next question will be, is there management structure that could be put in place as an alternative to acquisition such as development right acquisition? And then what do we think that's going to cost. Or is there something that's kind of emerging out of the northwest called stewardship agreement where it's perfectly legitimate in the northwest Oregon and other communities now to come in and buy down ranchers' grazing least cost from the state or federal agency. Just simply pay it as a matter of course, keeping them operating and ranching. Those are the alternatives we can portray for you. But we also need the feedback from you. But that's what you like to see as a committee.

Question: If the County staff does the economic analysis, could we use Pima County peer review? Would you agree that the Steering Committee should continue as though the July 1st deadline still exists and incorporate the economic analysis when that is completed?

Chuck: I would agree with that because again; these are just simulations – it's like playing a simulation game where you basically say, these are a series of future alternatives that we want to look at. We do not have to have the economic analysis yet. And all of these things with this day and age of high speed data analysis computers, you can play as many future scenarios as you wish and then it gives you a feeling as you begin to narrow in on the alternatives, you begin to narrow in on what is reasonable and right, you may find that the economic analysis turns into 3 sentences just as it did in the Austin plan. I think it's – I don't personally view this as a setback at all. I personally believe that the progress this committee made on Wednesday is a major step forward and so now what we need to do is figure out how to begin to work and provide a lot of answers to this committee collectively. When we talk about collectively I think a lot of people didn't believe me when this process started because we had the whole concept of county steering you in the direction. We had the next what I call the evolution of life was the county just abandoned you. Talk among yourselves for a year or 6 months – 9 months. We have now, I think, the new era, which says just exactly how we started. You collectively as a Steering Committee represent the diverse views and values of this community and you should be the one deciding collectively what this plan looks like. So I think we're getting right back to that basic theory to where we can actually get to work, start throwing the alternatives up there, and saying I don't like this, I like that and reach a consensus on a lot of these things and reach consensus on implementation strategies and reach consensus about what we should acquire and what we shouldn't acquire and what we should do to manage the plan.

Question: A lot of folks have tried to separate the need for a Section 10 permit from the bigger plan of the Sonoran Desert Conservation Plan. I heard Ms. Bronson specifically say that what we needed to get was a Section 10 permit and to that end the economic analysis was going to show us the no action alternative, the alternative for the 8 species and another one for the 55 species. Is that not your understanding?

Chuck: Yes, the Sonoran Desert Conservation Plan is a bigger, broader perspective long-range vision than just the Section 10 permit. However, the Section 10 permit is really kind of a focus of our present planning effort. For example, you heard a presentation this morning about cultural historical elements of the county. That has nothing to do with the Section 10 permit. But it is part of a bigger, long-term vision of the county and the Sonoran Desert Conservation Plan. So we also need to kind of keep that in mind too. You're right, the objective is, and the real meat of the deliberation will be the Section 10 permitting process. But it does not mean that your opinions are not valued in any of the other components of the plan or the longer, broader vision of the plan.

Question: Could you please address why the original study that the Morrison Institute was doing did not look at the revenue flows of tax revenues to the county?

Chuck: Sure, absolutely. The county is well equipped with a complete tax base analysis existing in future conditions as well as historical trends in valuation very, very easily. We are the experts in tax base, assembly tax base analysis. The entire – we can tell you – what the contribution the tax base was by economic component, by where it's located, and we can also tell you that if, in fact, that resource in basis is extinguished what it has on the balance of the base. So that's very, very kind of easy analysis and that can be done by the county. We'll be happy to do it. We always figured we're doing it anyway and we'll be doing it at the same time. We get that question every day, day in and day out. For example, I got that question beat into me time and time again when the county acquired Canoa Ranch down south in Green Valley where all of a sudden as a county were taking 5000 acres off the property tax rolls and we were basically going to then, in this particular case, burden the Sahuarita School District with all of a sudden that tax base revenue being removed and what it means is they need X amount of dollars. All the rest of the residents in Green Valley pay taxes. In this particular case we can demonstrate that the removal of Canoa Ranch from the tax base was equivalent to 5 single-family houses paying taxes in Green Valley. It had no impact whatsoever. Then we go into a futures analysis. A futures analysis says well maybe it develops very similar to Green Valley. We do that analysis and we show the cash flow coming in off property taxation. But at the same time we have to reverse those cash flows because of service demands. We find that on the periphery of the urban area growth, frankly some people will hate me for saying this, some people will say it's good, still doesn't pay for itself because we have all these long-term debt issues still out there and so we're still in this non-equilibrium mix of new growth basically paying its way. What we found is that in almost all future scenarios, even if you jack the intensity way up, you can

never make the thing pay for itself as far as the property taxation. That's the issue we look at the county. You could make it pay for itself if you could somehow divide up into a five-acre lot and sell each lot for about \$500,000 and the person buying the lot would build a million and a half dollar house. That was positive.

Question: It is my understanding that much of this data has already been published as a part of the conservation plan process. There has been some concern and Ms. Bronson addressed it this morning that there's going to be perhaps a greater lending library for the Steering Committee set up and she asked for input in that regard. What I would like to suggest, in the interest of time, is that those documents that have already been published which I believe cover almost everything that has been asked of you this morning, and I believe they've been published, some of them, for over 2 years. If we could get a single disk to SIMG that covered those documents understanding the cost of replication and then SIMG could, on request, burn a copy of that CD. It might be the most efficient and cost effective method of getting some of that data around.

Chuck: Thank you. I want to make one comment and then I'll get out of the way. The comments about data basis and data analysis and data availability. Yes, the county has it all. One of the things we need to do is probably bring our GIS people back in here and give you a demonstration on Map Guide. This is available on the Net, anybody can gain access to it, and anybody can use it. You just punch in some --- and you're there.

Issues for future meeting agendas and new business:

Question: Have there been any other special interest groups that have requested to do presentations?

Question: The most pressing thing we have is this April 6th date and I would like to make a suggestion that we put back a month – or move it ahead a month I should say – so that we're looking at May for a timeframe that we can be presenting our preferred alternatives as stakeholders.

Answer: As of this meeting there have been no other requests from special interest groups to make presentations, however there was concern from a few Steering Committee members that there would not be enough time for presentations under the schedule proposed by Lucy Vitale.

- **Lucy Vitale wants the minutes changed to read: As of this meeting there have been no other requests from other special interest groups to make presentations. However, there was concern from a few Steering Committee members that there would not be enough time for presentations on the schedule proposed by Lucy which has been modified in – or will be modified in light of the developments of the economic analysis.**

Question: I've heard various statements today as to when we will have information necessary so that we might bring about a preferred alternative to the Board ranging from August to December. How can we narrow that a little bit so that we can do a better job of planning our time and doing things perhaps in a more complete manner given the advantage of this extra time. Who would we ask that question of? When can we expect to get a decent answer?

Answer: We heard when we met on Wednesday that we're looking at 6 months but that could change. The Board's going to consider this issue on Tuesday. After the Tuesday meeting there'll be some better indication

Question: When are you going to have a meeting in Arivaca?

Answer: We're going to have the Ad Hoc revisit, possibly just one central location given the number and frequency of meetings which has changed in the last month. The Ad Hoc will come back to the full Steering Committee with a recommendation for that.

If there are those that are ready to go on April 6th they should have the opportunity to do that– and we give folks that are not ready another opportunity to do it.

Mary: I'm going to be responsible for putting together the presentation for April 6th for the Altar Valley. If there are any of you that have specific questions that you would be interested in, I would sure like to do my best to bring information about those. I'm going to be working on our presentation this next

Call to the Public:

- It is my hope that there will be logistics on how to spread this public density around when these teams are out there in the field going from spot to spot, both the conscientious ones and those that aren't.

Meeting adjourned 11:30am

SDCP - Steering Committee Meeting
Tucson Estates Multi-Purpose Room

Saturday, April 6, 2002 – 8:30am to 11:30am

Meeting Notes

Participants: See attached sign-in sheet, David Steele Maeveen Behan, and SIMG staff.

Speakers: Dr. Tom Sheridan, Dr. Nathan Sayre, Mac Donaldson, Dan Robinett, and Pima County Administrator Chuck Huckelberry.

Documents made available to the Steering Committee members at the meeting:

- Presentation and maps from Jonathan DuHamel
- Meeting Notes from March 27 Ad-Hoc Subcommittee meeting
- Presentations from Sonoran Desert Conservation Plan Ranch Technical Advisory Team
- CD's and printed copies of Pima County reports.
- Draft of the RFP
- Comparison of Multi-Species Conservation Plans and Implementing Agreements
- Agendas

Meeting Commenced at 8:30am

Meeting commenced with 47 Steering Committee members and 23 members of the general public. **David Steele** opened up the meeting by introducing himself and reviewing the agenda.

Logistics for the next meeting:

Wednesday, April 17, 2002

6:00pm to 9:00pm

Windmill Inn at St. Phillips Plaza

4250 N. Campbell Avenue

Old Business-Discussion and Action:

Approve minutes of

February 20 Steering Committee Study Session:

- Lucy Vitale wanted to call SIMG and make her changes to her presentation on February 20th.

March 6 Steering Committee Meeting:

- Bill Arnold made the motion that the 55 species be accepted and not the map, but it failed. The motion was amended by Larry Berlin, but failed again. Gayle Hartman seconded motion; it was voted on and failed. Larry Berlin made a backup presentation to the motion, the motion was resubmitted and it failed again.

March 16 Steering Committee Study Session:

- Lucy Vitale wants the minutes changed to read: As of this meeting there have been no other requests from other special interest groups to make presentations. However, there was concern from a few Steering Committee members that there would not be enough time for presentations on the schedule proposed by Lucy which has been modified in – or will be modified in light of the developments of the economic analysis

Pima County Board of Supervisors attendance Policy:

Discussion:

- At the February 5th Board of Supervisors meeting, the Board reiterated their attendance policy for boards and commissions that said if you miss 3 meetings you're off the Steering Committee. At the last study session, there were a couple of issues and questions raised about that and the Ad Hoc Committee raised some questions as well.
- Chuck Huckelberry came to the March 27th Ad Hoc Subcommittee meeting and suggested that if a Steering Committee member needs to be absent from a meeting they should send SIMG a letter in fairly close proximity of the meeting – within a week or so – and it will be attached to the official attendance

record. It is the Board's decision who is on or off the committee. They will be informed in the attendance record of your reason for missing a meeting and they will decide whether or not it's an excused absence or otherwise.

- Clerk of the Board, Lori Godoshian indicated in her letter the attendance policy prospective from the date of enactment of the recent Board resolution February 5th. This is our second "meeting" since that point in time.
- Whether this policy applies to study sessions has not been resolved. The Chairman of the Board, Sharon Bronson, is going to put that on the agenda for the April 16th Board of Supervisors meeting.

Questions:

- Was that policy prospective from February 5th or do the absences prior to that count against the attendance policy?
- What about study sessions; do they count towards the attendance policy because decisions are not made and consequently we don't need a quorum.
- Can you elaborate as to when the attendance is necessary?
- Can you clarify if the language states more than three meetings, meaning four?

Steering Committee Quarterly Report to the Board of Supervisors:

First Quarterly report was presented to the Board of Supervisors on December 4, 2001.

David presented a draft copy to the Steering Committee of the second Quarterly Report.

Discussion:

- Second quarter ended on March 31, 2002. The report should be given to the Board of Supervisors within the next two weeks.
- Report to include agendas and minutes and some of the other supplementary materials used by the Steering Committee.

Course of Action: Steering Committee members should get any comments, questions, or changes on the Quarterly Report to David Steele by April 9th and these will be presented to the Ad-Hoc Subcommittee on April 10th.

Call to the Public:

- The merger of the two lands involved in the 55 species plan and 8 species plan is a third alternative that should be considered.

Ranch Technical Advisory Team:

The members of the Ranch Technical Advisory Team made presentations.

Dr. Tom Sheridan, Chair:

- Mission statement: To facilitate the goal of "keeping ranchers ranching" through the preparation of the Sonoran Desert Conservation Plan, which will recognize how sustainable ranching can facilitate healthy and diverse ecosystems, open space conservation, the preservation of historic, traditional, and current land uses, including food and fiber production, and property rights."
- The principle of a shared, sustainable landscape includes a cultural and biological dimension and economic and ecological sustainability.
- The SDCP has both open space and biological goals.
 - Open space goals seek to preserve large areas of unfragmented and undeveloped land for aesthetic, recreational, and environmental purposes.
 - Biological goals seek to preserve, restore, and enhance habitat, especially for threatened and endangered species.
- Open space is dependent on ownership, land use, and providing economic incentives to not subdivide land.
- Biological goals are dependent on good management.

- Good stewardship and management by ranchers helps retain habitat critical for maintaining sustainable and diverse ecosystems and wildlife corridors.

Mac Donaldson: Mr. Donaldson is currently ranching on the Bureau of Land Management's Empire Ranch north of Sonoita where he works in close cooperation with the BLM, wildlife biologists and others to make sure that grazing is compatible with protection of endangered species and other goals of the BLM.

- **Mr. Donaldson made a presentation on the Economic Viability of Ranching.**
- He presented three different scenarios on the economics involved in running a ranch in eastern Pima County. (See Attached)

Dr. Nathan Sayre: Has a PhD in Anthropology from the University of Chicago. He is the author of The New Ranch Handbook: A Guide to Restoring Western Rangeland, and Ranching, Endangered Species and Urbanization in the Southwest. His areas of expertise include, southwest environmental history, ranch science and endangered species conservation. Presently he works as a Post Doctoral Research Associate with USDA-ARS-Jornada Experimental Range in Las Cruces, NM.

- **Dr. Sayre recommended the following book for reference and reading: Ranching West of the 100th Meridian; Culture, Ecology, and Economics**
- **He quoted from one of the chapters written by Dr. Richard Knight who is a member of the editorial board of Conservation Biology, and a wildlife biologist at Colorado State University.**
- **The other chapter Dr. Sayre quoted from was written by William Weeks, Vice President for the Nature Conservancy and involved in bio diversity conservation for many years.**
- **Dr. Sayre's presentation had four main points:**
 - **The importance of understanding the imperfect and incomplete knowledge that scientists and the science team have about these issues because of their magnitude.**
 - **The complexity of the eco systems in question. Everything from the termite to the cattle. The importance of variability – temp variability over time – spatial variability – the incredible topographical and vegetative and many different factors that play together.**
 - **The importance of the historical perspective on these issues from the fact that there has been domestic livestock in Pima County for more than 300 years to grazing during the cattle boom from about 1880 occurred through 1920.**
 - **The fallacy of rest: The simple solution that is frequently offered is getting rid of the cattle and let the land rest. Rest has seldom proved to be the solution, however, even over decades of time. This was a central principal in ecology from the outset and from the beginning of the 20th century, however in the last 25 years it has been proven that this theory does not work in our arid and semi arid eco systems.**

Dan Robinett: Mr. Robinett is a Rangeland Management Specialist with the Natural Resources Conservation Service; an agency established in the 1930's to provide technical and financial assistance to farmers and ranchers, on non-federal lands, for conservation practices and help with management systems. Mr. Robinett addressed the management of non-federal rangelands in Pima County.

- **Range Management: Most ranches in eastern Pima County have existing range management plans that have been developed with the assistance of the NRCS, the NRCDs and the Arizona State Land Department.**
- **Monitoring: Monitoring information helps the ranchers make adjustments to grazing on a seasonal basis. While NRCS does not do monitoring for the County, or threatened species, they do monitor at the request of any landowner who wishes to improve management of the rangeland resources they own and control.**
- **Sustainability: Research from range science institutions like the Santa Rita Experimental Range show that grazing in a manner and at levels that maintain or enhance plant and animal communities, protects soils from accelerated erosion and allows natural ecosystem processes to continue.**
- **The only way a county program will work to conserve open space is if it helps ranchers on non federal lands achieve a sustainable level of grazing and works to protect the integrity of their operations.**

County Administrator Chuck Huckleberry:

- The importance of ranching is obvious. In 1987 Pima county assisting in the acquisition and conservation of Empire Cienega Empirita Posta Quemada, and a number of ranges in the eastern Pima County.
- We have done some things in the Altar Valley, in the drought program through our flood control district. Pima County also purchased a ranch down in Green Valley called Canoa.
- Pima County supports ranching now, in the past, and will continue to do so in the future. That is why Ranching is listed as the first element of the Sonoran Desert Conservation Plan.
- We are very pleased with the work that's been done by the Ranch Technical Advisory Team, we're willing to give financial support for the requests of the team and monitoring and we continue to and want to work through the Natural Resource Conservation District that exist within Pima County.
- I've already met with San Pedro District and will be entering into an agreement with them regarding monitoring, etc.
- Pima county has had a series of technical teams working in parallel but somewhat independent with regard to the Conservation Plan. What we have done is form an overarching science commission, made up of three members selected by the teams into what is called a Science Conservation Commission to provide an overarching view of the whole issue of conservation and how all of those things can be integrated to get balance among all of the elements.

Questions:

- Has the team attempted to do any projections as to the possible costs involved in the purchase of development rights and mitigation banking?

Dr. Sheridan: The Ranch Team has not projected costs, that's not really our charge, I think that as the economic analysis of the plan proceeds, that certainly will have to be factored into it.

- How do you determine the capacity of any given coordinates, what is capacity in animal units per square mile?

Dr. Sheridan: Capacity is determined by elevation, vegetation, precipitation and all of the natural factors that determine how many animal units you can safely run on that land.

- Why is there no mention of feed, supplemental feed and effects of the severe drought on this situation in your report?

Dr. Sheridan: Except during drought, a lot of ranchers don't need supplemental feed.

Dr. Sayre: Supplemental feeding for ranchers is almost never economical. It almost never makes them money. Certain nutrient supplements, yes, but bringing in hay is almost a money losing proposition.

- Have you had a good relation with members of the science team on the principle that you that grazing is harmful to the environment?

Dr. Sheridan: Basically, we're advocating and encouraging monitoring because it is absolutely essential. It has to be monitoring that meets the needs both for the wildlife, monitoring for biodiversity and habitat and for the needs of ranchers.

- I have yet to see a plan that allows for fire in the presence of even very scattered residential developments, how does your team address this?

Answer: We need fire and on these landscapes owned by a lot of different agencies, being able to integrate a management unit across different ownership categories, federal, state, private, and manage it as a landscape and permit is a process likely to occur as a prerequisite to the preservation of desert grasslands.

- Is there a consideration of the fact that mesquite beans produce flour that sells for ten to twenty dollars per pound?

Answer: Sure, as rancher, anything that you can do, via wood, mesquite beans, you look at the different diversity. What your question really relates to is, do people produce their numbers in times of drought to protect their resource? I think its been shown by what Dan Robinett said that we're down ninety percent from some of our use in this area.

- Is the Ranch Technical Advisory Team addressing the small horse ranch owners?

Answer: the same pressures that are squeezing ranchers are squeezing equestrian activities. Open spaces disappearing and horsemen and women need open space to do all the different things they do on horseback.

We're not specifically addressing their needs because a lot of that is within the urban boundaries and I think would probably be better addressed by the Recreational Technical Advisory Team.

Resolution proposed: The Steering Committee adopts the recommendation to the Board of Supervisors that economically viable, responsible ranching be used as an element of the Sonoran Desert Conservation Plan to preserve wildlife habitat and open space.

Objections were voiced.

Discussion:

- This should be discussed by the Ad-Hoc committee
- This would be better suited for a future agenda.
- Since it is a matter of great concern to us in the ranching community I recommend that this item be placed on an agenda for a Saturday meeting.
- We don't have numbers for the ranching community, and that doesn't seem to stop us but we keep continually asking what's the economical impact of biological preservation, and that asymmetry needs to be addressed.

Area Reports:

Altar Valley—Mary Miller: Ms. Miller is a Steering Committee member and a member of the Altar Valley Conservation Alliance. Her presentation was on behalf of the Alliance regarding what they would like to see in the Sonoran Desert Conservation Plan.

- **Goal: to maintain and enhance rural culture and economic livelihood in an open, unfragmented landscape for future generations. Her talk focused on three areas:**
 1. **Watershed restoration and enhancement:**
Main focus is erosion control through building dams and spreader dikes. Currently seeking partners and funding to construct a large soil retention structure at the north end of the valley. Along with erosion control is vegetation control through controlled fires which clear unwanted woody shrubs and encourage grassland health.
 2. **Protection of private property rights and opportunities:**
They feel these are critical and that land protection can complement ranching as long as it is accomplished with incentives such as providing avenues for ranch real estate to be sold into continued ranching at a price economically feasible for ranching.
 3. **Protection and stewardship of State School Trust and private land:**
The Alliance's position is that leases could be paired with conservation easements of a similar duration for a rancher with a conservation minded management plan. They commingling of State and private land has been carefully established and improved since Statehood to balance the establishment and preservation of income for the School Trust, rural economic livelihoods, and enhancement and protection of private property.

Question:

- While the commitment to sustaining plant life through fire is appreciated, please consider native grasses before going to fire.
- Would the Altar Valley ranchers support, if this committee were to pass a resolution urging that the State constitution be changed to prohibit that State land trust from being sold to the highest bidder but rather to be retained as open space?

Ms. Miller: I can't comment specifically on whether we support a constitutional amendment.

Steering Committee Preferred Alternative Development Schedule—Discussion and Action:

Economic Analysis Status—Chuck Huckelberry: The Board of Supervisors approved this draft RFP subject to review by the Steering Committee. After we've taken into consideration comments from the Steering Committee, we will respond to those comments, and interim process to approve the quality of the RFP. Once it goes out on the open market, which means two weeks of comment, a week to take into consideration comments and revise about three weeks from now it gets advertised in a paper of general circulation in the county, as well as sent to a number of professional contractors who have probably done an economic analyses of habitat conservation plans before to get the widest array of responses from those individuals qualified to do the work, We will put the RFP out for at least a thirty day response

period, maybe a little longer depending how many potential service vendors are out there that can do this type of work, and so it comes back, and in about three or four weeks, goes out for preparation for proposals that come back for evaluation probably thirty to forty-five days. Once received it will go into an evaluation process. That evaluation process will consist of a couple of staff, a couple of outside experts and probably a couple of members of the Steering Committee, and obviously we need to figure out which two. If we get ten proposals when we get all of them evaluated, ranked and ultimately the firm would be recommended to the Board of Supervisors for selection. That selection, probably from receiving an RFP proposal to an evaluation recommendation, is another thirty days, at least consumed in time, and once the Board receives it, they can act on it in a week or two weeks and once notice for contract selected, notice received go to that contractor they perform the work probably the work is going to take, my guess is six months but we'll find a little of that when the firms out there submit their RFP. They're going to tell us what's possible, what are the tasks, how long they think they're going to take and then we'll know. So, my guess, is probably six months depending on how complicated we want to believe the economic analysis is for a Section Ten Permit. It is fairly straightforward and simple, based on the number of alternatives we discussed in the RFP. So, give it six months of time to get the information back, probably another three months in time to get the process going, out back awarded and vendor working, I think you're looking at getting economic answers probably nine months from today.

Questions and comments:

- Would you want the Steering Committee to send their responses to SIMG and then SIMG will forward them to the county and, what kind of time frame would you be looking at to get those back?

Mr. Huckleberry: I would request that Steering Committee members have their comments to you within fourteen days, then we could take a look and see which ones would actually affect the RFP, modify the RFP and if we believe there is no what we would call lingering controversy or major divide in the RFP then we can issue it if we think there are some real philosophical problems based on the comments versus the RFP, I think probably we ought to just bring it back to the Steering Committee.

- Would it create a problem if we were to agendize this issue for our next meeting?

Mr. Huckleberry: Not at all.

- Can we assume that nine months from today would be when you expect the preferred alternative on the Board?

Mr. Huckleberry: We set a timeline out of July 1st, based on the setback with the economic analysis, its clear that this preferred recommendation out of the Steering Committee on the Section Ten Permit, the preferred alternative is probably set back at least nine months from the July date and could be the July of the following year, because the issue is that you obviously are going to want to have some time in order to deliberate what might be coming out of the economic analysis.

- I would suggest instead of two weeks that the Steering Committee could get comments back to David and Chuck in less than a week then a week from Tuesday it can go back on the Board so that it can get out.
- It is my understanding that our goal is to continue to move forward as a Steering Committee to resolve and come to consensus on as many issues as we can, as quickly as possible so that the iterative process, that I understand is RFP calls for, can go forward in a more timely manner.

Develop schedule for Stakeholder alternatives Presentations:

The Steering Committee discussed the issue of providing Steering Committee comments to the Board of Supervisors or to the County on the RFP.

- Agendize this item for our next meeting. Convert the April 17th meeting from a study session to a meeting. Steering Committee members provide comments to David Steele and he will prepare them for the Steering Committee to review and come to consensus at the April 17th meeting, then a recommendation is given to the Board of Supervisors. **13 of the Steering Committee members present supported this option.**
- Individual comments are sent directly to the county or to SIMG to get it on the agenda for the Board as soon as possible. **25 of the Steering Committee members present supported this option.**

- The issue of providing comments to SIMG by Wednesday, April 10 so it can be placed on the Board of Supervisors agenda. **22 of the Steering Committee members present supported this option.**
- The issue of letting the Steering Committee members review the RFP, and get recommendations to SIMG by Wednesday, April 17th and David to forward these same to Chuck Huckleberry's office. **18 of the Steering Committee members present supported this option.**

Course of Action: Individual comments regarding the RFP, are to be sent directly to the county or to SIMG by April 10th. David will forward same to County Administrator Chuck Huckleberry's office.

****Action was rescinded****

Amended Course of Action: Individual comments regarding the RFP, are to be sent to the SIMG by Wednesday, April 17, 2002 and same forwarded to County Administrator Chuck Huckleberry.

Stakeholder Preferred Alternative Proposal Presentations:

Time will be reserved at the April 17th meeting but also at the May 1st meeting for Stockholder's to present the framework for their preferred alternative. Stakeholders should contact David Steele prior to the meeting so the agenda can reflect the presentations.

Carolyn Campbell and David Hogan: Presented the Conservation Community Preferred Alternative framework. The three main issues addressed, concerning Conservation Land Systems were:

1. Assembly: Should consist of protection of priority conservation lands(meaning 'hard-lined areas specifically identified for conservation), existing County, State and Federal properties and conservation through land use and development planning—to include biological surveys, avoidance, minimization, and mitigation.
2. Management: Should be adaptive, detailed protective management and monitoring plans for all lands dedicated to the CLS with adjustments in management based on results of monitoring.
3. Funding: HCPs require assured local funding for protection of priority conservation lands, adaptive/protective management, monitoring and contingency funding for unforeseen and/or changed circumstances.

This Stakeholder group feels their proposal outlines the necessary steps to meet the goals of the Sonoran Desert Conservation Plan, Federal Endangered Species requirements and enhance the quality of life for all residents of Pima County.

Larry Berlin: Mr. Berlin gave a pre-progress report for the Steering Committee on a process started by two stakeholder groups; 1) influential members of the business community, smaller property rights advocates, some larger developers, and realtors; and 2) influential members of the environmentalists community.

- The purpose initially was to identify differences assigned to an area and what compromises could be reached.
- While Mr. Berlin has ties to both communities outside of Pima County, he noted that he had no authority over either group and that he was part of a large group, within the Steering Committee, that sees a rather broad range of reasonable possibilities.
- The process has been to carry the identification of the issues and communication on possible issues, back and forth, between these two factions. There has been surprisingly little disagreement and surprisingly little disconnect between these two groups.
- The toughest part has been communication, perceptions, misconceptions about each other, and about what the plan is itself. County has been very useful in clearing much of this.
- Part of his approach had been to request that the Steering Committee begins with the 55 species, "preferred biological map" and to ask what the business community would need to buy into that map. The issues that surfaced were property rights, and setting up some form of an alternate dispute resolution that can reasonably and efficiently compensate property holders for their losses that may fall short of the constitutional taking and that definitely keep out lengthy and expensive litigation procedures.
- Mitigation banking devices that have been brought upon the table, the county officials have been very helpful with respect to their willingness to help establish significant mitigation.

Issues for future meeting agendas and new business:

- At the last study session, the Ad-Hoc Subcommittee was asked to consider one central location for future meetings. Meeting places have been locked in and deposits paid for the meetings scheduled through June 19th. A central location for the meetings after June 19th will be identified.
- Ad-Hoc Subcommittee will select some central locations at the April 10th meeting.
- It's important to talk about the schedule that's been laid out in light of the requirement not to go ahead and investigate how to do economic assessment, economic evaluation and do we want to continue to meet every 2 weeks when it may not serve any great purpose?
- Stakeholders are asked to contact David Steele if they are going to make a presentation to the Steering Committee at the April 17th meeting.

Call to the Public:

- I would like to urge the Board of Supervisors to get the issue of attendance on the agenda and resolved as quickly as possible.
- If ranchers are going to lose land in one area they should be reimbursed with lands in another area.

Adjourn 11:30 am

SDCP - Steering Committee

Windmill Inn at St. Phillip's Plaza

6:00 pm to 9:00 pm

Wednesday, May 1, 2002

Meeting Notes

Participants: See attached sign-in sheet, Maeveen Behan, David Steele and SIMG staff.

Documents made available to the Steering Committee members at the meeting:

- Ironwood Conservation Alliance Position Paper, presented by Steering Committee member, Cindy Copping
- Carolyn Campbell's presentation from the April 6th meeting
- Altar Valley Conservation Alliance presentation, presented by Steering Committee member Mary Miller
- Ernie Cohen's Proposed Resolution
- Amended Agendas
- Quarterly Report
- Draft Schedule for future meetings.
- Steering Committee Issues Matrix

Meeting Commenced at 6:00 pm

Meeting commenced with 30 Steering Committee members and 13 members of the general public. **David Steele** opened up the meeting by introducing himself, reviewing the ground rules and reviewing the agenda. By 6:45 there were 50 Steering Committee members present.

Logistics for the next meeting:

Saturday, May 18, 2002

8:00 am to 1:00pm

Field trip to Empire Ranch

Old Business:

Approval of meeting notes from April 6th meeting:

- Meeting notes were approved.

Resolution on Ranching and the Sonoran Desert Conservation Plan:

This item from the April 6 meeting was deferred until it could be properly noticed on an agenda. Ernie Cohen wanted the Steering Committee's adoption of the recommendation to the Board of Supervisors economically viable responsible ranching used as an element of the Sonoran Desert Conservation Plan to preserve wildlife habitat and open space.

Discussion:

- Some members questioned the value of time expended on this issue as Chuck Huckleberry had already addressed this previously.
- Other members felt that if ranching had previously been noted as one of the six elements of the Plan then this recommendation was unnecessary.

Course of action: Defer this issue until a future meeting, when Ernie can have an opportunity to address the Steering Committee.

Call to the public:

No one from the public responded to this call.

New Business:

- **The Ad-Hoc Subcommittee suggested that when presentations from speakers were made, Steering Committee members would have the opportunity to ask questions first and then there would be a call to the public.**

- **During the discussion comparing the 55 species map and the 8 endangered species maps at the March 6th meeting, Maeveen Behan suggested that the county was nearing completion of a report that compared the extent of those areas, the overlap of species coverage, and the omission of species coverage and possibly the value of land in those coverages. That study has been completed and was provided to the Steering Committee members present at the April 6th meeting.**

Stakeholder Presentations:

Avra Valley--Cindy Coping: Ms. Coping is a Steering Committee member and member of the Ironwood Conservation Alliance. Her presentation was on behalf of the Alliance regarding their stand on the Sonoran Desert Conservation Plan. It should be noted that the following is a summary provided by Cindy Coping and some of the text is inconsistent with the taped transcript:

Summary provided by Steering Committee member Cindy Coping:

Cindy Coping made a stakeholder presentation to the Steering Committee on behalf of the Ironwood Conservation Alliance (ICA), whose membership includes eight of the eleven ranchers within the Ironwood Forest National Monument (IFNM).

Goals:

- Educate the Steering Committee on the positive conservation benefits of the existing uses and land ownership structure in the Ironwood Monument
- Inform the Steering Committee of the potential impacts the proposed Section 10 permit would have on the IFNM inholders, i.e., the private landowners whose properties are surrounded by the Ironwood Monument.
- Present and explain both the purpose and the outcome of the April 22, 2002 meeting between the ICA, the Arizona State Land Department, the Arizona Game and Fish Department, the Natural Resource Conservation Service and the US Fish and Wildlife Service, held to discuss the possibility of an independent Section 10 permit for the State grazing leases.

Actions Recommended:

- Maintain the status quo of land ownership and land uses within the IFNM.
- Exclude the private lands inheld to Ironwood Forest National Monument from the County's proposed Section 10 permit.
- Split SDCP into two conservation elements: a) Section 10 Permit covering only the listed species which could trigger a Section 9 "takings" statement ; b) local planning and regulation outside of the Section 10 permit, but covering all remaining vulnerable species
- The County should not spend money to subsidize grazing lease fees. If such funding is available, it would be better spent on range management research under the direction of the Ranch Technical Advisory team.

Supplementary Information Provided

- The 16-page Ironwood Conservation Alliance Position Paper covers the subjects Coping discussed, but in much greater detail.

Key Points:

Coping presented a detailed analysis demonstrating livestock grazing on open range is the most environmentally friendly method of food production, the only method that can simultaneously sustain large human populations, support wildlife biodiversity, support livestock breed biodiversity, minimize air and water pollution, minimize groundwater pumping, minimize pesticide exposure, minimize disease exposure, and minimize the need for support industries that require chemical production, mining and drilling.

From a conservation perspective the existing mix of federal, state, and private lands in IFNM is ideal. The funding available for scientific study, and the resulting information on the federal lands could dramatically improve the formulation of management plans for the adjacent State and private grazing. However, the private ownership of infrastructure on both the State and private lands dramatically enhances (by decades) the speed at which management improvements can be implemented in an adaptive management program. Since all forms of ownership are interconnected, often without fences, the current mix of land ownership could potentially optimize adaptive management of the grazing leases.

Conservation benefits provided by the various private landowners, even the Silverbell mine, include improved stewardship, information gathering, wildlife monitoring, archaeological site monitoring, rainfall documentation, water management and improved law enforcement, all of which benefit the wildlife and plant species in IFNM.

Currently ranchers supply most of the water needs of the IFNM wildlife. It would be inhumane to remove the artificial watering system.

The ICA has considered County Administrator Chuck Huckelberry's October 9, 2001 memo which offered the possibility that Pima County might subsidize the grazing fees for ranchers. The IFNM ranchers appreciate the offer but choose to decline. All perfectly competitive industries such as ranching have an average profit margin of zero. Government subsidies shift the intersection of supply and demand curves to a new equilibrium point at a lower price. Lower prices force the smallest, least efficient producers out of the market and favor larger, more efficient producers. Consumers enjoy the greatest benefit of the lower equilibrium price. Government subsidies result in a greater supply of affordable food and a greater level of economic security to the nation. That is their purpose.

The purpose of the aforementioned April 22, 2002 meeting was to discuss the possibility that the private inholders and the State Land department might pursue an independent Section 10 permit covering the State grazing leases inheld to the IFNM.

The IFNM has only one resident federally listed endangered species, the Nichol's Turk Head Cactus. The cactus is protected currently in a BLM Area of Critical Environmental Concern. The statements in the Proclamation establishing the IFNM concerning the Cactus Ferruginous Pygmy Owl and the Lesser Long-nose Bat are untrue. There is no documented habitat for either species in IFNM. The IFNM is considered low potential habitat for the owl. The bat feeds at night during the May-June saguaro blossom season but has no known roosts in the IFNM.

The IFNM is documented habitat for eight sensitive species, according to the Arizona Game and Fish HDMS database, as follow:

FWS Listed Endangered Species:

Nichol's Turk's Head Cactus --also AZ Highly Safeguarded (no collection allowed)

FWS Candidate Species: none

FWS Threatened Species: none

FWS Species of Concern:

- Cave Myotis (an insect-eating bat)--also BLM sensitive; NOT included under SDCP
- California Leaf Nose Bat (an insect eater)--BLM sensitive, AZ wildlife of Special Concern; included under SDCP

Other sensitive species:

- Tumamoc Globeberry (Tumamoca Macdougallii)-AZ Salvage restricted (collection with permit only); included under SDCP
- Pima Indian Mallow (Abutilon parishii)--AZ Salvage restricted, USFS sensitive; NOT included under SDCP
- Thornberi Fishhook Cactus (Mammillaria verdiflora)--AZ Salvage restricted; NOT included under SDCP
- Varied Fishhook Cactus (Mammillaria Verdiflora)--AZ Salvage restricted; NOT included under SDCP

Of the species listed above, two listed Species of Concern and two Salvage Restricted species are not included under SDCP. Only one endangered species is documented in the Monument, and it is not covered under Section 9 of ESA because it is a plant.

The Section 10 permit's purpose is to provide landowners protection from the requirements and penalties associated with Section 9 of ESA. However, Section 9 is not expected to affect the private inholdings of the Ironwood Monument or the State Lands inheld to IFNM. Therefore these entities are not expected to need Section 10's protection.

On the other hand, if the Section 10 does cover the IFNM inholdings then those lands would be subject to the restrictions of the Section 10 permit. The US Fish and Wildlife Service has indicated they would treat all species included under a Section 10 permit as if they were federally listed endangered species. At least 15 of the 55 species proposed for SDCP are present in IFNM. An analysis is included in the ICA Position Paper. If IFNM inholders are covered by the Section 10, then their lands would be burdened by at least 15 de-facto "endangered" species and all the restrictions that go with them. In return for this burden, these landowners will receive no benefit. At the same time, the proposed Section 10 permit excludes, thus providing no protection from Section 9, many of the sensitive species which actually reside in the IFNM, and which have a higher than normal probability of later being added to the endangered species list. Therefore the ICA is recommending that the private inholdings to the IFNM be excluded from the County's proposed Section 10 permit.

Questions and Discussion:

Question from Jenny Neely: The approach being taken is that preserving habitat for these species that we want covered will be used as land use pressures elsewhere in the county destroy habitat in those areas. By preserving enough habitats the animals could migrate and use the areas that are part of the core reserve. The fact that endangered species aren't found there currently doesn't mean that this is not a habitat that should be preserved for future expansion of the endangered species into that area.

Answer: The lion's share of the land in the IFNM is federal. It is already protected by the Proclamation that established the National Monument. Second, the State is not willing to participate in SDCP. Third, the deeded lands are composed of widely scattered parcels. Habitat preservation that might have been accomplished by Section 10 has thus already been accomplished by establishment of IFNM.

Coping suggested the SDCP could be split into two sub-elements. The first category would be the Section 10 permit and include only the species which might trigger a Section 9 "takings" statement from USFWS. The second category of SDCP would cover the remainder of the 55 species, but these would not be covered by the Section 10 permit. The County would have the freedom to regulate for the species included in the second category on its own terms, without having to answer to USFWS about them for the next 30 years.

Since there is no requirement to include non-listed species in the Section 10, it would not benefit the County to do so. Including unnecessary species in the Section 10 with a long term contract would increase unnecessary financial risks to Pima County with no foreseeable measurable benefit. The County has always had the ability to regulate to protect non-listed species without including them in a Section 10 permit.

Question from Bruce Gungle: The purpose of the Section Ten Permit is to help the individual homeowner as well as the developer if they wish to develop a parcel of land, whether it be for a water well or home site, they are covered for any incidental take of an endangered species that may show up on that particular parcel of land. This would only help the homeowner so they wouldn't have to incur the time, resources and monetary expense themselves. Why wouldn't you want the County to take care of all that for you?

Answer: The only known endangered species in the IFNM is the Nichol's Turk Head Cactus, which is a plant and is not covered by Section 9 of the Endangered Species Act. The purpose of a Section 10 permit is to provide protection from Section 9. Right now that protection is not needed. Entering into a Section 10 permit would drive the endangered species burden on the private inholdings in IFNM from zero to more than 15 species. This creates a very heavy burden to the landowners with no anticipated reward in exchange.

Comment from Trevor Hare: The Sonoran Desert Conservation Plan, aside from the Section 10 Permit, is to make the monitoring management of our natural resources in Pima County consistent across jurisdictions and boundaries and that we would keep local control; it wouldn't be federal control.

Answer: We have local control of SDCP only during the planning and permit application process. As soon as a contract is signed with the US Fish and Wildlife Service, the federal government will make all the final decisions.

Economics Consultant update:

Pima County is in the process of reviewing the comments from the Steering Committee regarding the RFP; therefore the RFP has not gone to the Board of Supervisors yet. County Administrator, Chuck Huckleberry stated in March that the Board of Supervisors had a temporary target date for completion of the RFP selection by the end of the year, or nine months. He was fairly confident that the Steering Committee would have something in place in terms of economics consultant fourth quarter of this year. He didn't nail down a specific timeframe on when a preferred alternative recommendation would be needed from this group. The projected date for the RFP to go out to the public was estimated to be within the next two weeks.

Discussion:

- It's very important that we judge what the preferred alternatives are after we get the information on what it's going to cost the community.
- Steering Committee member, Michael Zimit made the motion that Harold Barnett act as liaison between the Steering Committee and Pima County in formulating the RFP

Motion was made to have Harold Barnett address the Steering Committee at this meeting:

Discussion:

- While some members felt they did not want any one other than a Steering Committee member representing them to the Board of Supervisors, other Steering Committee members wanted to hear Mr. Barnett.
- **The comment was made that Supervisor Bronson addressed the Steering Committee regarding this very issue and that the county was going to put together a committee to review the RFP, the contract, and the work that the contractors would be doing. She also said that there would be at least two people from the Steering Committee on that committee.**
- **Some members of the Steering Committee felt that perhaps it would be beneficial to have Harold Barnett also sit on that committee as an economist.**
- The Board of Supervisors will consider the comments that have been received and consider the RFP and then will establish a committee to evaluate the respondents to the RFP.

The Steering Committee voted to hear a presentation from Harold Barnett, retired Professor of Economics at the University of Rhode Island:

- To do an economic analysis one needs to know what the alternative looks like, but to choose among alternatives you have to have some sense of what the cost is.
- If Pima county could provide the necessary information regarding how much land and what land characteristics have to be set aside to satisfy the requirements of the section 10 permit then it would be possible to address the economic cost of having withdrawn that land from development within the county.
- The question repeatedly asked is: who is going to pay? The cost is the same no matter who pays; therefore, that question doesn't have to be answered to move forward with an economic analysis.

Discussion:

- Accurate information from an economic analysis will not be available until appropriate land use, intensity and different alternatives for conservation information is looked at.

Harold: I agree with you that the more detail you have, the more closer, the more refined the estimate's going to be. I think the question is, when you get into a lot of the detail are you really changing basic assumptions in terms of intensity of land use. Now, you may be talking about a different way of doing it, but, effectively, you might be doing, assuming, the economic impact of the plan, is really a question about what happens to growth as you withdraw land or change the intensity with which land is being used. And there's, there are administrative costs as well. So, yes, I mean, you certainly get closer with more detail.

- It's more of a savings to us to put in a conservation plan and not to build high density than it is to build high density. Where do we make that transition? If we end up, saying this is a cost and decide to set aside 20%, then the next logical step for the development communities is to say, if you're not going to let us re-zone this at a higher density, then you have to pay us, when indeed it's just a speculative deal. How do you keep control on that?

Harold: **It is clear that there is benefits to conservation. One of the problems is that it's a lot more difficult to estimate the benefits than it is to estimate the cost. Ultimately, supporting or evaluating a plan comes down to knowing about the benefits as well as the cost. Part of the question that's posed to the RFP is fiscal impact and that clearly includes both the cost of the taxpayers and supporting growth as well as the revenue that comes from growth.**

- Presently the county only goes parcel by parcel. That's all that we have available. Are you suggesting something different?

Harold: **I'm simply suggesting that it's possible to do the analysis, effectively by aggregating over parcels within specific areas, as opposed to; you could do it by planning area. And in many respects, I would think that proceeding that way would allow you to get results while not having to make as many assumptions as would be the case, say, if you looked at it on a parcel by parcel basis. Different consultants will come up with different approaches. My only point was that you don't need complete information on what the conservation system would look like, to estimate the costs and then that information is then valuable in choosing among alternatives.**

Steering Committee member, Larry Berlin: At the April 6, meeting Mr. Berlin gave a pre-progress report for the Steering Committee on a process started by two stakeholder groups; 1) influential members of the business community, smaller property rights advocates, some larger developers, and realtors; and 2) influential members of the environmentalists community. This is the second report on the dialogues he has been having with both communities.

- Mr. Berlin feels the major focus of the dialogue has come to rest on mitigation, the concept of mitigation, mitigation banking and what is known as the mitigation toolbox.
- He felt that he had more to offer in the form of sharing the education he has received from Sherry Barrett of the US Fish and Wildlife Service.
- There are three categories of mitigation:
 1. Acquisition whether by a bond issue, by taxes, whether it be by a federal grant or otherwise, the county comes up with the money and buys the property at issue. The ultimate example would be for the county just to buy the whole preserve, and the rest of the mitigation issues go out the window.
 2. On-site conservation, such as in the comprehensive land use plan. A good example would be the 80/20 guideline that has been so controversial. It is usually implemented through ordinances, including zoning ordinances and examples would include ordinances that govern the, or that create riparian buffers, hillside restrictions or that require surveys of habitat in order to evaluate and place, evaluate the habitat and place development in the least damaging spot on the property.
 3. Off-site conservation would be to evaluate what's being effected on the property to be developed and to replace it somewhere else on some ratio that has been predetermined, so for example, if you are upsetting one acre of some snails habitat, it may have to be mitigated on a 2 to 1 ratio, you'd have to replace it with two acres somewhere else.
- Several issues come up in implementing these:
 1. The difference between the diminution of the value of a property because of mitigation requirements and the diminution in the profits that one hopes to realize from the development property.

2. How to draw the line between, diminution of value and diminution of profits, so that the county can fairly compensate those property holders whose value is being diminished by this plan.

- He suggested the following as a way around those issues: Draw the line at those rights that are already vested in the property. So that value would be defined as the profit that can reasonably be expected from rights that are already vested, not from, not from, not more speculative profits that one may be, may hope to make from changing or improving those vested rights.
- The Fish and Wildlife Service needs to know what the preserve is going to look like before it will issue a permit. Leaving too much to be determined through alternate dispute resolutions is not acceptable to the Service. Pima county has already done the screening of all of the properties within the preserve in order to find those properties that represent potential problem areas where vested rights may be hurt by this plan. This map would be helpful at this point because it gives definition to potential problems. This is the map that will tell us what we may have to pay for.
- The tools for mitigation include one that has been recently enacted in Pima County, which is the use of conservation subdivisions. Pima county is now working on streamlining the processes for getting permits for conservation subdivisions. Marana does not have a conservation subdivision ordinance as Pima county now does.
- Other mitigation ordinances go into how development is going to be placed on the property, hillside restrictions, riparian buffers, clustering use of the 80/20 guidelines, selecting the lowest impact areas for development within a property. These are all available for our use and for the property owners' use.
- In order to get the Section Ten Permit, the mitigation banking needs to be established first. The way the mitigation banking works is that there needs to be a bank of credits on the actual acreage available to work with secured by the county as opposed to a bank full of money with which to buy property later on when its needed.
- The Service will not permit us more than one species per mitigation. US Fish and Wildlife will provide the service of keeping a ledger; it will track what the bank is, what it's got and how many of the credits in the bank we are using.
- Once we identify the potential trouble areas that we have to pay for and the mitigation banks, we have to identify the service areas for each of these potential regional mitigation banks and then correlate each of those elements in order to develop a banking plan. From a mitigation standpoint, what we need in an economic analysis is the cost of the banking plan.
- Once that we have that information about the cost within and whose properties are specifically going to be affected, then we need to figure out whose going to pay the cost. The county has talked about floating a hundred million dollar bond, the county has some other assets, there's the potential for federal money, there is, everybody should share, everybody from the developers to the recreational folks to the taxpayers.

Discussion:

- Your interpretation of vested rights was exceptionally liberal and is not supported by recent judicial interpretation.

Larry: **There are two comments in response, one is that the county administrator's office has issued a letter discussing how they are going to view vested rights and I think that should be circulated to the committee, it is the clearest statements so far, second is that there are statutes on this and there are, and I don't have the clear answers tonight, there are clear answers that are available specifically with respect to what's vested. I think the most important for us though is to look at the definitions that the county wants to use so that again we all get on the same page with everything.**

- **Tell me how these mitigation areas might correlate with what Recon has identified is the biological core because this begins to define how big a core has to be, what species have to be there, etc.**

Larry: **I haven't seen the map myself yet and it's important to keep in mind the distinction between the core areas and the multiple use areas, the other side of the coin from what you're asking about and to recognize that I believe that the mitigation banks need to sort of address both. My sense, and Sherri, please with any of this where I'm mistaken, straighten me out here, my sense is that for the most part we're going to be best off using core areas, areas within the core for the regional mitigation banks because they will give us the biggest bang for our buck and going to have the most restrictions on them anyway.**

- Value is not inherent only in either zoning and or planning designations. Biological value is a value, you don't have to lose property value just because you are in the core or because you have biologically valuable land.

Larry: Chris, you're absolutely right. And I want to clarify just a little bit further on how value is going to be defined. The context in which I'm addressing it is the context in which property holders will need to be compensated for diminution in value. In those situations, and there will be many, in which value is increased as a result of the plan, then obviously you don't need to compensate for that. In those, givings is ok, it's not just takings. Yes.

- Are you going to organize this, finalize it into a document?

Larry: I hope so. In fact I've recently had some discussions on the business side of it to be effective, that once we all can get on the same page in terms of the mitigation tools and processes, that even though we're not going to be able to agree to a lot of the details until we know what the costs are and whose properties are going to be affected by it, we can agree, I hope and believe we can agree to the principles that we're going to have to implement here and as soon as we get anywhere close to that, then I hope that the parties that I'm working with will allow be to start working on a draft of it and get a statement of principles that all of these folks can sign on to that we can then present to the steering committee.

- Do three or more species constitute a core?

Larry: The mitigation, for the mitigation work, we're going to have to identify individual species by species. Whose habitat is being affected, how is it being affected, and what ratio are we going to have to replace it or whatever tools can we use to mitigate. Different tools will apply to different species, for example, it's relatively easy to mitigate some kinds of snails because they're going to, because of the way they live, whereas the Pima pineapple cactus is much more difficult because, because putting roads in and, fragmentation of the property is very damaging to them. So different mitigation tools can be applied for different species.

Call to the Public:

- How is the value determined? And is this a land speculator's dream?

Larry: As for the last part, the land speculator's dream, I don't think so. I think that where the negotiation needs to take place is on where the line gets drawn for everybody, between diminution and value and diminution in what I'm going to call for the moment speculative profits. And how to draw that line can be very complex, as you know, but I think that once that's negotiated, the rest of that is ministerial.

Sonoran Desert Conservation Plan Issues Matrix:

The Steering Committee had asked stakeholder groups to lay out the framework of their preferred alternative proposal to the full Steering Committee. The matrix shows the issues that Steering Committee members did or didn't want to see addressed in the Sonoran Desert Conservation Plan and in the preferred alternative. Presently there are only two stakeholder groups noted on the matrix, but more will be added as more stakeholder groups make presentations.

Discussion:

- **Point of clarification-- this is not just The Coalition for the Sonoran Desert Protection, it is also the Nature Conservancy, the Sonoran Institute, The Coalition for Sonoran Desert Protection and the Tortalita Residents.**
- This will be a helpful tool when it comes time to develop the final recommendation.

Future Meeting Schedule:

At the last Ad Hoc meeting there was a significant discussion about the Steering Committee's meeting schedule. The following proposals were presented to the Steering Committee.

- Suspend activities for the summer. Reconvene in September when there will be a much better idea of who the economics consultant is, be in a much better position to work on stakeholder presentations and be able to focus to developing a preferred alternative recommendation.
- Continue to meet and when there are no issues for which to meet, cancel that particular meeting, but at least hold the spaces open and available.

The following schedule was proposed and accepted by the Steering Committee:

- Suspend Steering Committee meetings until September 4, 2002.
- In October, December we should come to closure on draft preferred alternative recommendations for economic analysis. Given the fiscal constraints, the Steering Committee will have to come up with a certain number of alternatives to be analyzed in addition to the no action and the preferred biologically preferred alternatives.
- Not very likely that there will be an Economic Analyst available by December. Assuming this tentative schedule works out, these proposals would be analyzed economically from December to January. The Steering Committee would come back and consider the results of that in February and be in a position to agree on a final preferred alternative recommendation.
- Give the County a March 1st deadline.
- The amount of time the Steering Committee has will be filled even without a deadline. The Steering Committee should go back to the county and say we want to be done with this process by March 1st and provide them the preferred alternative recommendations. If the new economic consultant does the same thing Morrison did, that's a circumstance that's going to change and the Steering Committee will have to reevaluate the deadline. Being a legislative body, the Steering Committee is not bound by their previous decisions, because they can always make other decisions.
- **If the meetings are to be suspended until September 4th then stakeholder groups should show up on the 4th with their very specific stakeholder proposals. This should be hard deadline.**
- **A suggestion was made to hold an Open House on June 15th and invite members of the AZ Legislature, however this will be suspended until after the elections when there may be new members of the state legislature that might be eager and earnest to come to the meetings.**
- **At the September 14th study session members of the public, that are sponsored by a member of the steering committee can make a presentation. They will receive the same amount of time that the other stakeholder groups have been getting.**
- **A schedule has not been set for the Ad-Hoc meetings, but a date in August will be selected and a location will be provided well in advance.**

Course of Action: Stakeholders be prepared by September 4, 2002, to provide specific preferred alternative proposals for consideration, then we can start reconciling the issues of difference in the Fall.

Issues for future meeting agendas and new business:

There were no stakeholder groups prepared to make presentations on May 18th and the Steering Committee voted to convert that meeting to a field trip to the Empire Ranch. While some members thought this should happen sooner there were other members that felt this would be better left for the cooler months.

Course of Action: The May 18th meeting would be converted to a field trip. Cancellation notices would be duly posted with the county along with a Field trip Notice.

Call to the Public:

- **I am concerned that the Steering Committee is not considering a combined or a union of the 55 species and the 8 species proposal or alternatives so that you have sufficient land mass for both of those groups.**

Meeting Adjourned 11:30 am

SDCP - Steering Committee

Sheraton Tucson

6:00 pm to 9:00 pm

Wednesday, September 4, 2002

Meeting Notes

Participants: See attached sign-in sheet, Chuck Huckleberry, Maeveen Behan, Dr. Harold Barnett, Susan Shobe, David Steele and SIMG staff.

Documents made available to the Steering Committee members at the meeting:

- Pima County Board of Supervisors Minutes from April 19, 2002
- Land-Use, Mitigation Cost and the Economics of Conservation Design; Dr. Harold Barnett, PhD
- Ad-Hoc August 5th Meeting Notes
- Potential Plan Funding Mechanisms; Susan Shobe
- All related documents to the Economic Impact Analysis
- CD Sets of all reports with Index from Pima County
- Agendas

Meeting Commenced at 6:00 pm

Meeting commenced with 38 Steering Committee members and 19 members of the general public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda. By 6:30 there were 50 Steering Committee members present.

Logistics for the next meeting:

Saturday, September 14, 2002

8:30 am to 11:30 am

Marriott UofA Park Hotel

Old Business:

Approval of meeting notes from May 1st meeting:

- Although the transcripts of meetings cannot be changed, Steering Committee member, Cindy Coping wanted the meeting notes changed to have a summary she provided replace the presentation in the meeting notes.

Discussion:

- Some members of the Steering Committee suggested attaching a verbatim transcript of the presentation to the back of the meeting notes.
- Other members suggested that the Steering Committee member presenting should provide a summary of their presentation.
- Some members felt that if the Presenter gave a handout of their presentation then the meeting notes should suffice.
- Future Steering Committee members making a presentation will be asked to voluntarily provide a copy of their presentation to be attached to the Meeting Notes.
- Meeting notes were approved on the condition that Cindy Coping agree to have her summary added as an attachment.

Update from Pima County Administrator, Chuck Huckelberry:

Chuck Huckelberry: Early on you got a cost model analysis that we prepared because we had a lot of debate about what was appropriate or inappropriate in economic analysis and what was, in fact, going to be the fiscal cost of a Section 10 compliance with the E S A. And we produced this particular piece of work—it was mailed to everyone on the Steering Committee—and if you didn't get one, we're gonna tell you how you get one tonight, real easy. And it basically said that, and the reason it was done is because of all the hocus-pocus voodoo analysis that kept getting pushed our way over the Morrison Institute issue with regard to what economic analysis really was when you comply with Section 10 of the E S A. It is not solving the current crisis in the stock

market, it is talking about what is the minimum economic impacts associated with Section 10 E S A compliance. And so we did that for the unincorporated area and the model is very easy to follow, very simple, and it should help dispel a myth that compliance with the Conservation Plan, at least from a Section 10 E S A compliance, is not gonna cost a half a billion or a billion dollars; the cost range anywhere from a low end of 40 million up to about 220 million, depending on what alternative you want to select.

We have also, and the Board has directed, a kind of second-pronged planning process that staff is undertaking right now. It's actually the companion kind of planning process to the Conservation Plan, and it's one that has been outlined in a report, and we'll have this for you, too; and it talks about neighborhood conservation: the issues dealing with employment, housing, health care, affordability—all of the other issues that you hear debated in the community these days.

Finally, and a couple other things we've been doing, let me grab something here ...

Everybody has wanted to have every copy of every report, of every graph, of every word written on the Conservation Plan. We have for you tonight a set—disc—of twenty-three cassettes that you can take home with you and read to your heart's content. It has all of the printed material with regard to every report produced. We have an index for you that we'll hand out. It's also indexed on the disc. And it contains all of the technical information and written information regarding every report that's been written on the Conservation Plan. We're going to sign it out to you. You're gonna sign that you got it, because if you lose it and you want another set, it's gonna cost you \$120. If you want to buy a set, anybody can buy a set in the public, 120 dollars. They're going in the libraries. If you don't like the whole set, you just want, you know, you want your favorite discussion about mountain park elements, you can buy one disc for five dollars \$5. So everybody should be able to get anything and everything they want with regard to the information on the Conservation Plan.

The other thing that we've done this summer, and you've probably heard a little bit about it, the County entered into an agreement with the Fish and Wildlife Service and created the first Mitigation Bank in Arizona with and for the Pima Pineapple Cactus. And so we have, at this point in time, about 600 mitigation credits, that we're willing to entertain anyone who needs mitigation credits for the Pima Pineapple Cactus. You can come talk to us about purchasing them at fair market value. So that's a section of property the County purchased years and years ago for a sanitary landfill. It happened to have quite a few existing Pima Pineapple Cactus and suitable habitat for about 560 acres of the 680-acre, 640-acre acquisition. About the only thing else that we've been doing this summer is preparing for the Environmental Impact Statement documents that have to go with and parallel the final appropriate review of the U.S. Fish and Wildlife Service for a Section 10 permit. We've issued a series of E I S issue papers. Those also will be coming out in a disc very soon after we produce three more issue papers and we'll get you that disc also, so you should not have, you should also be able to have all of those. The, I think we also sent, hopefully, did people get a copy of this report in the mail? The Endangered Species Bulletin? Appropriate parts of it were excerpted and mailed to folks. This is a national publication. The Sonoran Desert Conservation Plan, a lot of conservation planning efforts in the southwest were written up in it. It's also available. The index to the reports that are on the disc is this particular piece of paper right here. Just a list, all of the reports in single-space in an index is a four-page piece of paper. So if you don't want to shuffle through your disc, you can refer to a written index that's also available.

And we have received, basically, the approval of the Board of Supervisors to move forward with issuing an RFP for an economic analysis. That RFP should be finalized and going out in September. We also, in the process of issuing the RFP, have established that we will have a review panel. And in that review panel, it will be members who are technical experts in the specific subject area, but it will also include members—we hope—or representatives of groups from the Steering Committee. And really what we're looking at is, you know, no formal votes. Don't spend a lot of your time figuring out who you should ask to be on this particular panel to review the professional proposals. We're looking for a representative, hopefully, of this committee, from, I'll say, the business development - slash - private property interests, that's one group. We're also then looking for a representative from the environmental - slash - neighborhood interest, and also one from the ranching community, to sit with probably at least two, maybe three, other technical experts in economic analysis and the RFP evaluation process. So, you better think about your groups as to who you might want to put on that, or recommend for that particular committee.

One last item is that we're gonna probably start producing some clearer, better graphics, that things I kind of assembled behind me. A lot of our graphics to date, as we have talked, have been regional databases; regional in a sense that they're kind of blurry or fuzzy around the edges. An example of a database that we're going to start producing in great detail is something like what you see here. What you see is basically the conservation land system in green and everything that's not in the conservation land system in white. And we can tell you that what's in green is about 3,100 square miles and we've broken those square miles down previously with you,

whether it's public land, whether it's private land, whether it's core, whether it's buffer, whether it's riparian, and we also have identified approximately 699 square miles in the white. We are now going through an analysis with technical GIS staff that will then classify all of the white into whether it's vacant land and vacant private or vacant State Trust land, or what you might call developable lands. And this is where you get into the issues of where you might have one house sitting on 20 or 30 or 40 acres and that, it will show up not as vacant in the assessor's records, but it will have a value on it, but it will not have, it will have a certain ratio between improvements versus land. And so we should be able to fairly well quantify for you all of the vacant land that is going to show up in this area both not only in the green but as well as the white. Because that has a lot to do with the entire cost model analysis, economic analysis associated with what we have left that can, in fact, be developed exclusive of, well, say, any biological or cultural resource value.

So, I think that's really about the end of my conversation and update, other than to just announce that we have reached an agreement with the Town of Marana and entered into a cooperative agreement with them. It was approved by the Board of Supervisors, I guess, a week or two ago.

And it sounds like, Mike, approved by the Council last night. We have sent cooperative agreements that reflect statutory language contained in an appropriation to the City of Tucson as well as the Town of Oro Valley and we'll be doing the same for the Town of Sahuarita very soon. Two of them are in the mail and the other one's being prepared for Sahuarita probably in the next day or two, as well as the town of, City of South Tucson.

So that's all the updates we have. Again, take your discs. Remember, if you lose your discs we're not gonna give you another free set. It's gonna cost you 120 bucks. Or if you want, you know, one that's very popular and you want to give it to your friends, five dollars a disc.

Questions & Discussion:

Question: What do you project as a timetable for the hiring of the economic expert and for the production of the economic report?

Mr. Huckelberry: We hope to have a consultant selected based on the process by late October and then it's really up to them as to how quickly they prepare a report. My guess is a minimum of about 120 days, maybe longer, depending upon how complex they want to make the issue. What we've tried to do in the RFP is narrow it down; it is the economic analysis associated with the Section 10 permit required by the E S A. That should, in fact, greatly simplify the economic analysis, because all we're looking for is that that is necessary to support the Environmental Impact Statement.

Question: Did you price the mitigation credits yet?

Mr. Huckelberry: No, we haven't. What we've done is just basically sit on them at this point in time, but we know that there's at least one other act of bank mitigation trying to be constructed and approved over in the Altar Valley. It's probably very probable that the mitigation credits are going to reflect free market acquisition of land fairly closely to it; probably at least 80% of it.

Call to the public:

- Pete Tescione requested to make a presentation on the dilemma of the eight-species land base and the fifty-five species land base.

New Business:

Stakeholder Presentations

Land-Use, Mitigation Cost and the Economics of Conservation Design-- Dr. Harold Barnett, PhD.: Dr. Barnett is Professor Emeritus from the University of Rhode Island. He received his Ph.D. in Economics from M.I.T. The Steering Committee was provided with a copy of Dr. Barnett's presentation. There were three main points to Dr. Barnett's presentation:

- To highlight the various costs that will be associated with the Conservation Plan alternative.
- To discuss the various factors that will determine the cost of mitigation. The goal not to suggest that numbers coming from the County are high or are low, but simply to point out what kind of policy and what kind of design is likely to affect mitigation and therefore allow some predictions as to what those costs will be.
- The use of information on costs, mitigation costs in particular, as it relates to the design of an alternative and the design of an implementation strategy.
- Dr. Barnett pointed out that he saw two major issues before the Sonoran Desert Conservation Plan Steering Committee.

- a. The designation of land for purpose of development and conservation so as to secure a Section 10 Permit.
- b. The issue of designing an implementation strategy.

Questions & Discussion:

Question: I have a question about the baseline assumption regarding rezoning and offsite versus onsite mitigation. Correct me if I'm wrong, but you're saying that rezoning basically equals that the CLS guidelines will apply, and not rezoning equals that they will not apply, which also equals that there will be offsite mitigation because of it.

Dr. Barnett: My understanding is that the onsite mitigation requirements of the Conservation Land System are triggered by a request for rezoning or other legislative actions. The unknown, and if you develop land without requesting rezoning or some other legislative action—simply go ahead with your existing zoning—there is not a mitigation requirement within the Conservation Land System, at least as I understand it. And the question is, you know, if there are, I can't remember, say there are sixty, seventy thousand acres of land in the Conservation Land System which, and the owners want to develop it but they do not request rezoning, if a Section 10 proposal simply mirrors the Conservation Land System, then there's no mitigation requirements. But my understanding is that if you have land that's in the Conservation Land System and you develop it under existing zoning, you still have to deal with conservation issues via Fish & Wildlife. So the question is, will a proposal be put forth and acceptable to Fish & Wildlife if it says that land within the Conservation Land System can be developed without any mitigation requirements if a rezoning is not required? And I don't know the answer to that, but that's the issue.

Question: I believe that anybody who needs to mitigate is going to have the opportunity to do onsite mitigation. It seems like it's kind of a baseline assumption that skews all of your numbers because why would a developer choose a more expensive way to mitigation, which is obviously offsite mitigation, when they can just comply with the CLS guidelines, even if they're developing within existing zoning and not have to purchase land? That's going to drop your numbers down significantly. I don't understand why developers wouldn't do that because that is obviously the cheaper alternative. My understanding is that rezoning or not rezoning does not determine whether the CLS guidelines apply. The CLS guidelines apply because of where they're at. You can choose to follow them or not. And if you don't, you move offsite, and if you do, you have onsite. And most people are going to choose the onsite.

Dr. Barnett: The idea is not to inflate or deflate numbers. In fact, I don't know the answer to the question. What I suggest in the latter part of the paper is that, in fact, if you have offsite versus onsite requirements and they're associated with rezoning, then, in fact, you could turn that into a strategy to determine where development is going to be versus conservation. What would be acceptable for a permit, I don't know.

Question: It seems like what you're saying is that if the burden of rezoning becomes so high that people could use the existing zoning as an alternative, which will lower the land use density of our future build-out and increase the mitigation requirements, and as a result of the total available land for mitigation and development that's privately held, even throwing in 15% of new State land isn't enough to cover what we potentially will need to both develop and mitigate.

Dr. Barnett: Using the numbers I have, it certainly suggests that you could run up against the available supply. Again, what's emphasized at the end is that I think it's possible to design a system where you essentially have incentives and disincentives with respect to density and conservation and conceivably you can control costs under such a system.

Question: Have you had a chance to analyze whether it behooves the County to set up its mitigation banks largely and early, so that it can then provide the mitigation land when and, as it's needed, either at cost, which would be a low price, or at fair market value, which may end up even profiting the County?

Dr. Barnett: Well, yeah, as I point out in the paper, if you're simply dealing with a trend rate of land inflation, then clearly doing it early is better than doing it late. And, of course, to get what you want, it's better to do it early rather than to do it later. The question, of course, is how much land, in fact, is going to be sought by developers and for conservation and if that's significant relative to the supply, then the act of going out and acquiring land for mitigation is going to have the effect of increasing price. But again, and I would say, and this is discussed some at the end of the paper, if you start targeting land in terms of development and conservation, one

consequence is that it makes selling land for mitigation relatively More attractive. And it also, of course, means that owners of that land can get a fair market value.

Question: I would like to address my questions to Maeveen. My basic question was that regardless of whether you seek a rezoning or not, if you follow the CLS guidelines, will you be required to do offsite mitigation? Or can you choose onsite mitigation?

Maeveen Behan: Let's see, I want to try to reframe what you said by putting it in the context of ... CLS guidelines haven't been accepted or even proposed as part of the Section 10 permit. So it's a local land use guideline. And it applies to rezoning and other discretionary decisions. Okay? So you're dealing with legislative actions, and you're dealing with them within the Conservation Land System. But what I heard during the presentation about a requirement for offsite mitigation, I'm not familiar with that. So. So I guess I've heard, I heard a mistake in an assumption in the presentation, and then I tried to clarify the assumptions that you have right there. But it's apples and oranges, because for the moment, the CLS guidelines are, it's a local issue. It's separate from the Section 10 permit.

Potential Plan Funding Mechanisms, Susan Shobe: Ms. Shobe is the Assistant Director for the Coalition for Sonoran Desert Protection. Ms. Shobe presented the Environmental groups' report titled, Protecting the Sonoran Desert. See attached.

- Overview of some of the various ways that communities across the United States, and particularly in the West, have generated revenue to fund their open space and/or conservation goals.
- The financing group is made up of The Sonoran Institute, The Coalition for Sonoran Desert Protection, The Arizona Open Land Trust, The Nature Conservancy of Arizona and the Arizona Sonora Desert Museum.
- The purpose of the Sonoran Desert Conservation Plan; a comprehensive local planning initiative to conserve the county's most valued natural resources and cultural resources while accommodating the inevitable population growth and economic expansion of the community.
- Ms. Shobe went through a list of funding mechanism suggestions. See attached.

Questions & Discussion:

Question: Have you found that in some communities, various groups of stakeholders, including the tourism industry and including the landowners and including real estate developers, have worked together with government and with conservation groups to achieve successful programs and successful funding approaches?

Ms. Shobe: There are, since most of the research was done by contacting county representatives, there was not a whole lot of opportunity to go into that. However, the area where that has been the most beneficial has been the one that I was mentioning where conservation groups, neighborhood groups, even development groups, have focused on mitigating, restoring, protecting specific ecosystems that make up a larger part of the preserve. That has been incredibly successful. Say, for example, I can't, I'm sorry that I'm blanking out right now, but that actually has been where it's been one of the most successful areas. And again, going back to the land trust agencies, they have been very successful in promoting open space bonds, things like that, to be passed to help generate the revenue. It definitely has, the most successful communities that have been able to generate this revenue, there's definitely been a collaboration among the stakeholders to identify the means, and again, to put all of the little pieces together that will help make up the plan, the open space conservation or habitat conservation plan.

Question: Can we expect the Coalition that you represent to be suggesting a specific constellation of mechanisms to finance the plan that the Coalition prefers?

Ms. Shobe: As far as I know, that recommendation has not been suggested. I don't know that the Coalition is specifically, as far as I know; the Coalition is not specifically looking at it. The financing group that came together to put this report together and to work on other issues, as far as I know, that's not in their timeline. This basically was meant to begin the discussion amongst the Steering Committee members, among the stakeholder groups, to discuss things that are equitable, again, for you all to try and begin this discussion and come up with the answer to the question, how are we going to fund this plan.

Sonoran Desert Conservation Plan Issues Matrix:

This item was deferred to the October meeting as it is a follow-on to the stakeholder presentations that were also deferred to the October meeting.

Future Meeting Schedule:

David presented the meeting schedule to the Steering Committee.

Discussion:

- It was noted that the schedule should clearly define Meeting or Study Sessions as meetings are counted for the attendance policy and study sessions are not.

Action: The schedule for meetings beginning with September 14, 2002 and ending with Saturday, February 15, 2003 was approved.

Issues for future meeting agendas and new business:

Discussion:

- The meeting schedule had been based upon the information that the Steering Committee had at its disposal in May that an economics consultant would have already been selected by this date, the fall period through December would be used to prepare proposed alternative recommendations for economic analysis; with the expectation that those would be to the economics consultant in late December, early January, and finally the Steering Committee would be prepared to make proposed alternative recommendations to the county by March 1st.
- Some members felt that the self-imposed March deadline might be optimistic since learning that the Steering Committee would not see the economic report until sometime in February. The recommendation was made that the Steering Committee should plan for some additional meetings beyond February. The proposal was made that the Steering Committee strive to complete their work by March 1st.
- A discussion ensued regarding Mr. Huckelberry's comments on the 3 persons that the Steering Committee wanted to see on the RFP committee. While some members felt that Harold Barnett would be a non-partisan representative, others felt that they did not want a non-Steering Committee member to represent the Steering Committee.
- The motion was made to have Harold Barnett represent the Steering Committee on the RFP Committee, however, the point was made that since the issue of voting on the representatives from the Steering Committee to be on the RFP Committee was not noted on the agenda that this would be an item for the November 6th agenda.
- It was also noted that since the County was going to have economists on the RFP Committee, that perhaps the Steering Committee could recommend Harold Barnett as one of those economists. This would be a recommendation above and beyond the stakeholder groups. Maeveen Behan confirmed that the Steering Committee could recommend that Harold Barnett be appointed economist on the RFP Committee
- The request was made to have an Executive Session on the November 6th agenda.
- Some of the Steering Committee members felt that the underlying assumptions of the Sonoran Desert Conservation Plan should be examined and dealt with more broadly and the recommendations from the Steering Committee be shared with the Board of Supervisors as the representatives of the public concerning each of these assumptions, and that that should be scheduled for a future meeting.
- The suggestion was made to put the discussion of the feasibility of an Open Space bond in 2003 for the purpose of funding Sonoran Desert Conservation Plan or partially funding of Sonoran Desert Conservation Plan on a future agenda.
- A few members of the Steering Committee questioned why the Wildlife Service meeting noticed in the local newspaper regarding the pygmy owl habitat was closed to all but the recovery team and those invited by the regional director. Another Steering Committee member made the explanation that those meetings are closed to the public and that the recovery plan is supposed to be kept confidential.
- The request to have Pima County fund the \$595 fee for two Steering Committee members to attend a two-day seminar on the Endangered Species Act and Habitat Conservation Planning

was made. The recommendation was made to place this on the October 5th agenda. The fact that a Steering Committee member had already spoken with the county and had been told that the county would not be funding this item was raised.

- The suggestion was made and approved to move a few of the presentations by members of the public to the October 5th meeting.

Motion:

- Convert the September 14th Study Session into a meeting to address the issue of selecting participation on the review panel for the RFP for the economics consultant, and also for the executive session. Motion failed.

Call to the Public:

- The closed meeting of the recovery plans regarding the pygmy owl habitat was questioned.

Meeting Adjourned 8:20 pm

Meeting Notes:

Sonoran Desert Conservation Plan Steering Committee Study Session Saturday, September 14

Meeting Convened at 8:30 AM

Introductory Comments:

Steele review the ground rules, reviewed the agenda made notice of the next meeting.

Steele: For safety and logistical reasons, meeting room would open 30 minutes prior to start time.

Steering Committee member Vitale objected to this policy, which was noted by Steele.

Steele reiterated that this is a study session, so the attendance policy does not apply.

Call to the Public: No member of the public sought recognition to speak at the call to the public

Stakeholder Presentations by Members of the Public: Will Hoffman made a presentation on the role of the general public in the Sonoran Desert Conservation Plan (copy attached.)

Q.: Testing... I agree that the science needs validation because it has not been independently peer reviewed yet, despite the alleged peer review that it took. So how do we actually invite the Natural Research Council to do this?

Dr. Hoffman: Well, we certainly can't do it this morning because this is just a workshop. But it could be made a motion at the October 5th meeting and be voted on, in which case it would be a matter of extending a formal invitation. I don't know who would do that, whether it would be David or Supervisor Bronson or whoever. That's a matter for the protocol recited here, and that's something for the Steering Committee and the Board of Supervisors to decide.

Q. Are there any costs involved to the county?

Dr. Hoffman: I don't know. I don't think so. It's a national, it's a public, it's part of the National Academy of Sciences, and I would expect that it would be done at expense at most.

Q. if we actually wanted to look at biocomplexity, I think we're tripling, quadrupling the cost of this plan. Did you take that into account when you were thinking that we need to look at the biocomplexity instead of biodiversity? Because of course biodiversity is just a subset of biocomplexity. I agree, biocomplexity would be great, but the science is very new and there's just not enough information out there. I would guess if we wanted to go out and make a reserve system that conserved ecosystem processes, that the reserve system would be about twice a big, which would mean it would spill over the borders of the county and would basically tie up all the land. Because we don't know enough about processes to actually map them out in any sort of finite way. Do you agree with that, did you think about that at all, Dr. Hoffman?

Dr. Hoffman: Certainly I thought about it. The important part is the couple natural and human systems. If you don't bring that in, you're halfway down... you've got a big problem already. Think of the affordable housing and all the other aspects of it, the financing, minimally the survey presently runs about \$250,000 for the pygmy owl. If you have 55 vulnerable species, multiply that by 55, can you afford that? You do need to bring in the human aspects of it as well, and it's no good just going your own way without taking account of the full system. This seems to be the age of obsession, all perspective, all balance is lost for the sake of premature closure on one glittering idea.

Q. You're correct, and I have an obsession with wildlands, and I don't see any coupled human processes in my wildlands, and I don't want to see any. The one human influence out there right now is ranching, and I think the Sonoran Desert Conservation Plan has taken that human system into account.

And I hope they do a good job, and I hope the ranchers think we're doing a good job with that, but the only place I see coupled human/natural systems is in the urban areas. And I embrace urban wildlife, I studied urban rattlesnakes for years, and I wish there were more rattlesnakes in urban areas, but...

Dr. Hoffman: That tells us something, doesn't it?

Q. I have a question for David. The agenda indicates that there will be stakeholder presentations and discussion. I take it we are now at a question and answer period. After the question and answer period, will there be an opportunity for the members of the Steering Committee to discuss this matter?
David: Sure. I mean, we can certainly have it as part of this discussion, which is, part of the big item.

Q. I want to allow people the opportunity to question Dr. Hoffman, and then I want to allow us the opportunity to discuss what we have heard, consisting of both the presentation and the questions and answers.

Ernie: Whether correctly or not, because of my background as a litigator, where expert testimony is presented typically on complex subjects that the judge may have had no training in, the process that we are going through seems similar to that. We have heard expert presentations, and Dr. Hoffman's expert presentation is extremely helpful. And then we, as being analogous to the judge, in terms of having the role of, the responsibility of issuing a recommendation rather than a decision, have the choice of saying, we have heard expert testimony and we have evaluated it, and based on what we have heard, we are satisfied that we have sufficient information to make a decision. Or we might say, we need our own expert. At this point, I think we are in the stage of the process where people with the expertise that Will brings can make presentations to us, and then we can then at some stage decide we have enough information so that we can make our own judgments, or that we need additional expertise. But one of the things that happens in the judicial process is that each side is allowed the opportunity to review the presentations that have been made by the other side's experts. And what I hope we will do before we come to a decision that we need our own experts, is to see what the other experts say about the presentations we have heard. So I would suggest that at the next Steering Committee meeting, rather than call for outside experts, we ask for comments by the existing experts on the presentations we have heard and defer the judgment as to whether we need additional experts until we have heard those comments.

Dr. Hoffman: Well, as I understand, in a judicial setting, the current doctrine is it has to be generally accepted science to avoid junk science. Is that about right?

Ernie: Yes, but there is the decision as to what constitutes junk science is under a set of criteria established by the United States Supreme Court consisting of eight particular criteria. I don't think we are at a point to look at those criteria until we have heard the comments by other experts on the testimony of the first set of experts.

Dr. Hoffman: Ernie, I'm surprised you don't want to follow the Supreme Court.

Ernie: I do want to follow...that's exactly what I want to do.

SDCP Issues Matrix: Steele went over the Issues Matrix and indicated that he would work with Will to incorporate his views in it. Carolyn once again pointed that the 4/6 presentation was more than just the Coalition.

Coalition for Sonoran Desert Protection Presentation Economic Benefits Report:

Carolyn made some introductory comments and Susan Shobe made the presentation.

Copy of the presentation attached.

Q. In the report, you use the term, "natural resources", and you seem to use it differently from what is ordinarily understood. Can you define what you mean by "natural resources", please?

Susan: Natural resources, we're basically referring to pristine, undeveloped, unspoiled natural resources. Okay, large open spaces of land that occur in the natural environment that are not developed, that are not being used exclusively ...

Unrecognized voice: I think I understand. What you're, what we really need to talk about when we talk about when we talk about natural resources are minerals and plants and animals and soils that have not been developed or extracted, that's what we mean by natural resources. So it's pretty much all-encompassing.

Q. In the report it says we're going to increase in-stream fishing. Now I'm very interested in that, where's that going to be?

Susan: I believe that that was considered one of the potential benefits of conservation, and this report is not written specifically for Pima County, it's written for potential benefits of conservation in general.

Q.: One of the focuses of the economic benefits, which I agree with, is the increase in tourism and travel that preservation of resources is likely to encourage. In all of the economic statistics that I have seen over the past 15 years that I have been living here, Tucson has, the Tucson area, the Pima County area has had the lowest unemployment in the state and has been the most dependent on tourism and travel. That's positive. But what is negative from that is that we also have one of the lowest average wage areas because the tourism and travel industry is noted for low wages. Has any consideration been given, if we are promoting a low wage industry with a high employment component, to the potential for affordable housing and how it's impacted?

Carolyn: the Morrison Institute went into it a bit, they looked at different communities, some did a better job of others. A point that we saw, again, was a comprehensive, well designed initiative that touches in other areas of the economy was going to be more successful. And I think we would all be well served to encourage the county to look at other areas such as affordable housing and the higher paid jobs, which I think is outside of the scope of the Steering Committee, but certainly us as community members that want to see a Sonoran Desert Conservation Plan that is successful, we need to deal with those other issues. Another finding that was in the report was that different communities are competing to be greener than others, to get new industries in town, and with the optics, the high tech cluster that we're trying to attract here, that these quality of life issues with open space, protecting the resources, clean air, clean water, those kind of industries are looking for that. So these all work together. But we need to be looking at all, or we don't, we need to encourage the county to look at all those initiatives.

Q.: When you talk about the benefits of the open space when you are attracting especially high tech clusters, I do want to advise you to talk to GTEC, because according to GTEC, which I am very close to in some meetings, they say that doesn't come into it until actually the companies move here. The first attraction is workforce, education and property taxes, before they can even attract them to look at Tucson..

Q.: ...one of the bad things is that the more tourists we have and the more recreations we have, the less pristine areas we will have, and that's a real impact. So I do want to ask you, how are you going to resolve this dilemma, because the report pushes recreation as a very definite benefit?

Carolyn: I will attempt to answer the second part first. I agree, and the Coalition feels strongly about impacts of recreation. We had asked the county to please put together a recreation advisory team in addition to the others because recreation is a very valuable asset, our access to recreation here, but in the meantime, there are some negative sides, just like the costs and benefits associated with conservation. So we had asked that the recreation team be formed specifically to try to balance and better plan, because if we can plan better our recreational activities, we can minimize the impacts it has on particularly the 55 species that we're looking at in the Sonoran Desert Conservation Plan.

Susan: Well, those are definitely concerns that would have to be addressed. The idea, the discussion of potential benefits doesn't mean necessarily that any one thing is going to be the cure-all or any one policy. All we're advocating for, basically, is that discussion of this occurs. We want to see these on the table. If we're going to be discussing costs, if we want to be talking about how our community is going to best benefit from this conservation. It's not just minimizing costs, it's not just looking at the smallest dollar amount, it's looking at the net effect. And that means being able to take advantage of the

opportunities that will arise. There will be opportunities for increased recreation in areas that are appropriate to have more people. Everyone that comes to Tucson that loves the idea of the biodiversity here, that loves the idea of the open space, not all of those people are going to be going out into the wilderness, necessarily. They may want to go do something different or walk around the Desert Museum.

Q. From a landownership perspective, a question that I wonder if you've dealt with, or maybe the county could help us know more about, is, as landowners consider being part of the conservation solution, there's obviously concerns if you can't do things with your land about property values, etc., there's also a lot more discussion that conservation can begin to sort of counter-affect potential losses by, you know, actual...I'm not being very articulate. That conservation can begin to add value to land. Which is a really important topic as we think about mitigation banking, conservation easements. We need to find a way to make conservation pay for landowners. I wonder if you've dealt with that in your report, or if you haven't, I wonder if there might be some tangible numbers we could bring to bear to our discussion from other parts of the country. These are big topics, and it might be a very important part of the economics discussion to really see how we can make conservation pay for private landowners.

Carolyn: That's okay, it's a very good point and we did not address it in this report. However, the report that we produced in conjunction with some other groups that we presented last week, and hopefully everybody's gotten a copy of that report in the mail. SIMG should have sent that out a couple of days ago, I don't know if folks got it yet. It talked about funding mechanisms, and that's a very powerful conservation incentives, tax incentives, easements, things like that, is a pretty powerful tool that other communities have been using, and we recommend that that be done here, too. But hopefully you can read through that report and we can have a pretty good discussion in the Steering Committee about that.

Susan: I have something to add to that. Excuse me, just a quick... you asked if there were studies or if there were numbers to be able to give people some idea what could happen if conservation occurs on their land as far as property values. There was a recent study done by Bonnie Kolbe that talked about housing values, property values adjacent to protected riparian areas, and it showed there was a significant increase in property values adjacent to riparian areas that had been conserved.

Q. I'm aware of those kinds of situations, but we also have situations in Pima County, out in the Altar Valley where we are, where you've got a really big chunk of country that's, knock on wood, not developed at all. But believe you me, the pressure's great, and every piece of property that's on the market is right now at risk of going in sort of the Three Points development style, wildcatting direction. And it's a huge problem to try to find ways to solve those dilemmas and to try to convince people that they can make conservation work on their land, should they have to change what they're doing with it.

Carolyn: Well, I was going to bring up the point that Susan brought up, that there is a discussion of that. But, you bring up a really good point, that it is much different when you live on the land, than when the conservation is happening next to you rather than happening on your land. I think it brings up a really good point that needs discussion. I don't have the answer and I don't think anybody does, but there are quite a few conservation incentives that exist for that very purpose, to provide a benefit for landowners so that they will want to conserve, not just because it's the right thing to do, but also because economically it's going to be the right thing to do. That always has to be one of the top priorities for any landowner. So I just encourage us to all...the ones I know about, there's Farm Bill, there's quite a few programs like that that provide spending for conservation, and I know that Defenders of Wildlife, in conjunction with the Coalition, are taking a good hard look at what those are and figuring out a way to bring them back to the community. Because a lot of times, Arizona doesn't take the money that's available to them, because people just frankly don't know that it's out there. And I think that one of the main things that's going to help this effort is to find out what they are and bring them back here and make it available and easy for landowners who are going to be impacted to take advantage.

Q.: I really complement you for doing this, because you're, I believe, going down the right path. Some of the people know that I'm a developer, one of the developers in the room. But part of our team, one of my team's developments was Ventana Hotel. When we developed that, it had a goal of blending man and nature. We saddled it up next to a national park and then blended it in color-wise. All of that led to a great economic benefit. It's one of the most successful hotels in the world in the international resort

business specifically because it offers an environment that's unique. And I think it's recognized that natural resources grant great benefits economically. Aside from that, you need to saddle up this issue of supply, because comparing an economic base in a community where you don't have adequate housing and affordable housing, you eventually get into this huge conflict again. So I think your report is going in the right direction as long as it answers Mary's problem, which is, what do you do with the current landowners and how do you protect their economic base, and secondly, how do you protect the supply of housing in the future for those natural growths in the community that are going to occur on an affordable basis. And I'll end by saying that there's only one way to maintain affordability, and that is, have adequate supply. Every other economic scheme that has come along has failed, except that one item.

Susan: I would just like to respond to that. Again, the report itself doesn't identify specific recommendations for Pima County or the Sonoran Desert Conservation Plan itself. But what it does do is ask that this information be presented in such a way that economic analyses reflect current trends, identify potential benefits and potential costs, so that the community is able to maximize the benefits and minimize the costs. But it does, the studies that are there are to provide more examples of what other communities have done. Not necessarily to say, this is what Pima County should do, but to say, other counties, or other communities are making this work for them. They have identified these things, they have gotten down to the specifics on, what are we going to do about affordable housing, what are we going to do, and have identified specific measures that work for their community. And we're going to need to do the same thing in Pima County, exactly what you said. I just wanted to let everyone know that the examples that I'm citing from other places are not, again, to say, this is what we should do in Pima County. It's merely to say, other communities are doing it, we can do it, too.

Q.: I'm delighted that we have this study session. I think we are now identifying some real serious concerns. One of the concerns that has been rattling around in my head is that I believe that property values will go up because of what we are doing, and that's wonderful for the current landowners, and that's wonderful for the county in terms of its ability to produce revenue. But it's also got a very serious downside in terms of the fact that people will have to pay higher taxes, real estate taxes, for the land they already own. I have less concern for new people coming in, because they'll know what to expect. But people who are here will be confronted with owning real estate that they may want to live in and they may not be able to afford to pay taxes on. So I think we need, as the representatives of the public, to look at all these issues. And I'm very appreciative that you've brought them to us, and we're going to need to schedule some time to talk about these things among ourselves.

Q.: I was impressed to hear Susan mention the discussion. I think that's a very good idea. I think what we really need here is more than promotions, is debate, to sort things out and find out what's so and what isn't. And Susan's presentation, there were all kinds of contradictions. The stagflation has been ignored. This, you understand, comes from a supply side shock, when you remove land from buildable land and put it in mitigation, the result is, you shift the, as I showed on the transparency, you shift the supply curve to the left and reduce the price. That results in a loss of the factor of production, the housing supply. You don't have any land to build on here, and at the same time, it produces, it's a factor that production is lower, your unemployment is higher. The housing is ??? a third in the county, third highest. If you reduce the employment severely in the housing industry, you will have committed stagflation. I take strong exception to the economic model, too, that Nemy is pushing that's exactly opposite of every reputable economic entity, the World Bank, all the Federal Reserve Banks, use exactly that.

Susan: your point is well taken about how it influences the supply and demand, but it's looking at one element of that in a vacuum. There are a number of things that influence supply and demand, such as subsidies, for example. Those hugely influence supply and demand and actually shift the curve the other way. And environmental externalities is something else, where we have dirtier air and dirtier water. Those kind of things shift that curve. So I agree with you that we should look at things that impact supply and demand, but we cannot take one thing that influences it and look at it by itself. We have to look at all of that. And a lot of the, your second point about the economic model that's being pushed in our report, it's a very new and actually very reputable way and much more correct way to start looking at economic impacts of conservation, and pretty much any natural resource economist will tell

you that. It's just that natural resource economists are pretty much the only ones who are aware that this is a new and more correct way to look at it. And that's what we're trying to do is bring it to the forefront of people's minds and have them recognize that this is the way that this needs to happen.

Jennie: Okay, well, I also am pretty familiar with the report, so I'm responding as a member of the Coalition, just for that. Another point of the report is that perhaps this particular industry, housing, is in a certain position in our economic base right now, but the point of the report is, when there are adjustments to be made from one end, the market responds. Employers, employees, customers, everyone looks for other industries to invest in and the mix of the economy changes.

Chris: Well, because this housing affordability issue is becoming more prominent in our discussions, we also should recognize, I think it's Elliott Pollack again, did a pretty comprehensive study of affordability in Arizona communities. In fact, Tucson just had an affordability conference here a couple of months ago. I think that report is supposed to be final this fall, and we might want to consider even inviting Elliott here. One last thing is that he did make a presentation at the affordability conference, and his conclusion was, there wasn't an affordability problem except in the lowest housing categories, which is typically what people think of when they think about affordability. And that takes into a whole lot of other factors. Not just land availability, it's the subsidy question of people that just don't have the economic means to afford housing. So obviously it's complex subject, but we have a lot of current information that's been brought to bear on it that we should certainly take advantage of.

Chris: Yeah, and you're absolutely right. I've been surprised over the last 30 years at the predictions of doom that we've had in our own industry, and how we've continued to be able to turn out affordable housing, it's surprising me that that's continued. The number has jumped way different here just in the last two years. We've almost doubled the price of housing in our community in less than 10 years. So some of the actions that we took 10 and 15 years ago are now starting to play rather heavily. But if you go to parallel circumstances in other parts of the country where they've already gone through their rapid population growth and didn't properly plan, housing has become virtually unaffordable. There are statistics in certain parts of California where 85% of the population could not buy their own home, and the only reason they're staying in the marketplace is because of built up equity, but that says nothing for the next generation. So if we want to be responsible and we want to have a good, well planned community, we've got to figure this factor in, or long term we'll end up with a very serious problem. And I think the net effect will be, the loser will be the environment, because eventually human pressure will overpower environmental pressure. It does everywhere.

Open Space Bonding, Status of Current Open Space Bond Program

Gayle Hartmann as a member of the County's Bond Committee gave a presentation on the current open space bond program. (Copy of the presentation is attached.)

Q: With regard to private land, what consideration, if any, has been given to the condemnation process?

Gayle: None. These lands are not condemned. This is always willing sellers. The only condemnation for open space that has occurred in Pima County had to do with the Ventana trail, which Chris and the county and others kind of screwed up on, in that the Ventana trail was in the land that was involved with Ventana Hotel and other purchases, but people were kind of asleep at the switch at the time. So for that trail to remain in public ownership, there was some condemnation of an easement up to the forest. That's the only example I know of.

Q.: The other area of question involves state land. To what extent does the governor of Arizona influence the process of dealing with the state on this issue, and if the governor does have any influence in this process, to what extent are efforts being made to educate the two candidates who were nominated Tuesday of the two major parties concerning this issue?

Gayle: Well, that's a very loaded political question (laughter) which I probably should stay away from, but I will say that the governor appoints a state land commissioner, and that's the person who is most directly involved in these issues, and perhaps we do need a commissioner who is a little more interested in proceeding along some of the lines we've discussed.

Q.: My question is a result of my being an investor in these kind of things. So, how much do you think the future proposed bonds will be for, and what is the bond rating in Pima County? Can you answer those questions?

Gayle: Well, I have no idea what the future bond will be for. That remains to be decided by lots and lots of people, the county has set no date, they've set no discussion for it. This one, as you saw, was 27.9 million. You can see what we got, approximately, I mean, I realize it's a little hard for you to assess all that, since we went through it so quickly. But I think realistically, it has to be a lot more than 27.9 million. I've heard the figure 100 million, 200 million, 250 million, those have all been discussed, and those are certainly well within the county's bond authority, particularly if we do not have another Christmas tree bond as we had in 1997, where lots and lots of other departments were involved. And I, frankly, do not know the rating right now. I have known it in the past. I don't know if Maeveen does, or if not. Do you know what the county's bond rating is right now?

Q.: When the states were created, one of the incentives for creating states was the federal government making sure the population got educated. So part of the process of creating a state from a territory was to grant land. But the condition on that grant was, you must use that land to support the education system. It really doesn't have a lot to do with the governor or the state land commissioner or anybody else. They're all bound by law that they must take the land from the state process and use it in its highest and best use. And I don't know that anybody really understands how to change that, but the mechanism is set to create the greatest value out of state land, and it's not a political issue.

Gayle: Well, let me make a comment on that, because, although that is definitely true, the lands that we showed on this map, the state lands, are all within what's called the Arizona Preserve Initiative, and that has taken out some numbers of state lands to be set aside for conservation purposes. And these have been sent in to the state, along with lands from other parts of the state. I think it's more here a matter of, well, I'm not exactly sure why these haven't moved forward, perhaps just because of some disagreements between Pima County and the state. I think it much less has to do with the notion of the land being set aside for educational purposes, however.

Q.: I was curious as conservation easements potentially become a more well used tool, what are your thoughts about what organization would be the steward of those easements?

Gayle: That's a really good question, and that's a tough one. There are, of course, land trusts around the country who have definitely got into that business. The Arizona Open Land Trust is doing a little bit along those lines. Whether the county itself will want to hold easements, or whether it would be the land trust or even something else, I'm not sure. I think the one important feature is, you have to have an organization that has longevity to it, so that the conservation easements are held in good stead in perpetuity. But certainly that's what AOLT hopes to do, and there are other land trusts in the state that are beginning to do the same thing. So we'll just have to see how that works out. It's worked out well on the east coast, I know.

Q.: Have you all, some of you involved more actively in these purchases, and the Arizona Land Trust, kind of been reaching out to some of these national organizations for advice about how to gain that strength?

Gayle: Yes.

Q.: Mary: I am aware of them, but I've not been involved in that at all. I just wondered if as a community, we are starting to do that?

Gayle: Well, AOLT has been trying to, but it hasn't been completely successful yet. Most of the land trusts in Arizona are pretty small, but there are several that seem to be doing reasonably well. And I think like a lot of these processes, it's kind of a ratcheting up, it's just doing a little bit at a time and seeing how it works, and moving forward.

Q.: As far as I understood from the state land commissioner when he was here, he said that everything had to be on an auction basis open to the public before anyone could purchase. Isn't that right?

Gayle: Well, not these API lands. Those, if they are classified as conservation lands, then that goes into the Growing Smarter money and it becomes a matching situation, half the money comes from the state, half the money comes from the county.

Q.: I wondered if Gayle or maybe Andy could provide a little bit of information about what organization or group is working on the new bond idea and how we might keep track of that or participate in those ideas?

Gayle: I don't think there really is much of a group as yet. There certainly has been a little bit of discussion in the community. I've not been too involved with it myself, so maybe Andy can comment as well as anyone.

Andy: Well, a group that kind of organized itself in 1997 to promote the bond election then has kind of coalesced again. At this point, it's been largely, well, it has been exclusively environmental organizations. Nature Conservancy, Desert Museum, Sonoran Institute, Trust for Public Lands, Arizona Open Land Trust, the Coalition. And it's called Friends of the Sonoran Desert, which was the name of the group before. Recently, they've been starting to reach out to try to inform a broader set of publics. I know we've talked to Chris, I've talked to you a little, Mary, to see if we can garner a broader base of support for this. Because bonding is, you know, people read that funding report, one of the problems we have in Arizona is that we don't have a lot of options for funding conservation because the state legislature has decided to constrain counties and the degree to which they can generate revenue. So we have to be looking at bonds as one way to help implement the Sonoran Desert Conservation Plan. And the other thing I'd like to say about it is that, I think it's an equitable way to apportion some of the costs. Because, the reason we're in a situation where we have to put more emphasis on conserving these resources is because a lot of other people, including everyone around this table, moved here and helped create part of the problem. So when we solve the problem, we need to figure out mechanisms to share the pain equitably, rather than looking at exclusively being focused on future land users or whatnot. So, once again, I think bonds are a good way to go. They've had a great record of success in the county, and there's lots of opportunity because our debt capacity is low right now. We have a lot of opportunity to bond without increasing secondary property taxes.

Issues for future meeting agendas and new business: Steele said that he will check with Elliott Pollack as to his availability. The development interests are going to give us their stateholder presentation, that we deferred from the last meeting. The Ad Hoc Committee, as a follow on to the September 4th meeting, is going to ask the county to come and give us some of the underlying assumptions that went into their moving forward with the plan, the underlying assumptions for the Sonoran Desert Conservation Plan. We're going to talk about an outline for the final report to the county, that I'll be sending out some information, we want to have some comment on. We're going to just review, I'm going to send it out beforehand so that you can take a look at it, so it'll go fairly quickly, hopefully, is our quarterly report. We're going to update the Steering Committee guidelines, in light of the attendance policy and the quorum issue, just to make sure that we have those updated. And then we have two public presentations that'll be deferred.

Steele restated the time and location for the ad-hoc subcommittee meeting. It is September 25th, 9:30 to 11:30, at Arizona Builders Alliance.

Call to the Public: No members of the public sought to be recognized.

Adjourn: 10:55 AM

SDCP - Steering Committee

Marriott UofA Park Hotel

8:30am to 11:30 am

Saturday, October 5, 2002

Meeting Notes

Participants: See attached sign-in sheet David Steele, Maeveen Behan and SIMG staff.

Documents made available to the Steering Committee members at the meeting:

- Agendas
- Ad-Hoc Subcommittee meeting notes for September 11th and 25th.
- Steering Committee meeting notes for September 4th.
- Steering Committee study session notes for September 14th.
- Confirmed Steering Committee Meeting/Study Sessions Schedule.
- Business Community Landowner Private Property Rights Recommendations: Mike Zimet and Chris Sheafe.
- STAT Charter

Meeting Commenced at 8:30 am

Meeting commenced with 30 Steering Committee members and 15 members of the general public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda. By 10:00 there were 32 Steering Committee members present.

Logistics for the next Study Session:

Wednesday, October 23, 2002

6:00 pm to 9:00 pm

Pima County Public Works Building

Conference Room 'C'

201 N. Stone

Logistics for the next Ad-Hoc Subcommittee meeting:

Monday, October 14, 2002

3:00 pm to 5:pm

Red Sky Conference Room

1661 N. Swan Road

Suite 118

Old Business:

Approval of meeting notes from September 4, meeting and for the September 14 Study Session:

This issue was deferred to the November 6th meeting as there were not enough Steering Committee members for a quorum.

Updated Operating Guidelines

Copies were given to the Steering Committee members of the updated operating guidelines that reflect some of the actions that occurred over the last couple of months with respect to quorum and attendance policy.

Discussion and Action:

- A copy of the guidelines needs to be given to the Board of Supervisors each time they are updated.
- Government Guidelines. We did meet 4 times by conference call, and I would suggest that in parentheses, add the 4 dates so that they are on record. Then the next sentence says, this subcommittee has met in person. Government Guidelines. We did meet 4 times by conference call, and I would suggest that in parentheses, add the 4 dates so that they are on record. Then the next sentence says, this subcommittee has met in person.
- The Steering Committee previously approved where there were no changes. So that would be a subsequent change.

- Lucy Vitale: In the last sentence, complete sentence at the bottom. Complete sentence begins, "The mediation group will consider the issue.", my process does not account for a mediation group, the process in February superceded this because we voted the process, and in the process it does not account for mediation, it accounts for us coming to a consensus or finally a vote, so that we don't take up too much time. That is part of the process that on February, everybody voted on.
- This issue would be deferred for lack of quorum.

Quarterly Report

This issue would be deferred for lack of quorum.

Economics Consultant Proposal Review Committee Participation

Maeveen Beham gave an update on the economics consultant proposal review committee participation. The RFP's are expected back from the people that are going to be bidding and opened on November 7th. The review committee would not meet until some point subsequent to that date. The Steering Committee has one study session and one Steering Committee meeting prior to the actual opening of the RFP's, therefore, this issue was also deferred.

Discussion and Action:

- At the September 4 Steering Committee meeting, Chuck Huckleberry said that they were going to put together a review committee. He wanted representatives from the Steering Committee that represented the ranching community, the business, real estate and development community, and the environment and homeowners association community. He wanted a representative to serve on that.
- The Ad Hoc Committee discussed this at its last meeting and wanted to recommend to the full Steering Committee that in addition to representatives from those three stakeholder groups that would be determined by those stakeholder groups, that we may have one or two at large members from the Steering Committee.
- This issue was deferred because the was not a quorum present.

Call to the public:

- Alexandra Terry of the Tohono O'Odham Nation gave a brief update on the action the Tohono O'Odham Nation has taken to clean up 113 dump sites on the reservation.

New Business:

Draft outline of Final Steering Committee Report to Board of Supervisors

David Steele created a draft outline of the key components of a final report to the Board of Supervisors from the Steering Committee. Some of the issues in the final report draft outline are related to the issues matrix and the thoughts from the stakeholder groups that have made presentations.

Discussion:

- Some members felt that the Steering Committee has to know what the economic appraisal is before the Steering Committee can start writing the report.
- Others voiced that it is appropriate to begin to outline the ultimate recommendations so that when the Steering Committee does have the economic data and makes some of the final decisions that the Steering Committee will have a context and a format in which to put those decisions.
- I would like to encourage that David and his colleagues be allowed to move ahead, at least on Roman Numeral One, Introduction and Background. That isn't very controversial information, but it will take a little time to write it, and the sooner they get that ready, I think the better off we're all going to be. Because what I sense is that we're going to have an incredible time crunch. November; we may get the final two recommendations from our stakeholders-- December's probably going to be a wash, December always is. Then we have two months, basically, and this thing is supposed to be ready on March 1st.
- Part of your report I would hope would include a section on key concepts. These are things that we should recommend to the Board regardless of how many species, regardless of alternatives, there should be a set of concepts that we would like to promote, so please make a part of your recommendation report for that kind of thing.
- There were no negative reactions to the format of the report.

Issues Matrix:

Discussion:

- The concept of the issues matrix is to be able to look at it and be updated. Comments on for the matrix can be emailed to David.

Pima County's key underlying assumptions of Draft Sonoran Desert Conservation Plan

- Cindy Coping made the point at the September meeting, that when formulating the final report there needs to be an understanding of the assumptions that the county is operating under, with respect to the plan. Then be able to have the Steering Committee provide some counsel on those base assumptions and maybe provide additional or supplementary information.
- This is a discussion that's going to have to take place in the future.
- When discussed in the Ad Hoc Committee group, it was decided that the Steering Committee give the county an opportunity to go over these.
- Maeveen provided some materials for the Steering Committee to consider, and then the Steering Committee would reserve some time at a future Steering Committee study session to discuss these in more detail to see if the Steering Committee, react to the county's assumptions and then formulate their own, if there are any in addition to those.

Maeveen Behan: Thank you for asking me to be here. Cindy, I probably have what you have to hand out, if you take a look at it. This is just a compilation of the goals, mission statement, objectives, of each of the technical teams. You've seen this before, actually, because this was formed in 1999 and we sent it out for public review as part of the template cooperative agreement that we entered into with all the federal agencies. It was out for a long public review, and we got a couple comments. People were concerned about different goals, and was there conflict between the goals of the ranch team and the science team, and that sort of thing. But it became the basis of the agreement between Pima County and each of the federal agencies. So in a sense, this is old news, but it may help you see it all in one place like that again. And I thought I'd give you some tips about how to find out, where did it show up again in documents, so you can see how it was applied. So if you go to the preliminary plan, you can see that the guidelines and objectives are discussed as a part of each element. I just opened it to page 35 and page 35 reads, Biological and Riparian Ecosystem Function Goals and Science Technical Advisory Team. So we always took the technical information and framed the discussion in the technical reports with it. Another place you might go if you really want to see how it's developed at great length, sometimes hundreds of pages, each element of the plan has a document, the riparian element, the ranch element, the cultural resource, all of its own, and then those were summarized and put into this 2000 document. This is the preliminary plan. Yeah. So that's your easiest roadmap for trying to determine, where did these come from, where did they show up again, how are they used? I can point you to that, but you can look at every report and there's a statement of the assumptions, there's a statement of the data gaps, and so you can just pick that apart yourself, and we would welcome any comments on that. They're really all out in draft. I just finished. You have that kind of guidance on sort of the general planning. And I think one thing that would be really helpful for the county is to hear, what mission objectives, goals, would the Steering Committee like to add? If you look at any Section 10 permit, you'll see, like, a statement of principle about, "the land use for the Section 10 permit will be from only willing sellers", something like that. Or you might see, not expressed but implied, an approach that is more acquisition oriented or more regulatory, and that would be really helpful to hear from the Steering Committee, what approach do you want to take in general. And I would add a third, which is, to what extent would you like to propose cooperative efforts in addition to or instead of acquisition oriented regulatory approach, cooperative efforts as part of the Section 10 permit. So there's, I would think, if I were in your shoes, you could have your own mission statement, objectives and goals that would be additive to what exists from the technical community. But we welcome any comments or anything you want to add or subtract. That's at a real general level, and it's kind of old. What I thought I would do is make an offer to you and see if this doesn't get you to a more specific level, and I think we need to move from the level of abstraction. If you think about, how do you start to write this document? There's some early decisions you can make. One is, what kind of time frame do you want to cover and what kind of activities do you want to cover? Those are basic, basic decisions that drive the entire EIS after it. You can look at the cost model that we put out in May. What we tried to do was show the whole range from, you know, nothing to everything, and we selected something in between. But a careful reader of that has the numbers in that document to just turn the dial up or

down from where the data is in that document, and see what the effect is. Since that time, what we've done is, we've taken that cost model, which really could turn into the project of the SDCP at any level, at any level, and we're writing EIS issue papers. And there's 10 of them out, and I'll just tell you what they are, they're cultural resources, ranching, recreation, fire management, invasive species, environmental justice, utility right of way, water. And coming out is land availability, mineral resources, service, the effect of the Section 10 permit on service availability, fiscal resources, meaning the tax base, transportation and housing. And what those really do is just say, well, what if the project really is what we proposed in the cost model? Then a lot of this data is geo-based and it's a very easy exercise just to drop the lines over the existing resource. These are all the resources that we scoped as part of the Federal Register notice, and they're good little discussion papers. Then we come in the end and we compile the results, and you start to get an idea that a strategy of ranch conservation to achieve a Section 10 permit would coincide with the protection of other resources, or conflict, and you can go strategy by strategy by strategy and see that. I think, if we can come back in November, I would love to hear from other people first, so you don't feel trapped by that analysis. But it's not that hard to start to move forward. Fiscal resources, the cost issues, are one of many issues, and the real decision points that you need to make first are, do you want to ... for example, this is very concrete, what do you want to include? Do you want to include just county projects? Do you want to include county projects plus development activity? Do you want to leave the door open for other landowner activities, where people could opt in, opt out? These are decision points. And we have them mapped out, I saw Sue Miller was here from Transportation, and we have all our CIP and non-CIP capital projects mapped, you can see the habitat impact, you can see where they are, inside, outside the conservation land system, and start to say, well, it would take this many acres and it would impact these parts of the community if we were to include facilities management projects, parks project, cultural resource projects, transportation projects, sewer. And that's all very, very concrete. And I don't know whether it would make you feel you were going forward, we need your advice in that way. The reason we're writing the EIS issue papers is to try to break the whole topic of the EIS into digestible parts, because it's enormous, and I think that will help us frame the EIS and we really need your input on the EIS itself. So there's some pretty easy decision points on this Section 10 permit that you could make that would allow us, we could map your recommendations and come back and they could be very different than what you see from the cost model. So I just make that as an offer, might get you going.

Discussion:

- All the mission statements should be compiled into one place at the beginning so the reader could understand what this is about.
- One concrete vote that the Steering Committee did take was that the Steering Committee recommends the Section 10 permit covers county projects, development services, permits, and also the other municipalities within Pima County, and also the state land department, if they so desire.
- Wasn't the time frame part of the legal mandate that we started with, that it was 20 years?

Maeveen: Just a short answer to that. EPA recommended 20 years in their comments. A series of public review we went through, EPA recommended 20 years. So we picked up on that, just honoring that recommendation. But most permits are much longer, and the trend has been towards 30, 50, and then there's a proposal for 100 years. So 20 is a short term permit, but EPA thought that we couldn't predict some of the impacts because of the rate of growth. I don't know if this will clarify things for you as you think about what recommendations you want to make to the county. There's two really different types of approaches that have been taken in the past with Section 10 permits, and one is to have ambition only to mitigate take. And what happens when you see that kind of plan, and I believe Austin's an example of that. All little HCP's are examples of that. But when you look at the bigger plans, there's really two philosophies. One is a mitigation approach and the other is a regional approach. They have a different standard, there's a different rigor that applies to them. If you say that San Diego was framed as a regional approach, they were allowed to put forward a body of information that justified their permit that was pretty coarse scale. They go forward with a goal, sort of biological goal, and I wanted to mention this, Cindy, because when you see these overarching goals, you can see that some plans stay at that level of generality and that's because they're framed in terms of a regional permit. Now if you take a mitigation approach, the requirement is much more fine scale. A good example of that that we've already done is the pineapple cactus mitigation bank. You go out and you count pineapple cactus and you count acres of suitable habitat and you negotiate a ratio and number of credits with Fish and Wildlife, and then that's set up, and people know that when they have an impact, very specific impact somewhere else, they can trade into that bank. That's a mitigation approach. And you can see that there's a requirement for more rigor in

the biological analysis. The reason why the justification for less rigor in the regional approach is that people believe that the robustness of taking a regional approach offsets the uncertainty that you would have for not doing a fine scale analysis. When you take all of that histories of HCP's and apply to Pima County, the first thing that strikes me is, there's no region as big as us. So a regional plan in San Diego, which is 10 times smaller, even though there were 30 governments involved, and people think of it as the grand plan, all of it, all 30 governments would fit in our one Altar Valley watershed, with 113,000 acres leftover. And so when we say regional, we're signing up for a bigger task. The requirement that you commit to funding early on becomes important at that point. If you want a regional plan and you meet the Section 10 commitment to have it adequately funded at the outset, then that's a decision point for the Steering Committee, because you can see how dramatic the difference would be in the price tag.

There's a hybrid approach, which is I think the way they're going with, well, there's a couple HCP's you can look at that take kind of a hybrid approach. What they do is begin with the mitigation approach, because that's what's achievable, and have milestones built in to the permit, and they work towards this regional approach. So if your regional approach is unachievable on the day you want a permit, the day you want to commit to a vision, you don't have to give that up. You can describe in the document how you'll work to achieve that. Then from the interest group perspective or the biological perspective, those milestones better be pretty well defined. What you do, in essence, is you move from this sort of micro-management of the landscape, this mitigation, which is pretty choked, that's a pretty choked approach. I know developers might like that. They might also fear it because when you run out of mitigation land, then you have to almost go find more or, you never really have the long term certainty. So there's a benefit to starting with a small plan, working towards the regional vision and really having excellence in the plan about how you define the milestones. If you take that approach, if the Steering Committee recommends that approach, there's a lot of discussion to have about those milestones. So I just want to put that out there, that I have never heard these sorts of discussions. If you wanted to take on any of the issues, there's a lot to talk about and we can bring a lot of information back to you.

- When did Pima County enter into agreements with the Town of Marana, the City of Tucson, and the Tohono O'odham Nation?

Maeveen: The Tohono Nation, that was our very first cooperative agreement, and they signed at a Steering Committee meeting. You might remember, it was the 13th Steering Committee meeting in that very first year, when the Tohono Nation made their presentation, they signed at that meeting. They've been solid partners all the way along, kids plan, it's just very nice to work with them. The federal agreements came in next, and we have agreements with all the federal agencies. We have an agreement with Game and Fish, which came in, that had never received any publicity. Then more recently, well, we also have one with Metro Water, I don't know if anyone really knows that. And the Marana agreement, Marana is to credit for coming forward with the great idea and a proposal that would move us both forward, and so I credit Marana with just taking the initiative and doing that. That's been a great relationship, I think. The nice thing about Marana as opposed to any of the federal agencies is they have staff who can just start running. So they have the GIS ability that's at the level of the county's, and in fact on a fine scale, probably better in ways, and then with Andy Laurenzi and just the interest, it was zero start-up time, so that's going to be really nice. So that came about with Marana. With the City of Tucson and Oro Valley, we have been trying for a long time, going back and forth with documents, trying to get into a cooperative agreement, and Congressman Kolbe's office has been helpful in designating in the mark that they'd like to see a cooperative agreement, and actually a year ago we all agreed to the template that's in the Fish and Wildlife Service Handbook, that we would all, if we couldn't come up with something better, we definitely would sign that. There's not been any publicity about that, but we've all understood that for this period of time.

- Have you heard of something called the National Data Quality Act that's going to take effect next month? Would it be a good idea to have a real peer review of the science, the biology here by something like the National Research Council?

Maeveen: I think a way to get off the dime with this peer review issue is to get some recommendations about how frequent you would like continuous peer review. Our technical teams have been finished for awhile and they're reformed with the Science Commission and going forward. There's been just a constant rollout of documents and information, and what we would like is a recommendation about how frequent would you like peer review and what aspects of the plan would you like reviewed? There's no hesitancy, we will have constant peer review. It will be built into the permit, but we could start that now. So any recommendations you have.

Instead of the drama of the one ultimate peer review that makes or breaks the plan, I think that's really a simplistic approach, and I really think to say, we need to have continuous peer review, we need to have continuous revisiting of the standards, and that's just a part of adaptive management.

- Have the problems with the Priority Vulnerable Species Report been corrected and is there a revised version of the document?

Maeveen: Sure. I know a lot of what you pointed out, you know, if it's semantic issues with the science team, I really leave that for them to answer. But they have responded, we have responded, I have responded to you. Probably I should just get those letters for the whole Steering Committee so that there's no mystery about that. But we're constantly improving the data, constantly. We issued different revised drafts, Priority Vulnerable Species has come out a few times. Ultimately it'll be an attachment to the Habitat Conservation Plan. We could issue the updated version now, at any time, really.

- Could the Steering Committee have a copy of the pamphlet you mentioned that names ten services that the Steering Committee has not touched on before?

Maeveen: It is. And at the next meeting, we'll just give it to you all on CD. It'll probably be 2 CD's now.

- From your perspective, could you go over briefly as you see the pros and cons of shorter permits versus longer permits? You were talking about anywhere from 15 or 20 to 100 years?

Maeveen: Sure. This has been a long process, but it's been shorter than any that's gone forward. If you look at Clark County and they took 10 years to come up with their Section 10 permit proposal. A 20 year permit doesn't look like you've gained a lot of certainty, 10 years of planning, 20 years. All of the processes have been long, San Diego was long. This is very accelerated, what we've been on. So I think that's the main setback of a short permit is that people might feel like they're not getting any relief from it, if that's what they want. What I like about a short permit is, you can be accurate. You can be more accurate. I think it's very unrealistic to promise to the community that the deal you cut today about endangered species assurance and whether or not that will do any good for the natural resource base, going forward. I think that's, I would bet that each of the jurisdictions that have made that promise, that they'll be deemed to have failed to keep it in the future. Because when you go through the first time and you have this kind of analysis, it hasn't been done in other places. There's never been a comprehensive analysis of the resource base in Pima County. And we have the most passionate people and one of the longest histories of collecting that kind of information, as you can imagine. So I think that there is room for improvement is terrific, I think that's a terrific aspect of a short term permit. I think the solution to going forward is to put these milestones in place, and to have the milestones, you can't pass the milestones. You don't necessarily have to reopen the whole permit in 20 years, but if you haven't achieved certain milestones, then you do have to reopen it. I think that might be Solomon's compromise to this. And have those milestones do what Jonathan's asking for, which is, improve the state of the science to everyone's liking and just constantly come to another plateau.

- I think that it would be almost inherent in that scope that we are talking about a regional approach rather than a mitigation approach or a hybrid approach, but it might be useful for us to schedule at our next meeting a formal discussion of that issue and a formal decision that we are, which of these 3 approaches we wish to take. It may be useful at our next meeting to schedule a discussion of time frame. I certainly think that we need to decide that so that we can decide what kinds of economic data we need in order to go forward on policy judgments, as to what horizon we are talking about. As to the 10 areas, such as transportation, water, sewer, I also think that probably not at the next meeting, but at a meeting to take place fairly soon, we ought to be identifying whatever views we have and whatever recommendations we might be willing to give on those that have broader implications than limited to economic issues.

Maeveen: I want to support what you're saying and suggest that there's an interesting fiscal issue that you might task the consultant with that I've never seen in a Section 10 permit before, which is to look at the mitigation, the hybrid and the regional approach, and ask the question about, if you commit to one of these approaches, let's say you commit to the regional approach, will it be less expensive to go ahead and acquire the land sooner than later, as you go through. If you've made that commitment, then when do you want to, if you're going to take an acquisition approach, when do you want to achieve it. Because I know from the people who've been through the open space bond, sooner is much less expensive than later. So there's another task aspect to

the economic consultant, and there's just a lot of interesting questions that might really give you the details that you want to make a decision that will be, I guess, judged wise decades from now. But there's that kind of analysis. It's really neat, I mean, there's a shallow analysis that you can go through to get through the EIS. That's not interesting, as interesting as the kinds of questions we can ask now, and I think you're getting at one. I'd love to see that.

- On mitigation and recovery of species. Acquisition of land is going to be one of the first things that the SDCP is going to have to do. Also, as far as the milestones that Maeveen mentioned, maybe they should be more like checkpoints. I know when you write Covenants, Conditions and Restrictions on land, a lot of times there's provisions, like after 20 years or 30 years, if nothing has changed, then they keep going, and maybe some provision like that could be included in the SDCP.

Maeveen: I'll tell you, one way to think about it is the model of the groundwater code, where they established a general goal that was unachievable at the moment the legislation was passed, and then they worked towards it over a period of decades. And each of the management plans, for second, third management plan, is a test of whether or not the administration of that program is leading to the achievement of the goal. You see that the deal breakers early on, water to ag, and the different things that would have made it impossible to accept the legislation, history leaves those issues behind, and each of the management plans, you know, those could be milestones and ours, become almost an easier task.

- The Steering Committee decided the scope of the permit would cover private property owners as well and that's a very important point. Another point in reference to concerns about seeing updates to the scientific information in a timely fashion, anyone can go to any library, and if you get on the Map Guide, you will see the most current species maps. We received a Map Guide instruction pamphlet from the county, and anyone who wants to look at that can go to the library, get on Map Guide, see what the most current data is for the species, which is constantly being revised as more data is gathered with surveys, etc., on an ongoing basis.
- Mr. Huckleberry a couple meetings ago said that the economic analysis would be for the completion of the Section 10 habitat conservation plan and not for the Sonoran Desert Conservation Plan. Since this body is put together to recommend a proposal to the Board of Supervisors for the adoption of the Sonoran Desert Conservation Plan, aren't we short-shifting the economic analysis? There's quite a difference between funding or the cost of Section 10 and the cost of the Sonoran Desert Conservation Plan.

Maeveen: I think the answer to the question is what I suggested to Ernie, that in your own proposals to the consultant about what you'd like to see reviewed, if you come up with a recommendation that you want to see a regional approach now, and you're up against that Section 10 requirement that that regional approach is fully funded or there's guarantees towards when that permit is issued, and believe me, that rule becomes more stringent over time as jurisdictions fail to meet their obligation under it. Then the reasonable question that you would ask, see, you framed, the Steering Committee has already said, here's the approach we want to take, that's different than what's suggested in the cost model. But you could task the consultant with asking that and answering it. To me, the interesting add-on is, sooner or later? Do you buy the land sooner or later? I think there will be a real education process for the whole community in understanding what these tradeoffs are and can you go forward right away, is the hybrid approach achieved, a little bit of what everyone wants? But yeah, all of those cost issues can be covered.

Questions from members of the public:

- **Peter Tescione:** Maeveen, I guess what I want to do is get some clarification. Now that you've stated or various jurisdictions or entities have supported or bought into the plan, Metro Water, for instance, Oro Valley, Tohono O'odham, etc. In stating that, how does that change things? How does that change things for the plan or how does that change things in the effect that the way those entities do business, and what is the practical effect of those so-called statements of support?

Maeveen: If you look at a place like San Diego where there's a perception that there was broad cooperation among the jurisdictions, that didn't mean that they all came under one permit or that they all finished their plans at the same moment, it didn't mean anything like that. There was the perception of cooperation, but in fact, jurisdictions had very different looking plans, and those were always particular to what approach they wanted to take. There was one jurisdiction that wanted to take more regulatory approach, and they finished very early,

they finished even before the regional picture was painted by the technical community. And then there's other jurisdictions that may never cross the finish line, and some would take a more acquisition based approach. So there's a little bit of fiction about what it means to have broad cooperation in other jurisdictions. The real technical point to get to is, how do you structure your permit? Do you have a broad permit with sort of one, like in Clark County, where all the acquisition dollars are put into one pot and distributed through an implementation team, so the jurisdictions, the cities actually give their money that they committed as part of the Section 10 permit to the county, county runs the implementation group, the implementation group makes the acquisition decisions. I believe that's how that works, that's how it says it works. That's something they achieved inter-governmentally that probably won't happen here. But what I see is, the technical issue is, do you take a broad permit, a broad approach, and do the other jurisdictions sort of tier off it? You might have the City of Tucson taking a safe harbor approach, if anything, I'm just speculating there, it might be in their interests to do that with their water lands. You might have Marana taking more of a mitigation approach because they have a few, well one endangered species issue and it's highly quantified. So each of these plans could look different. They'll all be administered through the front, if jurisdictions even have them, they'll be administered through their own planning and zoning commission, so none of that changes. The biggest benefit to cooperative approach, I believe, is that you're gathering information at the same time so that if one of the jurisdictions finds that it can't solve its problems within its boundary, then it can negotiate with another jurisdiction, potentially, because you're thinking at the same time about this topic, and it's a relief valve. So the cooperation creates relief valves that might not exist. Just like if you're a small landowner, you have some endangered thing in your backyard, you can't solve the problem in your backyard, you don't have enough land. That's true of the smaller jurisdictions, too. So that's what I see as the biggest benefit. There's some technical issues that I would love for the Steering Committee to know about and give opinions about, they're expressed in terms of, do you tier off, how do you structure that permit. But those are all open questions. I do think that to make it concrete in this community, Sahuarita and the City of Tucson have pineapple cactus issues, when you look at those annexations, just one fact, when we started this process, PAG(?) was projecting that the county would see 157,000 new people in unincorporated Pima County during the life of this permit, 20 years. And annexations came about, Marana, City of Tucson, Sahuarita, and now the projection, their unofficial projection but we used it in the cost model, was on the order of 40,000 and I'm rounding up. We actually went up to 100,000 for purposes of the cost model because that's such a drastic change in the projection. But what it means is the annexations will accommodate PAG beliefs, much of the development. Well, what also happened in those annexations is, they annexed a lot of the ESA issues. I don't really think that's been widely understood. So at the beginning, Pima County had a lot of anticipated population, a lot of ESA issues, and over the past 4 years, both the population projections and the ESA issues have been picked up by Marana and Sahuarita city. What that means, then, is that Pima County holds much of the solution and little of the problem. And so it's time for the jurisdictions to really see the advantage of solving their problem perhaps outside the jurisdictional boundaries. That makes sense for urban development and developers and everything. That's the biggest benefit in concrete terms right here.

- **Will Hoffman:** With respect to the best available science and your assumptions, the best available science is certainly by definition a National Research Council decision on that. I don't think any of us want to end up looking like the people from Klamath Falls or the swamp in Florida. The other matter is, how do you distinguish between milestones and adaptive management? I don't think anything has been said along that subject, and certainly you can't make any operational definition without defining that.

Maeveen: This is not a process that has feared critical oversight. Most HCP's have a consultant that goes in the back room, they come out with a draft MSCP, the draft DIS is the first document you see. We've sent over 200 documents out into the world to be reviewed, chewed on, commented, and so we don't fear review. What we would really like is a unified recommendation from the public about what types of review, at what frequency would they like to see us go forward. So we honor that point. Okay. There's no fear of review and we have our own science team, different teams have invited review, and if other people would like to see some rational way of going forward and reviewing that's productive and moves us forward, that's what we're looking for. Your second point, I guess I just want to re-emphasize that, to sort of shake a stick and say that this review is insufficient, we want another review, that's fine, that's completely consistent with the way we've gone forward. Sure, the milestones could be keyed to adaptive management, that would make sense. That's really a Steering Committee recommendation

Stakeholder Presentations by Steering Committee Members:

Business Community Landowner Private Property Rights Recommendations: Presented by Steering Committee members, Mike Zimet and Chris Sheafe.

Michael Zimet: Good morning. I was going to start off with a little introduction about myself, but I think I will not. The bottom line is, I have been interested in this process since the very beginning, basically because it hit me in my back yard. The whole understanding of property rights, the whole understanding of the Endangered Species Act, and trying to come about with a way to deal with this on a community basis. What we have to present today is a work in process that was prepared by several members of the Steering Committee. The members not only represent their own self interests, but for the most part potentially represent the interests of the entire business and pro-growth community in Tucson. It is meant to be a statement of what items we believe we have consensus on, core issues that must be incorporated into any alternative, and important considerations that we believe need more precise definition. The bottom line is, though, when all is said and done, it is intended to open a real dialogue on the very important issues raised by the Endangered Species Act and our community response to it. I want to just cover the first 5 slides, then I'm going to turn it over to Chris Sheafe who's been kind enough to take it through the rest of the process and stand your questions and answers, which stands for your questions. I think he's much more qualified than I am to answer most of them. So we'll just go down this presentation and I'll read, as you may, along with me. SDCP acknowledges, onto these key concepts, SDCP acknowledges existing rights of landowners of currently zoned or platted lands, or lands covered by a development or specific plan during this transition period until the land is developed. We want the plan to allow development to proceed under current entitlements, grandfathers existing zoning, plats and recorded development plans and specific plans. It also should provide necessary mitigation acreage and provide a plan to compensate landowners for lost or reduced value. Next.

A complete economic analysis of the regional impact of the SDCP and of the HCP as required by the ESA. So whether we do the full SDCP or just the HCP, in any event, we're suggesting a complete economic analysis be in hand. Participation in regional HCP is voluntary. Landowners may opt to negotiate directly with U.S. Fish and Wildlife. For instant, I'm not clear, as a landowner right now, what I would not do if we have a Section 10 permit in order to comply with the Endangered Species Act in developing my land. Small and low impact projects are expedited. Primary funding will be determined by a community vote of approval for a conservation sales tax or a bond issue. Next.

Some other key concepts. Minimizes inflation on land prices by keeping balance between amount and type of land in market circulation for development. Guarantees sufficient acreage and mitigation banks to allow both development and conservation. The plan proceeds based upon habitat conservation, specifically for species that are listed as threatened or endangered by the U.S. Fish and Wildlife. Includes incentives for voluntary conservation initiatives, that's real important. Peer review by a specific organization with qualifications comparable to the National Academy of Science. How many have I covered? One, two. I'm on the fifth. Areas of consensus that we believe that we have among us here. Rights of individuals with current zoned platted land or land covered by a development plan or specific plan. Protection of species and habitat. Future land use and development patterns will be different than past. We are in a transition period until existing zone land that is currently in the pipeline is developed. To date, the focus has been on biology and science. Current focus needs to be on the balance between biology, science, and the economic impact, mitigation costs, and affordability, and social considerations. And again, we're saying an economic impact analysis for it must be completed. And all development will comply with Endangered Species Act where applicable. Chris, if you would be so kind to take over?

Chris Sheafe: I will run through the rest of the presentation. Let me just cover a couple of points. If you cut through all of this, it comes down to a fairly simple basic fact, and that is that those people who worked on this plan were simply trying to come up with a viable way to preserve the concept of having a continuing supply of land to meet the natural growth of the community. And not overly burden the new residents of the community with an unfair proportion of the overall cost structure. That's essentially what all of these elements try and lead to. Mike, in his introduction, mentioned the pro-growth group. That has almost a bit of a negative connotation, and I hope it's not received that way. The pro-growth group is just simply those people who are tasked in their own professions with the burden of assuming or taking care of the natural growth that occurs. That's something that has not changed for a lot of years, and it won't change in the future. The idea is to try and meet all of the new demands that are being placed on the environment in the best possible way with the growth that's going to occur, whether we like it or not, it's just a function of the fact that there's more people coming. We've made some qualitative considerations, and that's the next slide here. These are the things that we feel need to be agreed upon and understood before you can formulate a solid plan. And one of them is the amount of habitat

acreage that really needs to be preserved, and that goes to the question of the number of species. The mitigation ratios, the site disturbance ratios, land valuation methods, which is probably the most controversial issue that we'll end up dealing with. Because if you recognize that people who already own an asset are going to be impacted by this process, then there comes a time when you discuss how you compensate them for the loss that they are going to take in what would be the ability to use that land, absent any further regulation. I'll speak to that in just a second.

Then we get to the whole public concept that Maeveen, I thought, covered so well, which was the land acquisition funding methods and the concept of doing it piecemeal or maybe taking a more comprehensive approach. And of course, the number of species to cover will guide a good portion of this discussion. The compensation side is, again, going to be most important, I think, to those people who actually have an asset, and mostly the landowners, and I think the ranching community in large measure, and also will become important to the general population depending on the burden that's placed on them. We already have a rather difficult tax structure in this county, particularly in terms of property taxes. And it's just reasonable to assume that if a greater burden is put on the property tax element, there probably is going to be a backlash at some point. So it's incumbent upon this process to handle this area very responsibly. The only thing I would say is that I think it probably ought to be a guiding principle for the recommendation of this committee that whatever burden we recommend be spread equally and fairly among all of the citizenry and not try to plant the burden on one group or one unsuspecting element of the citizenry, hoping that they'll absorb that without noticing, because probably that won't happen. So you can kind of read through the rest of that.

The next one is, and that's at the bottom of this slide, excuse me, you should be on the next one. Develop a non-litigious method for equitable appraisal which finally resolves all issues of value. I think it's going to be very important as we go through to try and make this plan really work, that we not allow landowners assume valuations that are just in the ridiculous and then put us into a long ending string of litigation, but on the other hand not assume that they also don't have value that is really there, which could also resolve in the same, and it's not very productive for the process.

So part of that is recognizing, next slide, the existing zoning, and I don't have to go through the details of that, I think it stands pretty much on its own. It's just, if you have the right that's been established for a property, that right is something that it would not be productive to not respect those rights. And if the plan in effect sets aside somebody's rights, then you can expect probably real problems with the plan, because those people will, depending on the number of them, will react rather sharply. The area of specific plans is very important because a specific plan quite often is dependent on the whole or some smaller part of it. So if you're half way through a specific plan and you suddenly have the end of the specific plan being put in question, that puts the economic viability of the entire project and all the investment that's been made to date at question, and it really is a very severe penalty and probably the most unfair, and would not be defensible if it were put to a test.

The other one which comes up periodically and really has to be a basis of a successful plan, and that's the economic analysis. I know that we've used examples from around the country of various circumstances that have happened, good and bad plans that have occurred. But I think there's one thing that is almost irrefutable and that is that any time public action creates a very sharp economic burden, there is a very significant reaction, and I guess the most careful way to put it is, the only way to preserve the environmental goals is to preserve the economic goals that underlie them. Anytime a community has its economy go into the tank, it will react in a defensive manner, and quite often, if there's an easy solution at setting aside environmental objectives, they'll get set aside. Now, I say this with some experience, because I was in Seattle, that's where I grew up, in the late 1960's and saw what happened in the Seattle area at the time that Boeing Company had a major setback, loss of 100,000 jobs in less than a year, and there were all kind of environmental goals that were set aside in the name of trying to create job growth. So I personally believe that, and I think it's very incumbent, and I think this committee felt, that it's very incumbent that the economics be held responsibly, then the studies be done and be done in a realistic manner, so that at the end of the day, the plan works for the economy, which will then help it work for its ultimate goals. So then, economic impact analysis should include acquisition costs, impact on property tax base, impact on developable land and affordability of housing. That leads to a very significant element, which is the attractiveness to quality employers. One of the things that is happening in San Diego, and it's not real evident, but the beginnings of it are, is that many employers over there are beginning to question if they want to remain in the area. And who knows where that will lead 10 years from now, but it could have some rather significant unintended consequences. It's incumbent upon us, because we're dealing with a smaller piece of the pie, and I think a far greater opportunity to do this right, to get it right economically, so that we don't pay that penalty long term and in effect damage the fundamental underpinnings of how this plan could work.

Also it should meet the ESA and EEPA requirements for a regional habitat conservation plan to obtain a Section 10 permit. I think, put bluntly, it also has to support the environmental goals.

Mitigation banks, recognizing the likelihood of values appreciating over time, it would be most cost effective for the county to expedite acquisition of sufficient mitigation bank lands in each geographic service area to allow development to continue while meeting conservation goals. And you know, what that really is saying is that, at least this committee felt, that it would make a lot better sense to take the comprehensive plan, what Maeveen was just talking about, think about it comprehensively, and lay out a plan to go out and acquire what we need early, and get those lands set aside, and understand what that means in terms of other lands being developable and really needing to be developed to support it all. The land supply and demand, affordability, we can go through each of those, a reduction in land available for housing will increase housing costs and negatively impact economic development and industrial growth. It also, you know, a lot of times when I'm involved in these discussions of housing costs and the environmental issues, the issue very quickly goes to this, well, it will raise housing costs. Well, that's not so much a concern when it also talks about the destruction of habitat that's of great value to the community. It is, though, important to remember that it affects individual families in a very punitive way. There is a significant cost to a community that allows its housing stock to become rental in nature because people simply can't afford to purchase as new consumers coming into the area. And I'll use San Diego as an example. San Diego's housing stock right now, for a starter home in that area, is approaching \$300,000, and for the most basic move-up home is approaching over half a million. There are more and more people in that environment that simply can't afford to own. What's happening in areas like Portland and certain areas in Connecticut and what not, the ownership ratio is dropping. I think long term, there's a huge price in society to pay for the fact that people are no longer owners. So this is a big issue, and it's something to pay a lot of attention to. Look at the third one down on your page, there should be a zero net effect on land available for development that will support densities and allow for growth. And I don't know if that's the best way to put it, but the message is that we should understand that we need to keep land available for the growth that will occur in a way that will allow it to remain in an affordable range. That just simply means you have to have enough supply, and that's where I began, supply is the key. Future planning decisions should support development and provide incentives in recognized growth areas. In other words, if you're going to take a big piece out and say, this is no longer available, you ought to simultaneously take another piece in and say, this will be protected and we won't allow short term issues to prevent proper densities and proper use of that land, because we know that that leads to the preservation of something that we see as a community is far more valuable to us.

Well, who pays? Next slide. There are numerous stakeholders and partners in regional conservation. The primary funding source for buying and conserving habitat should be based upon a community vote approving conservation sales tax or bond issue. The idea being, we should just spread this equally and have all beneficiaries participate. Balanced regional conservation should be supplemented by participation from public jurisdictions, and that's the whole concept of bringing in the public.

The next one is government, public share. Well, there's a whole list of elements there and I don't think you need me to read them to you. I thought Gayle Hartman's presentation was very helpful in talking about open space bonding and that planning, and then there's a recent report that was put together by Carolyn Campbell's group and the Sonoran Desert Institute and what-not, on the economics of ideas. I think if we can look at this as a committee and try and find a way to accomplish the funding of this without overly unfairly burdening one sector or another, we will have much greater success. Citizens and individuals must share, and there is at the bottom, voter approved issues, property tax, permit and user fees, and those are in there because I want you to recognize that those people who are developed in the growth industry understand that they do bring burdens and they also need to participate in helping to offset those costs. And the landowners need to share, ensure that development meets regional conservation goals, existing zonings are grandfathered and comply with ESA when applicable. And then we go down through the idea of purchasing the mitigation acreage, creating onsite individual mitigation wherever possible, the idea of trade or exchange, and it's not listed in here specifically, but the idea of acquisition of development rights, for example on the ranching lands, properly protecting the economics of the ranching holdings but at the same time, protecting the overall desire to not have every piece of property developed and maintain lifestyles that are traditional to the southwest. Conservation credits as currency. And this gets really into the idea of taking your land and trading off certain elements for it, or having a conservation credit as a currency that you can trade off using a common denominator and a common value base, and as I understand it, it's really the only way it could work effectively, is you have to understand what the values are, and you can take those credits and acquire them, and then that would bring property into development that may not otherwise have that privilege.

Going on, buy, sell, trade, earn. I think those are fairly self-explanatory. Conservation credits for mitigation acreage may be purchased from public or private conservators at a time of development, a fee in lieu of purchase, a mitigation acreage via a conservation credit would be paid which would in fact allow a public body to go buy the same. They can be earned or awarded for voluntary set-asides as an incentive for conservation. I think, tying into that, is the need to meet other public needs as well. And then, conserved lands, identify and prioritize sensitive lands, ESA listed endangered or threatened species for conservation acquisition. It's always easy when you deal with the largest landowners, we've always wondered why we're not looking more to the federal and the Indian lands and the state and public lands. We have a great deal of that in terms of conservation. There's only 13% of our state that is held in private, and that leaves 87% that's on the other side. So an awful lot of these goals might be made or handled on lands that are already in some form of public reserve. Identify private lands currently zoned, platted or covered by the development plans or specific plans in sensitive areas, compensate for lost or reduced value. That keeps coming up and it seems to be a point of great concern, particularly for those people who already have those lands. Consider the impact of ESA compliance on regional lands designated for conservation. Again, this goes to supply and I think brings into the question of state lands.

Now that's really the report, but I'll finish exactly where we began. The real question on the table is continuation of supply. That's from the growth side. The real question on the table is maintenance of lifestyle, traditional lifestyle, and protection of our lands and the landscape, and that's on the environmental side. The growth side can't pursue its goal without protecting and dealing with the side of conservation. The conservation side will have it very difficult pursuing its goal without protecting the supply side, and in particular making sure that it doesn't overly damage the economy.

Discussion:

- Where is the growth lobby or the development community or the regulated community when it comes to lobbying the state legislature for the tools and incentives which we all agree we need for private landowners in particular; i.e., where are the transfer of development rights which jurisdictions have, municipalities have, but the county does not?
- Where is your industry in lobbying the state so we can achieve transfer of development rights for areas that have comprehensive specific plans, etc., that already fall in some sensitive areas that have ESA issues today?
- You talk about grand fathering, but we have problems with issues that we have already created. We need tax credits, we need safe harbor agreements, we need incentives on a tax basis for people to cooperate in a way that's economically efficient.
- When you talk about conservation credits those need to be like for like. Pima pineapple cactus is a whole different issue than a pygmy owl. So when you do that, it needs to be like for like, not apples and oranges. You also need to look at some of the other problems that you can create with this sort of thing. Those are a couple of areas where there would be broad support for moving together to get a better toolbox.

Chris: It hasn't happened yet, but I really don't think, it doesn't become a point of controversy, frankly, if the fundamental issues are there, that there is a way to maintain supply. I know of nobody, frankly on either side, that's anxious to wipe out all the ranch land. I haven't had one person, even the most ardent pro-growth person, come up and tell me that the area south of Vail that's filled with mobile homes on total wildcatting, for example, is a great thing. So I think it's generally recognized that we could be doing a better job. And probably have far more consensus than we have separation, a lot of it is in the semantics. But the issue of how to adjust state land or how to adjust some of the state law that would allow cooperation, and particularly preservation of development rights and safe harbors and what-not. I don't know that there's any objection to that, and I'd invite anybody else to comment on it.

Bill Arnold: Last year representative Huffman from new District 26 sponsored and was successful in getting purchaser development rights legislation through, which is now state law. And we're already in conversations with him with transfer development rights legislation. I haven't gotten a commitment from him that he'll do that this year, but we're talking about it. So we are doing things irrespective of what's happening here. These are already in motion and I'm going to continue that dialogue and I know others are as well.

- When you take private land, and it might be in high biological core, and you are saying they need to give you equal value somewhere else, flip-flop the lands. But usually where development is occurring is in

the high core area or what is termed as high core and good biological area. So how do you propose that you want people to move out where it's not the riparian area or where it's not close. I mean, how do you propose to do this one for one ratio?

Chris: What you're really asking is, how to set that formula, and the answer is, I was hoping you wouldn't ask that question, because that's kind of the fly in the ointment, is how do you do that? I think what you have to do is just start off with the concept that you're going to do it in a fair way, you're going to try and do it in a way that is defensible so it eliminates as many lawsuits as possible, and then you set the formula. Clearly, if you own a piece of property that is on a major intersection and has all the rights of a commercial development, and it turns out it has a pineapple cactus on it, it's going to have a different value than if you own a piece of property that's the bottom of a wash that is flood prone and simply not developable anyway. But how to reach the consensus where most rational people would say, that's reasonable value, I don't know. There is a marketplace element, and we had a whole report on that not long ago.

- With our allocation on the CAP and the easily high quality pumped groundwater, we're not going to have any more water here than we have today. If you take the population trends in the last 10 years and assume they continue, we'll run out of water about 2030 or 2040, which presumably would stop any so-called natural growth in its tracks. Is the business and development community moving towards agreeing that water will be the limiting factor and trying to work within the limits of that. The other thing is that about 30% of the land within the City of Tucson, within city limits, is vacant. If that's true, then more or less 60, 65 square miles worth of land, isn't that all available for housing now?

Chris: Well, let's go to the water issue first, Jerry, and you have a long history with water, as I do and we've had a lot of fun debating that. The reality is, water is the natural limiter of our population base. I don't know how many people understand that or maybe you haven't, but Jerry and I have been involved in the water debate for many years. There is a study out that shows that basically southern Arizona will hold about 2.2 million people, and if you get much above that, and that's pretty much retiring all the agriculture, and it retires the mines. That's just how much water is here, because it's a finite supply. Once the CAP was brought south into this region, it took the number up substantially, but it caps in that range. As to the city and the amount of viable land, I think the question on the table is, what really is the supply? I can't tell you. I've heard county representations that there's enough for another 50,000 people, but then when you ask the question, they're not sure where that land is. I do know that very often when some piece of land is pointed out to me, well, you could go put homes over there, when I actually overlay all the controlling maps that control these things, you find out that, gee, most of that land is not available for 10 other reasons that are unrelated to the reasons we're here. So I think when you deal with the supply side, one of the first things that needs to happen is, let's identify the land. Because, I'll tell you, and this is just from a practical standpoint of spending 30 years, you know, in the housing and development side, one of the things that I've always felt badly about is that we get into this density issue argument on every zoning. There's always somebody that's fighting to say, well, let's take 50 units out. I'm always thinking to myself, here's a perfectly developable piece of property. If we take 50 units out of that property, we're basically saying, let's take those 50 units and put them out in Tortolita or some other area. Because those people are not going to fail to be here. It's just that if they can't go here, they're going to go somewhere else. So part of the scenario, to me, is to find the properties that are developable and defend the fact that they ought to go to certain densities so that we get the people where the services are and we put them in there and not allow a few neighbors around there to overshadow the interests of the entire community. Because that's generally what happens. The worst kind of sprawl is the kind of sprawl we've had where we have one per 3 acres or one per 4 acres. A lot of times those homes are not well maintained, a lot of times there's a lot of debris and stuff around them, and it just goes willy-nilly across the landscape, and it's crazy. We're a very low density metropolitan area. It would be much better to have whole areas that are wide open and left that way forever, and I don't think the development community ever argues against that.

Michael: I'd just like to add something to Chris's point. It's interesting that this happened just two days ago and I bring it to the attention of the Steering Committee in this context. PAG(?) came out with a map, and maybe you've seen it, that shows the growth areas in Pima County. One of the areas that we have property in is south of Sahuarita Road and Houghton area. There's literally thousands of homes planned for that area as we speak, and it doesn't show as a place where growth is expected on the PAG map. My only point is, I think we've got to get our act together, regionally and county-wise and among us all, so that we understand what areas we're trying to develop and what areas we aren't.

Maeveen: Just a suggestion to this, it's a great dialogue. We have a study that might help advance, an analysis ongoing that might help advance this. What we did is took, you know, vacant land classified by the assessor

really means vacant, it has no improvements on it. So we mapped out that across jurisdictional boundaries inside and outside the conservation land system, for state land and private holdings. Then what we did was, took big parcels of land that have full cash value of less than a certain amount, which might also be developable, less than 10,000, less than 15, less than 25, to see where the break points were, to see what the total acreage was, what the ownership was, where it was. It would really be nice... well, the other analysis we did was what's the current zoning, then you can do a calculation about what kind of population that could accommodate. It would really be nice if when we issue that study in draft, which could be in the next 2 weeks, if there was participation from the expert community, the development community, to say, that looks available, but it really isn't for these other reasons, and to bring that practical side to it. That is an exact parallel to what we did on the biological side. You know, we had that purple map and then went in with greater expertise and created some delineations within it. It would be wonderful to have a parallel process, we certainly are ready to go forward with that, if there was any team or subgroup that could help us with it.

- Could you be more specific as to who is your group from the Steering Committee that has signed on to this proposal?

Michael: Just before I do that, though, I do want to say that it is my intention, if the authors of this piece would agree, that we do get others in the community to sign onto this kind of thing so that we can identify those in the community that want to take this approach and blend it with the final product. So we haven't done that yet, but I would like to get, personally, the chamber, for the sake of discussion, to say, yeah, we can support these things. SAHBA should say it. The fact that Alan Lurie sat in on some meetings and was one of the people that helped produce this document doesn't mean that SAHBA for the moment endorses this. That would have to go back to their committees, and we would hope to do that as this process proceeds. So, those that did help bring this about were Ken Abrahams, Bill Arnold, Peter Aronoff, Larry Berlin, but Larry Berlin in his role as negotiator, if you will, between these sides. Mary Darling, Jonathan DuHamel, David Goldstein, Alan Lurie, Chris Monson, Patty Richardson, Chris Sheafe and myself.

- Does that mean there aren't any actual groups, like, I think, Diamond Ventures, Tucson Association of Realtors, those kind of organizations that are represented here are not on yet as actual organizations?

Chris: Let me give you the humorous answer, Carolyn. The business community has the same problem as the environmental community getting people to come to meetings and do the work.

So while we got the people to come to meetings, and I was probably the worst participant of the group, there was not time to take it back to the board at the chamber or the board at SAHBA and say, these are all the principles and can we get everybody's concurrent, or the board of the Tucson Realtors. But I think it's fair to say that when the environmental community has various people work on something, the general consensus that comes out of that effort is probably fairly representative of what's going to be agreed to if you had everybody there. And the same is true with the business community and any other community. As long as, I think, you know, there might be minor disagreements, but the general consensus is probably fairly correct

- You were talking about a community vote on a sales tax or a bond, so is your group saying, is that a recommendation that you are in favor of either a sales tax or a bond to fund some of this?

Chris: Oh, I think that the whole concept of open space planning is going to involve public bonding. All that we're saying is, it needs to be shared appropriately by a broad base element of the community that benefits by it. What we're trying to avoid in our recommendation is any thought that we can get somebody else to pay for it, but we'll get all the benefits, because the minute we go down that road, I think we doom it.

- Is your specific recommendation that we adopt the 8 species map that we got a presentation on?

Chris: We did not include that on purpose, because we were not sure just exactly where this was going to go, and we didn't want to make that a controversial point. But the underlying issue is that the purpose of all this is to get a Section 10 and that has to be a fundamental issue that's satisfied.

- Did you say major employers are considering leaving San Diego due to the MSHCP? Did I understand that correctly?

Chris: No, I didn't mean to put it that way. But the burdens on the employment base over there are significant, that's one of them, because housing values are getting so high, that a major consideration for any employer is whether or not they can attract employees and properly house them. That's fundamental. If you look at the list

every major employer looks at, the issue in Tucson is whether we have quality jobs or we have service jobs. If we want to develop a strong economic base of this community which will give us the very best opportunity to preserve our environment, we need to build quality technology-based employment growth side by side with our service employment growth. Recent times, we've tended to get more service growth and not so much quality growth. We used to have in our hard growth base, mining and manufacturing type jobs, and those are gradually being reduced, and they will continue to do so. The only way that this economy holds itself strong is either through growth, through the University or through technological growth. It's dependent on having viable housing stock. San Diego is a very desirable place. It has enjoyed a growth base, it's a long history. One of the costs of that is, they've started to reach their saturation limit and their housing stock is just going through the roof. I don't know, frankly, that they can do a lot about it because they've about covered every piece of land over there that's possible to be covered. But the reality is that employers are beginning to look and they are now seeing the leading edges of high tech employers steering away from San Diego and steering away from some parts of the L.A. basin and ending up in Las Vegas and frankly, Tucson. Now I'm talking personally and not for the committee. Jerry brought up a very interesting point, and that's the issue of water. To me, I think if you took anybody in the room, anybody, because we're all people that are kind of activists, you know, there isn't anybody here that's a couch potato that doesn't think about social welfare. Any of us sat down and said, you know what? We're going to end up with 2 million or 2.2 million people in this greater area. How do we best accommodate them? I bet you there would almost be unanimity on how best to do it. We have an opportunity in this plan to think through and get that done. And all that the business community is saying is in the process of figuring out the restrictions, also figure out the protections for supply. That simple.

- Part of the equation on affordable housing is wages, and one of the factors here in Tucson is we have a pretty low wage kind of town, that kind of feeds into that. So maybe we could get a little more information on that for future discussion. Because isn't it true that over in Silicon Valley, for example, all those dot com folks drove the prices, they could pay, so prices just went up and up and up. The other point I wanted to make is that, when we mention the 87% of public land out there, it might give the impression that that land is protected, and it isn't, most of it. It's subject also to being developed through various mechanisms. Finally, on whether or not people want to come here, I think that until, and this is my own personal moment of plug here, until this state can do something about its public school system, we're going to have a very hard time attracting quality employers to this state. They're not going to want to come because their employees don't want to put their children in this kind of school system. The last thing is, I've noticed a lot about the stock of things for housing. Up in Sun City, only half the residents live there full time.

Chris: Those are all good points. You know, on the school finance issue, you're going to the issue of paying per student per se, and that probably needs to be reviewed.

- A couple of tangible things that the business development community might do to help us move forward. Chris McVie raised the excellent point of transfer development rights. We haven't been able to get that through the State Legislature, we need to do that. If we're all really trying to come to a solution here, this ought to be something where we could go hand in hand, go to Phoenix and try to get that to happen. Another issue, though, is the role of the City in this process. As Jerry Juliani correctly pointed out, there's 30% of the land in the City is empty, the City has annexed a large piece to the south which according to their calculations could hold two or three hundred thousand people. There's a lot of supply there in the current city and perhaps the new city, and we are not dealing with that largely because the city has never been willing to come to the table. Is that a role that your groups could play to help facilitate their involvement in this process?

Chris: Well, I thought Maeveen put it very clearly when she talked about the economics and the way that the dollars flow. My understanding of it, and maybe most people in the room don't know it, but I'm sharing Rio Nuevo for the city and the citizen side of it, so I get in a lot of discussions with city administration and they're just worried about taking their money and putting it in county hands. I don't know that that's a burden on the county, frankly, it's just one government's a little suspicious about giving their money to another government or control to another government at any time. So that issue is always going to be there and it doesn't reflect poorly on either of the two governments. The end result, though, and there was a great conference held here just, I think it was on Wednesday evening, with the mayor or the provincial head in Quebec who came down to talk about this whole idea of regional government and I guess did quite a job of selling that concept. And the real answer

is to have some of these things handled regionally. But let me caution you on one point. When we were going through the comprehensive plan and the various groups, there was an awful lot of communication which went to the effect of, well, let's have all the growth happen in the other sector. Finally one of the guys from the county stood up and he said, you know, I'm going to every one of these meetings and it's interesting to me that everybody supports the idea of growth, they all just want it in the other sector. It won't work to say that we're going to put all the growth here or all the growth here. What we need to do is make sure that comprehensively in the city we've identified those properties that are suitable for growth, we've identified those areas that need to be preserved, and we protect them both. Protect the growth and make sure people don't diminish that value, and also protect the things that we're trying to preserve. And I know it's easier said than done, but we have a way to do it. Let me give you a classic example, and I don't want to go overboard here, David, but just from my own personal experience, I'm involved in an area north of Seattle, because I have an interest, I'm president of a group that owns two farms. One of my fun things in life, because I don't really make any money doing this, is going up and working on this, it's called the Skagit Valley. We've formed a group called the Skagitonians. Skagitonians is working very diligently in the State of Washington to develop transfer rights so that development rights can be sold and we can preserve some of the most fertile farm land in the world. This is where the tulips are grown, you've probably heard of the tulip festivals that occur up there, get over a million people a year in the second week of April who come through to see the tulips when they're fully in bloom. Well, that's just a small component because tulip fields have to be rotated, most of it is truck farming. Now the resistance and the acrimony that started off maybe 8, 9 years ago, compared to where the farming community is today and where the other interested parties are is just remarkable. And this idea of transferring development rights and preserving people's economic rights works and it can work very effectively. But one of the real problems that they had was, how do they maintain their housing stock for all those people that are needed to do all this work, and that's also been built into the plan and it seems to be working fairly well, albeit with a fair amount of controversy, but gradually it's getting there. We can do that here. Christine, I fully expect that the end result of our efforts will be some form of transfer right provision that will protect the ranchlands.

Maeveen: I think your discussion has been really valuable here and it's consistent with some information that we're developing and I just wanted to let you know that we have it so if you want it brought forward to the Steering Committee, we can do that. One is, when you do an environmental impact statement, you make a projection of build-out. And traditionally, build-out is not in a region of our size and not with the land that we're dealing with, and the rate limiting factor is land availability. And so we'll have that, we'll have that projection of build-out, as though you go under current zoning, you can change the zoning and change the calculation. But another view of build-out is that which is constrained by water availability, and we can bring that forward. And another view of build-out is that which is constrained by exhaustion of the tax base, and that is of great interest to Pima County. So you can say, if we continue on the course that we're on, when do you exhaust the tax base, when do you exhaust the water supply, when do you exhaust the land supply? We can bring all those forward, and you come up with very, it's a great ordering principle for future discussion, because if you find, as I think you will, that there's much more land than there is water, and the question is, where are we going to put a population of the size that the water can accommodate. I think that a lot of the debate that has created so much tension in the conservation plan will go away and the conversation will go forward more productively. So sooner than later, I'd like to bring that kind of thing forward. Then you can see an expression of the interest by the county. We don't want to see an exhaustion of the tax base, we don't want to see the same type of development that we've seen in the past, because we can't take it, just as you've so beautifully articulated the interest of the development community, which is, you don't want to see an end to the land supply to the extent the water supply can accommodate it. So we've actually been working on all that and I'd love to see an audience for it.

Stakeholder Presentations by Non-Steering Committee Members:

Pete Tescione: Just to apprise you of what the presentation that we're working on is, and that is that, on March 6th, the Steering Committee voted to adopt two alternative proposals, or to adopt for consideration two alternative proposals, A and B, I guess they're called. And the proposition is, between the two alternatives that are up for consideration, they are mutually exclusive, in that about 100,000 acres, at least 100,000 acres or more, is not covered, does not overlap, is not covered in both of the plans. That is to say, if plan A was adopted, there would be 100,000 acres outside of plan A that is in plan B that wouldn't be covered, and vice versa. So the examination that we're making is, and this is just a few of the reports that are relevant to researching a presentation to the Steering Committee, and I just acquired them recently, I haven't even seen them before, except for one of them. So it's a lot more complex trying to track all of the data that's necessary to compare where the two plans don't overlap, examine those lands and see how, for example, if B was adopted,

what lands in A would be left out of a conservation land system, and vice versa. So hopefully by next month, I'll be able to make a presentation to you delineating the lands that are left out, which right now it appears are there's a substantial amount of riparian lands that are left out if either one of the plans is adopted. So hopefully next month I'll be able to make a report to you analyzing what would be left out if each of the two plans was adopted and whether they're, I hate to use, I had this word before I came here, but hybrid. It may entail a hybrid alternative in the end, where you have to take some of the lands out of the other plan and add them to the plan you're adopting in order to be sure that you get the critical or sensitive lands, particularly in the riparian areas, that might be left out if you adopted one of the other plans. The lands that fall through the cracks is basically what I'll be addressing.

Issues for future meeting agenda and new business:

- The Steering Committee needs to develop a mechanism to work out disagreements, the issue of whether we do subcommittees or general meetings. Steering Committee did make an affirmative decision to operate under a general committee mode. It did, however, agree that it may on occasion create subcommittees on an as needed basis. As a legislative body, and the Steering Committee created own rules, and can change the rules, suspend them or reaffirm them.
- Need ideas on how to take this from where all the various positions have been identified, to the next step, whether through subcommittees or general meeting sessions. It would be good to formulate a recommendation so that we can bring that to the Steering Committee meeting in November.
- SAHBA has wanted to make a presentation at this meeting on the issue of housing supply, as did the Coalition.
- Elliott Pollack, who is used to be the Valley National Bank's economist, who's done a lot of work on housing supply would be willing to come speak to the Steering Committee, if it would coincide with one of his regular trips.
- The Steering Committee wanted to have an executive session to talk about SIMG as the facilitator.
- I would like to suggest that we have attorneys present to us their views on this takings issue. If there is an attorney from, if you will, the environmental side that has a specific bent on takings versus an attorney on, let's just say the pro-growth side, that has a particular bent on takings.
- I'd like to reiterate a need that we agendize the decision on mission with regard to the mitigation approach versus the regional approach versus a hybrid approach. I'd also like to reiterate that we agendize the question of time frame.
- I just wanted to remind everyone that the conservation community, which consists of the same groups that presented before, I think in March, are coming back with a detailed presentation for the Steering Committee for a preferred alternative.
- The Steering Committee has talked about doing a workshop, a policy maker workshop, on what we've been doing, what the county's been doing, for state legislators, for councilmen and other folks around the community. The Steering Committee discussed doing this after the election, but before the legislators go up to Phoenix for the legislative session, so we thought maybe we would do that on the 7th.

Call to the Public:

Will Hoffman: In connection with the, pardon me, presentation from last time on the general public, I've prepared a few disks that cover this and the economic conference. I'll leave them on the table.

Stephen Wood: Hi, I'm Stephen Wood. I'm mostly part of the trails community locally, and Mr. Sheafe's point on the Skagit Valley is an excellent one, but I really just don't think you have the demographic down here for people that appreciate habitat preservation. I don't see it in the volunteer work that I do, and I don't think you guys are going to see it as part of this plan. Ms. Hecht also brought up a point about networking to educate a group on the Steering Committee on land exchanges, conservation easements, credits, etc. I'd like to make the suggestion that the committee look into the conference on October 19th hosted by the Sky Island Alliance. They're going to be presenting a segment on those issues between 1:15 and 2:30 on Saturday, October 19th. At the Radisson.

Adjourn:

SDCP - Steering Committee

Pima County Public Works Bldg. Rm 'C'

6:00pm to 9:00pm

Wednesday, October 23, 2002

Meeting Notes

Participants: See attached sign-in sheet David Steele, Maeveen Behan and SIMG staff.

Documents made available to the Steering Committee members at the study session:

- Agendas
- Fax from Sherry Barrett, US Fish & Wildlife
- Memo to Board of Supervisors from Steering Committee member, Cindy Coping
- Publication: Purchase of Development Rights—Western Governors Association
- Publication: Purchase of Development Rights—Pima County

Meeting Commenced at 6:00 pm

Meeting commenced with 22 Steering Committee members and 6 members of the general public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda.

Logistics for the next Meeting:

Wednesday, November 6, 2002

6:00 pm to 9:00 pm

Four Points Sheraton

1900 E. Speedway Blvd.

Logistics for the next Ad-Hoc Subcommittee meeting:

Monday, October 28, 2002

3:00 pm to 5:pm

Red Sky Conference Room

1661 N. Swan Road

Suite 118

Old Business:

Sonoran Desert Conservation Goals and Statement of Principles:

Steering Committee member, Cindy Coping had originally requested time on the agenda to make this presentation, however she had a scheduling conflict and Steering Committee member, Ernie Cohen gave the presentation in her stead. This is a follow-on of a previous discussion that the Steering Committee and the Ad Hoc Committee has had as well, in that, a number of members feel it's imperative that the report state quite clearly—A) the Steering Committee's reaction to the goals that are being expressed in the current county plan, and B) any additional ones the Steering Committee may have.

Ernie: What Cindy prepared as mission goals and mission statements was not necessarily what she believed should be mission goals and mission statements, but what she found in the various documents that have come from county and from the various groups within the county that have been studying this subject. I want to read to you one small portion, to give you an idea that at least one of those statements she found very offensive. Again, I'm not here to present my views on all of these issues, but to transmit what Cindy would have presented to you as best as I understand it from my discussions with her and from reading the memo and from reading her memo to me. She says, under the heading, Underlying Principles, you will find one very wacky statement. In no way do I support it. On the back of that Six Element Concept, it's the 5th separate free-standing page. Okay, on the front it says, Six Element Concept. On the back it says Founding Philosophies and Principles, and this is the one to which Cindy is referring as one very wacky statement. She says, 'In no way do I support it. I found it on disk 14 under environmental justice in Pima County, page 81, bottom of the page. It was so offensive, I included it just to bring some of the wackiness to the attention of the committee.' And she went on to say some even more derogatory things about it, and the one that she is referring to is, environmental justice affirms the

sacredness of Mother Earth, ecological unity, and the interdependence of all species and the right to be free from ecological destruction. Now, I'm not saying that I agree or disagree with what Cindy is saying. I'm saying that to understand what Cindy has put together, she searched through a variety of documents that have been issued by the county and found what she thought were statements, guiding mission statements or statements of policy, and she said that we have a responsibility to address those statements that have been presented and to give the county the benefit of some public input as to what an appropriate mission statement should be. She did initially ask for two minutes for a homework assignment, and then through the discussion at the Ad Hoc meeting, it was decided to allocate 15 minutes so that the presentation could be made and we could begin thinking about the process of what we ought to be doing regarding a mission statement.

Cindy wanted you to be considering, and then we would go from there to comments from Maeveen, from anybody else who wished to make comments, but at the moment, I'm trying to have you understand what it is that Cindy prepared, and what she prepared was not, in all cases her views, and she made it abundantly clear to me that what she was trying to do was isolate as many mission statements as possible so that you could look at them and give your thoughts on them. You might, there are many here that may be non-controversial and that may aid us in ultimately presenting our recommendations to the Board of Supervisors. There are others where the wording may be offensive to one or more people and may not be offensive to others, but we might be able to find other ways of wording it which aren't offensive to anybody. The only purpose that I have at the moment is to try to explain what Cindy explained to me and asked me to present to you as what she had been doing and why she had been doing it.

What Cindy was looking for was county input on what she had found so that when we as a Steering Committee take up these issues, we will not only have the things that Cindy has identified, but have such additions or such comments on those that Maeveen can offer, and I think it's very helpful that Maeveen have an opportunity to review this, and I think it was very helpful for Cindy to begin the process. Because if Cindy misunderstood, it could be that other members of the public might misunderstand, and therefore what we do need is a clear mission statement.

I think that regardless of the comments that we get from Maeveen, the ultimate responsibility is ours to consider what we as the voice of the public think are appropriate mission statements for the Sonoran Desert Conservation Plan. I look forward to receiving what Maeveen presents, but ultimately the job is ours. So as much as I hate homework and I hate to have to do it, I think this is one that we all need to buy into.

Maeveen: . I think it's great to go through all the documents and pick out language that you want to discuss more. I think that's fine and to be encouraged. That's certainly what the teams did. The technical teams monitor each other and objected to certain words that were popular with one team, and another team objected to it. So there's nothing wrong with doing that, we encourage it. But what I'll do is go through a document like this and just point out where there's just a factual inaccuracy. So to say that it's a founding philosophy or a principle, that this line, environmental justice affirms a sacred... It's not, that's just not accurate. And what's missing from this provision here is that there's a citation and this is a quote and there were many quotes, and even the author wasn't saying this is a founding principle of this plan. This is out of context, it's not a principle, it's not a philosophy, it's a line pulled without citation, it's not been adopted. So I can go through and just pick out all of the factual errors.

Call to the Public:

None.

New Business:

Time frame for the Section 10 Permit

Maeveen: If you think of this in terms of the programmatic sense, if Pima County were to get a permit for its development services department, we would negotiate some kind of commitment to Fish and Wildlife, and we would say, we want to, our program projects X number of years of impact. So we're thinking of the next 20 years of issuing permits. So it's not the individual project, it's all the projects that fall within that timeframe. And that's what EPA's worried about, that the deal that you make early on might not really, what they're really worried about is that you don't, you cannot understand the multiplier effective cumulative impacts, and that's never been done well. It's never been done well. And that's really their worry. They're not concerned that we'll misjudge the number of permits we're going to issue. They're concerned that we can't understand the cumulative impact of that over time. If you think of the different programs and how they've been proposed for funding, it might suggest the answer to you. Clark County, the way Clark County funded their plan and their

research and everything was just to attach a, almost an impact fee, to conversion of land. They didn't fool around with high resource value, anything like that, they just said, every acre of land, \$550 fee, that's it. And what happened was, they so underestimated that rate of impact that they became rich immediately. And that was a surprise to them. I mean, it's good news and bad news, there's a lot more impact early on than they thought, but the good news is, they're rich as God, and it's paid for by that mechanism. So if that mechanism had played out over 20 years or 50 years, it was a steady stream of money. That's a decision by that community to let the cost of the plan fall on the development community. It was efficient, it was a price tag they could live with, and they went forward. I will mention this, that the way they arrived at that was, they just took the biggest developers and said, can you live with this fee. There wasn't some grand economic study. It was political tolerance. when you look at San Diego, San Diego decided to let the cost of the plan fall on two parties. One was the development community. The other was the broader community through a bond. That's how they went about it. Their bond didn't go as smoothly as they thought. Then you take another community like Austin, and they've had to have a couple different plans, and ended up with tax increment financing after the first ones failed. Their original plan was, let the cost fall on the entire community, not the development community. City and county went forward with bonds, one succeeded, one failed. So that's, you can have a funding mechanism that will be self-executing over time, like Clark County. Or you can have one that's more speculative, like a bond initiative, or you can have a hybrid. one of the conversations I never heard the Steering Committee or really any group talking about funding, anything, infrastructure or any roads, conservation, I've never heard this conversation. Which is, comparative benefit of different approaches. And so, if you were to say, well, what would Pima County gain by a sales tax of X percent. And you put that up against the current general fund. That one decision brings a river of revenue in. So you could have 50 million a year going forward and you'd have more money than you knew what to do with. Now if you were to say, I like impact fees, and then you start counting rooftops in Pima County, even before the PAG populations were changed, on some years you'd have to have a \$30,000 rooftop fee to achieve the equivalent of a sales tax. I've never heard that kind of comparative analysis, about where's the pain and where's the benefit, and what package might you put together. Historically, we've bonded, that's what succeeded. But there's a political tolerance for impact fee, you know, in different places, it's just very different. So that's some information we could bring forward to you to say, you know, there's 5 different ways you could go. This decision makes it easy forever. The Clark County approach. You know, this decision is a little bit more speculative, this decision's painful.

Rob Marshall: One thing to consider is, if we have a longer term, we have a longer time to pay for it. And so the cost may not be as extreme as a 20 year plan. By the same token, if we have a 20 year plan, at the end of 20 years, it's over and we haven't met our conservation goals, we're all going to have to go through this whole thing over again, and we'll have another 20 year plan, or another, you know. Let's do this for a thousand years, no. No, seriously, so it's really a moot point, the time period, because if we don't meet our conservation goals, we'll be back again. From the perspective of the Fish and Wildlife Service, I'm not speaking for them, but to review, the timeframe really has to be put in the perspective of what substantial conservation is being proposed. Until the Steering Committee can come up with a range of conservation proposals, it's going to be very difficult to identify or evaluate what's the appropriate timeframe in which to carry them out and how much will it cost. So I, observing the discussion focus on timeframe and funding mechanisms, and no discussion about the substantive conservation that would be proposed which would form the basis of that evaluation. So I just wanted to make sure I bring it back to the reason why we're here.

Type of Section 10 Permit (mitigate take, regional or hybrid)

Section 10 EIS Strategies, and Geographic Implications

Maeveen: Thank you for having me back. I thought I would cover three topics in response to the request for information for me to be here. And the first one would be to repeat and expand a bit on what we talked about last time, which is, what if you took a small scale approach to the conservation permit, Section 10 permit, at the beginning, and worked towards a regional approach, what are the tradeoffs there, and I thought I would just go a little bit more into that. And talk about how, maybe a little bit about the history of mitigation ratios, just very quickly, and then how they've been applied here through Section 7 consultations, so that you'll understand the logic. What I did before I came to this meeting was just tried to put myself in your shoes, and my goal today is not to tell you any answers, but to give you ways to think about things. I thought that would help. As part of that, I brought the table of contents for the Habitat Conservation Planning Handbook. This is a little dated, and there have been a couple of policies that have been adopted and put in it, and I know some of you have this because you make reference to it, but I wanted to give this to you because all of the topics are covered, to an extent, in here. So if you want, we can just make sure every individual has the entire handbook, and that can be

your bible, and almost your guideline, for going through and dealing with these issues for the Section 10 permit. I also have a handout that shows the timeline for the federal process. This comes straight from the handbook. But what it shows you is that, once you make a preferred alternative recommendation on a preferred alternative, there's a lot of time built into the federal process that follows. I don't know if people are really aware of that. I don't know that any process has involved the public to the extent we have, up front like this. Usually the public process is after the HCP is proposed, and then the comments come through the NEPA process. So we have a whole other life in front of us of process. I want to show you that.

Second topic I wanted, I promised you at the last meeting I would talk about land availability. We have mapped out the vacant land that is not within the conservation land system. And I can tell you exact acreages. And as a subset of that, it's always concerned me that there's some people who are major participants in the conservation plan who weren't a part of the comprehensive plan process. And so, you might not be aware, and I always wish that Larry had heard this talk, and I always wish that Ernie had heard a certain talk, that the people who went through the comprehensive plan had to hear too often, so I have a real compressed version of that, the result of it is that I want to convey what the county's interest is, given all available land for development, what the county's interest is in choosing the places that are most suitable for development to preserve the tax base. It's such an important issue to us, is the ordering principle of the comprehensive plan, and I feel like if I gave you that knowledge, you might really come to understand the fiscal issue for the county.

And then my third topic is only to touch on the fact that we do have these EIS issue papers that follow the cost model, and I want to make a plea for you to invite me back to give you a presentation on the EIS issue papers, which will all be completed by the next meeting you have. It covers all of the topics that have been scoped. So those are basically my three topics. Little bit more detail about mitigation versus regional. Touch on land availability issues, which is kind of the secret of the universe, what land is available for development, how much, how much population could it accommodate, who owns it, I've got that answer. And then breeze through this cost model, give you an update on the economic consultant, we had our pre-proposal meeting, and then get out of your way, and take some questions, if that's okay with you for me to proceed like that. The topic of mitigation approach to the conservation plan versus regional was something I brought up at the last meeting because it seemed to me that the Steering Committee might be headed towards a recommendation that would be deemed, by those who don't understand all of the ways you can achieve conservation goals, that it might be deemed unrealistic at the outset. And the reason I said that is because we're such a big region. And so when you look at eastern Pima County, and if, I know, Larry, you weren't here at the last meeting, but I just want to make this point, that the biggest, there's been one regional plan that's as big as ours, in a sense, and that's Clark County. The Clark County, the way they achieved their conservation plan was to, they have some private land in the middle of this huge BLM holding, and they actually took BLM land and released it for development. Very, almost the reverse dynamic of what we're going through, which is to say, there's land that we want to see committed to conservation. Now, they also did that, they took the remaining BLM land and committed it to conservation, but it was federal land, and that's how Clark County got through their process. That just makes them different in kind, you almost can't compare them as a regional plan, because their issues were so easy compared to ours.

Now, when you look at San Diego, the reason I said we need to be mindful of the difference in scope between Pima County and San Diego, San Diego had, they brag, 30 governments participating, the most complex, and it was the most expensive, their land is expensive. But all of that plan, with the entire County of San Diego, city, and all the municipalities, would fit into one of our watersheds, Altar Valley, and we'd still have 130,000 acres leftover in Altar Valley. And so there's a requirement in the law, in Section 10, that states that you have to have a funding strategy that's viable, and Fish & Wildlife signs off on that, and you will remember that the first 200 HCP's were all very small. So funding strategy for a half acre is a lot different than a funding strategy for a very large plan. And the large plans that have come through, like Austin, relatively large, and San Diego, have proposed funding strategies that allowed them to get a permit, and then their funding strategy didn't hold. They promised to come through with a voter initiative, they promised in different places that it would cost a certain amount, and in San Diego it doubled quickly. And this has sort of brought new vigor to that requirement. People want to see the funding committed to, in a stricter sense, that has been committed by regions before. Now, take that ethos and apply it in a place where we're 10 times the size of San Diego. And I just thought that I wanted to give you those scales to think about, because I would hate for everyone to agree to an idealistic plan, and then somehow not have thought along the way about how to achieve it in a realistic fashion. So, what I proposed was, and you see this in the cost model, so we've been talking about this since May, that you can work towards the ideal. And you can capture your goals and

the milestones in working towards this ideal in the original permit. So we're talking now about the art of the permit. You can take something at the beginning that's very achievable, and commit to that and do it very well, and work towards these, you can move through milestones, and the framing of those milestones would be a major community discussion, and you work towards an ultimate goal. When we thought about this last spring, we thought that the groundwater code was a good model for this. Where, over the course of 5 decades, a goal that was unachievable at the beginning, is expected and it's normal, even halfway through the many decade process. And their milestones, their goal, essentially, was to have the basin in balance, you're not withdrawing more water than recharge, was pretty much unachievable, because of the way the economies had vested around the administration of water at that time, it was unachievable. So if they had given up on their ideal, if it had never been stated, if it had never been tied to the original approach, I think maybe the community would have lost track of it. Since they found a way to move towards it and overcome some of the short term problems, now we take it as an expectation. And that, I thought, might be a way to step through the decades and to implement this plan. We've always said, you can look at the very first document in 1998, we said it would take 5 decades to implement. There was never an expectation from county administration that the moment we submit our application to Fish and Wildlife, it's done. It's achieved, it's all bought, it's all conserved. And so that's why I proposed, maybe, considering some flexibility in the approach to achieving the ideal. And if you like that idea, we have thought through the variables in the cost model that was issued in May. What we did was, and this is what I want to talk about, I'll give you some examples of regional plans and mitigation plans, to show you the divide. There's been one plan that worked towards a long term goal, and it's nowhere on the scale of what we're talking about. So this is new, the hybrid is new. We've talked about, Fish and Wildlife considered this over time, talked about it with Paul Fromer(?), and it really could be the Solomon's compromise to this. The mitigation plan, and this is how HCP started out, was, you're going to, you anticipate and you define with particularity, what you're going to impact as the permit applicant. And you describe that. You almost do a species headcount, because that's the way the law reads, you have to describe take, and then level of take, is it harassment, is it lethal take, what is it that you're asking for a permit for. Then you offset that with land within the area because you change the nature of your project or you go and you replace that land somewhere else. So that's how things started with Section 10, to greatly simplify it. Early on, if you want to just try to grasp where do these mitigation ratios come from, the Army Corps, in their consultations with Fish and Wildlife, under the Endangered Species Act and the Clean Water Act, came up with a standard. So that mitigation ratios weren't just, let's make a deal. There was some standard that was applied over and over, and this took many years for them to arrive at the standard. But the standard was, no net loss, no net loss. If you think about what that means, it almost suggests a mitigation ratio. There's a certain amount of riparian, the Army Corps and Fish and Wildlife would like to see that much riparian held. So if a project proponent is going to impact riparian habitat, they have to go and restore or rebuild or replace. That was the no net loss policy. So it's almost a one to one ratio. But the difficulty of it is that, the history has been that the replacement habitat has not been successful. But it's policy that created the template for mitigation ratios, if you want to think about it that way. Then, with Section 10 permits, the endangered species overlay to riparian issues created another level of complexity. Because people who understand what you've just added to that equation with endangered species understand that no net loss is insufficient when you're dealing with a resource that's on the brink. You have to do more. You have to work to recover. The early mitigation ratios were what Fish and Wildlife could bargain for. They weren't tied to the species' need, and so you saw a national policy proposed different from no net loss which said, have a principled approach for mitigation that's tied to species' needs. And it's going to be different for each one, it's going to be different. Our experience, our most direct experience in Pima County is with the pygmy owl. The way that mitigation ratio was determined was that the, to oversimplify this, that the scientists from the recovery team looked at the sites where pygmy owls were and determined how much impact pygmy owls could withstand, and came up with a percent of open space or natural habitat that they needed within their range. And that's essentially how they came up with, they say they need 80%, and came up with this mitigation ratio. That's a great over-simplification, but what I'm trying to suggest is that each group of species experts thinks through how to come up with a mitigation ratio. Currently, for Pima pineapple cactus, the mitigation ratios have been negotiated at one to one, two to one, and the service says that if a project were to create a jeopardy situation for Pima pineapple cactus, they would ask for three to one. Now you can go to other places in the United States and see old growth forests, impacts to them being mitigated

at a ratio of 15 to one, because the understanding is, that's not going to come back. It's not going to come back in time to lead to short term recovery. Seeing that mitigation ratio from other parts of the country as a precedent, it surprised me that the mitigation ratio for the pygmy owl was only four to one, given that ironwood's not going to bounce back, our habitat isn't going to bounce back. You see that dilemma in different parts of the country. You can bring a loblolly pine back a lot faster than you can bring back a saguaro. But there was a principled approach to determining the mitigation ratio for pygmy owls, and that's there for a guidance for us. And the same is true to an extent for Pima pineapple cactus. They thought this through. It doesn't exist for a lot of other species, and so Fish and Wildlife responds to me when I say, what's a reasonable mitigation ratio for the MSCP, and their response is, there's no requirement for a mitigation ratio. That's part of a proposal, that's part of the deal, that the permit applicant might propose. So we have guidance on two species and a lot of discussion to take place with the rest. The mitigation plans that, I think, are the most famous are Austin. Austin characterizes itself as a regional plan, but it's not, it's a mitigation plan. And one of the first signs that you're headed on the path of a mitigation plan is that you restrict yourself to listed species. They did a determination of how much land they thought they were going to impact through development over the course of the permit, and they offset that with open space that's on the order of Tucson Mountain Park. That's essentially what they did. It's not a regional plan, it's a park. It's a mitigation bank for a short list of listed species. That's what Austin has. They don't have a regional plan. They aren't going to preserve the natural system. They didn't set out to do that. So they have a small scale plan. And the requirement when you take on that plan is that you have more rigor, in your accounting you have more rigor. So a 20,000 acre mitigation plan really should rise to the same standard as the half acre mitigation plan where you have a good understanding of what species are on the land that you're going to impact, and a good understanding of what the mitigation land holds. Our best example locally is Pima County's pineapple cactus mitigation bank, where we counted pineapple cactus, we counted acres of suitable habitat, and we set that aside. Fish and Wildlife has a mitigation ratio, and that is part of the whole banking process.

So if you wanted to go the mitigation route, a way to approach that would be to say, where is Pima County going to step with its future impacts, with its projects, and we have all those mapped. With its capital projects, for 20 years. With its development. Where is it going to step, and what's it going to step on? And that drives where you have to go to offset that impact. Because if you're stepping on owl habitat, you can't trade that for pineapple cactus habitat. So the mitigation approach has, in a sense, a higher standard for species count. It's very short term, it doesn't set out to solve regional issues or even solve natural resources at all. It's just to solve a compliance problem.

The regional approach in San Diego is the best example of a regional plan that isn't held to the standard of doing a headcount on species. Instead, they framed their permit in terms of habitat types. Instead of having to count species and acres, they were able to establish a goal, and their goal was to restore natural function, ecosystem function. A very grand goal. But that's a goal that they set, and because of the number of acres that they committed to conservation, it was a combination of federal and private land, because of the number of acres, the Service accepted less rigor in the biology, the soft lines instead of hard lines, that's one way to think about it. Because they believed that the robustness of the acreage would capture the protection they were seeking when they did a species specific count. So the major differences between a mitigation approach and a regional approach are that a regional approach, you can establish a goal. In a mitigation approach, you really have to do a finer scale biological analysis. If you were to take a hybrid approach and start with a mitigation plan and move towards a regional plan, you'd have to pass milestones so that you, so that Fish and Wildlife felt there was enough protected to have a ??? milestones, we're in our own world doing that, we're on our own doing that. It could be framed in terms of recovering species, it could be framed in terms of number of acres protected, it could be framed in terms of how many acres of each different habitat type. When you achieve certain milestones, the art of this permit could be that development restrictions are eased over time, so that you have aligned incentives with the conservation and the development community going forward. So that's the art of drafting this. It's very enchanting for us to be able to do this, it's just very enchanting, and there's a lot of options for us.

One suggestion I have is that we think about all of the ways to describe milestones. Maybe we'll include them all, as a check and balance. Maybe we'll discard some. But if you include a habitat based approach, what happens is, you can build another trapdoor into that permit that captures species who become imperiled or endangered or listed that we just don't know about today. So we don't have the San Diego problem where they

get a list and it has a number to it, and then almost the day they get the permit, something else is listed and it's not on there, on their covered species. If you took a habitat approach, you could have the habitat covered, you could be able to open a trapdoor, that species would be able to be added to the list without creating a whole new pygmy owl dilemma. And I think it's our mistake if we don't think of these things as we craft the permit, going forward. So those are some of the different, expansion of mitigation versus regional plan, and this hybrid approach which I believe might be the Solomon's compromise. We might also be, if you really want to do something new in the United States, doing that well would be spectacular.

To give you a way to think this through, you can look at the habitat conservation handbook, but I think that whenever I've talked to people and they are dealing with this topic, I think the overlay of regulations sometimes causes a confusion that you might not need. So we did an analysis, and I just want to tell you what this says. So if you just, like, free your mind of Section 10 and regulations and all that just for a moment, and think about, what if the goal just is, you want to stabilize the natural resource system, what if that's the goal? How close are we to achieving that today. And that's an analysis that John Reagan and I did where we took the current county holding and took the 55 p??? vulnerable species to see if we captured a little of everything in the current county holdings, current county land. And the answer is, we did. Noah's raft. And if we weren't worried about a Section 10 permit at all, one way to go forward to achieve the conservation land system, the ark, would be to think about what species we wanted to have a project specific focus on, a program around, think about what habitats we want to include along the way, think about a timeline, that will help you prioritize costs, and that's your work plan. That's your work plan. I just think that's a useful starting point for analysis, because the next overlay can be, to what extent does that resolve Section 10 compliance issues, and to what extent do you tie this up in a Section 10 permit, yes or no. When I talked to the science team over the course of years, they never had a focus on Section 10. They never did. Their focus was really on, who's in trouble, where are these plants and animals, where are the threats, and how do we move towards protecting them. And if you understand that, what you can relieve yourself of is this concern that they didn't try to get the answer as accurate as possible. It's in their interest to know the right answer, because they want, not the Section 10 permit to work, they want the conservation land system to work. So that's their interest, and it remains their interest. When they were formulating the science commission, they don't want to be the governors of the Section 10 permit. They want to ask and answer questions about the true state of the system and whether or not we need to improve pieces and knowledge along the way to achieve their goals. So I thought I would introduce that topic to you, too, and that's really all I had to say about mitigation, regional, and how to kind of think through that.

Questions:

Question: Can you crystallize the difference between a mitigation take plan and a regional plan?

Maeveen: Sure, I will. I'll tell you why this became such an intriguing topic for us, and I forgot to say this part, I said it at the last meeting, and I want to make sure you hear this. When we started out four years ago, Pima County government, as permit seeker, had substantial pygmy owl issues to deal with. Okay, what I really want to say is, when we started out, when Pima County government started out, we really needed a Section 10 permit. We really needed one. What has happened in the last years is, Marana, City of Tucson and Sahuarita have annexed, I think, 63 square miles? And PAG changed their population projections. So, four years ago they said, Pima County is going to see half the urban growth, 157,000 people over the next 20 years. And now they say we're going to see 36,000. That's eye-opening to realize that it goes right to the heart of, what is your take issue as a partner with the development community? It's much less than it was. So that's one thing. Another change is that Marana annexed a lot of our problems. Sahuarita and the City annexed a lot of the pineapple cactus problems. And when the conservation land system came in, 97% of it's in unincorporated Pima County, and it is a prescription of the solution. So there's this pineapple cactus habitat that is in Sahuarita that is in the City of Tucson's new annexed land that they're going to have to deal with. But it's not what the science community is saying, it's the best place to save pineapple cactus. So Pima County finds itself holding almost all of the solution and almost none of the problem. As the sort of regional leader in thinking this through, that doesn't make us abandon the goal, but the mechanism, we adopted those goals in our comprehensive plan. That's the other accident of history is that at the local level, we've expressed our conservation ethic for cultural resources and natural resources in the adopted comprehensive plan. So we can take a new approach and still achieve the goals and ask along the way, does it make sense to have a coincidence between the Section 10 permit and the local plan, and how would you like to phase that? Now what happens is, Marana's got a tough problem. And the City of Tucson, they don't really know it, but they've got a tough problem, and Sahuarita has a

tough problem. So the need for the sort of partnerships there becomes more compelling, too. So the take issues are different. And that opens up opportunities in strategy towards achieving, I personally don't think the Section 10 permit is the one and only trophy to this process. I don't think so. I think it's an important practical insurance policy that needs to be procured for the community, but the community really needs it a lot more in Marana, City of Tucson and Sahuarita than they do in unincorporated Pima County. So we realize that. When we were calculating our take, our take issues, and you come to the question with the Fish and Wildlife Service, why are you asking for a permit that's so far beyond the scope of what your take issue is, and the answer would be, because we'd like to achieve a regional goal through the federal permit. Now, not everybody agrees with that. Not everybody's ready to sign up for that, that's very scary to some people. But to the extent that the Steering Committee has said, that's what we want, then I'm suggesting that there's a way to work towards that, and we've got the time and the ingenuity to do it.

Question: Can you provide some guidance to the Steering Committee as to how state trust lands might fit into a habitat based approach, even though the State land department hasn't been party to this plan, given the way it was initially conceived?

Maeveen: Good question. I'm going to translate it to, can we go forward, or at what rate can we go forward without state land agreeing to the strategy from the outset. That's my understanding of the question. I would say, when you look at what Pima County really needs in the short term to offset take, we don't need the State land department. When you look forward 50 years and say, we can, there's 3 ways to achieve conservation goals, regulate, acquire and cooperate. I don't think that, when I talk about the ingenuity that might be worked into our plan, I don't think communities have scratched the surface of what's possible. So if we work to incorporate a safe harbor aspect to our plan and go forward and have project specific reintroductions, we could go a long way towards, if the milestones were, bring back this frog, bring back this fish, we could go a long way without regulating, without acquiring. Those are some of the goals that could be expressed in these milestones. I guess I just see that as real untapped potential, that we don't really have to take this kind of refuge mentality or the approach that has gone before, but you could build assurances that cooperation, a new method of achieving conservation, landowner incentive based method, that wasn't just acquisition, achieve the goal. You could build in those kinds of checks and milestones along the way. That's the potential I see, since we've got a little bit of time, potentially, to achieve this. So state land not being here in the short term is not a problem for a Section 10 permit. When I go to the Marana Steering Committee meeting and listen to the discussion from the State Land Commissioner, he's a willing seller. He's a willing seller. We're in a long range business right now, and government, bureaucrats will change and the positions will change, and I've always said this about state land, and I got this from Jesse J??? from BLM, that every government participating has a trump card. We all have a reason why we can't make this work. And we all chose not to play that trump card, except for state land. And so state land's position that they need some term met before, is really, all of us could say that, and I believe that in the future, state land could have a different position and could be more like the other participating entities, and there's 20 of them. So I think, not only can we sort of meet their conditions, as we must meet BLM's, as we must meet Bureau of Rec, as we must, you know, all that's out there. The Section 10 permit gives you the flexibility to do that. We can do that with state land, too. But for the moment, they're willing sellers.

Question: How will things be assessed as time goes on?

Maeveen: The question was, what would the milestones look like? I guess that's your question? When we originally talked about this, we thought, I thought, that we would have an adaptive management plan. And information would be perfected and goals would change over time, given the loss of certain opportunities and the commitment, the achievements that we have along the way. My proposal was, let's just go the groundwater code route and every 10 years, redo the management plan. And have everyone expect that that's what's going to happen. And what I suggested was that we reopen the permit every 10 years. And that was not really acceptable to Fish and Wildlife or to the consultant because he said, every planning process that has gone before has taken 10 years, so to reopen the permit every 10 years is the kiss of death to this. So instead of reopening the permit, rewriting the adaptive management plan, which has all these milestones and goals in it, make passage of the milestones a condition of certain, what would you say, the lessening of restrictions on development, and just tie those going forward. So you can look at an existing HCP, like the Clark County HCP, and they have very specific goals, close this many roads in this watershed, and do these real specific things. It gets that detailed. That's the kind of thing you could see in a management plan. And the prior conversation was, redo the management plan every 10 years, moving towards this goal, the recommendation was, technically it's impossible to reopen the permit. Instead, put in place milestones.

Question: Could you give some comment about how you view the timeframe for the Section 10 Permit?

Maeveen: Timeframe for the Section 10 permit. That was just an open issue. The applicant requests the timeframe from Fish and Wildlife. They recently have brought in some policies about how to assess timeframe. But the applicant generally has made the request. The trend has been to go for longer and longer permits. Thirty years is what you saw from the early community approaches. Fifty years is more recent, and then some plans that haven't gone through are talking in terms of 100 years. So we have one HCP, pygmy owl HCP, in Pima

County, and the timeframe for it is forever. That was what the landowner agreed to, and that actually caused some concern. The landowner thought, this is Jim Shiner(?), he thought, I'm committing forever to the highest standard that would be enforced for pygmy owl protection. And he thought that was, you just can't argue with that. I heard the conservation community say, we just don't know if this deal is going to be sufficient when you commit in perpetuity. So there's concerns on all sides. We picked the 20 year guideline only because EPA sent us a letter and said, we don't like to see, in a fast growing community, a regional plan like this beyond the scope of 20 years, because you can't predict your impacts past that, that's where that comes from. But this committee could recommend something different than what EPA recommended.

Question: Is this correct that the state land must be sold or leased for the highest and best use, but once they are sold, they come into the scope of either unincorporated lands or lands of one of the governments that may have become a partner in our Sonoran Desert Conservation Plan? So that whoever is thinking of buying state land may be unwilling to buy it at a price for development if that land has been identified as land that would not be available for development.

Maeveen: Yes, it's true that the current zoning is what controls. And so in unincorporated Pima County, that's usually RH, is the largest lot we have, and that controls. There are times when an annexation and an acquisition of state land go through at the same time, under a master plan. So the zoning would change because the incorporated area would be picking it up. So that has happened.

Question: How much land is available for development?

Maeveen: I will tell you how much land is available for development. The map, here it is, secrets of the universe, map of the conservation land system. What we did was, went into the area that hasn't been identified as having this value to the science team, and did three levels of analysis. One was to ask, this is beyond unincorporated Pima County, this is all the jurisdiction. How much vacant land is there in private hands? How much vacant land is there that the state owns? Then the next question was, how much vacant land is there, how much land is there that has some improvement, but, for the first cut, it's 5 acres or more of land with value of less than \$10,000 per acre. So what that tells you is, there's a shed or there's some improvement there, but it's potentially developable. Then we did the same analysis, a couple different breaks, up to \$25,000. Interesting that the number didn't change very much from the 10 to 25 thousand. Vacant land, just so you know, when the assessor calls something vacant, there's nothing on it. Nothing. It's almost too rigorous. It's not a proxy for developable land, it's not. So there's a lot of land out there, ranch land, land that has an improvement, that excludes it from being classified as vacant, but it's highly developable. So that's what we were trying to get at. 98 square miles of private land that's vacant, 112 square miles of state trust land that's vacant, and then 98 square miles, or 96 square miles of land that has a small improvement on it. So 300 square miles of vacant or developable land that's not in the conservation land system. And if you want to sort of translate that to how much population can that accommodate, the answer is, the densities that we've built out at are about 3,000 people per square mile.

There's another analysis that talks about current zoning. But when you just say, let's assume we never improve densities, let's just assume we continue to go the way we have, and what it translates to, with commercial and residential and everything, is 3,000 people per square mile. So if you do the math, if you just were to build out state land, that's 336,000 new people. So 20 years of growth under current sprawling conditions, just on the one-third that represents state land. So our request to the state land department is, release that for urbanization, and we've got 20 years of growth, without doing any improvement to our densities, just continue to sprawl, we've covered 20 years of growth. State land would cover 20 years, if the private holdings were in there, then you're looking at 60 years, and that far exceeds our water budget. So the bottom line is, that's our sort of initial analysis, and what we'd love to see is some kind of ground truthing. Of this, Chris Sheafe was very articulate about saying, you know, there's vacant land and then there's vacant land, and some of it has other restrictions that make it undevelopable. It would be great to have that kind of review from people who have a

feel for other kinds of use restrictions, like neighborhood concern and that sort of thing. So that's just a way of looking at it, but I was encouraged at the last meeting to hear the representative for the development community say, we will consider discussing build-out under the EIS in terms of water budget. Because when you do that, what you realize is, there's more land within in the current urbanizing area than there is water to accommodate future population. But this goes to the issue of how long is the term of the permit? It could be 20, it could be 40, it could be 60 years, and we would never have to step a toe into the conservation land system.

Question: What happens to people that own land within the conservation system, as far as the value of their land, what are they going to do with that land? Private land.

Maeveen: Oh, the value of the land would go up. If there were strategies that were adopted to develop the land in urbanizing areas, the value of the land would go up. If they can't build on it. No, we're identifying it as a growth area. The suggestion is that the land, oh, I see, you've asked, what happens to the land within the conservation land system. If the strategy was to, as it is, I mean, it has use restrictions now. It's distant from infrastructure. I mean, it's the reason it hasn't been developed so far is because the market's not there to do it. All I've suggested is that there's another constraint besides the conservation land system which is something this committee might deal with, which is water availability and the carrying capacity of this community for population.

Question: Other than the issue of acquisition strategy, how do you see that milestone philosophy differ from an adaptive management plan? Does that make sense?

Maeveen: It does, it does. I think they can be one and the same. I think they can be one and the same. What I'd like to see, though, is, you notice that adaptive management plans usually are incorporated by reference to permits. So when you think about, well, what do you have to submit? You have to submit your Habitat Conservation Plan, your Implementing Agreement and your EIS. And that's on the chart I gave you. And adaptive management plans have typically been the problems to solve in the future because we can't figure them out right now. And that's why there are no good adaptive management plans. So if you look at any community, they put off the creation of their adaptive management plan and their monitoring. At Clark County, they don't have that now. So the drafting of milestones could do better than incorporating by reference what those types of goals would be, I think.

Question: Are there any studies or anything done about water availability and extrapolating it out, like to how much capacity all the private land will hold, like in the next 20 years?

Maeveen: Question is, are there studies about water availability, and then some analysis that ties water availability to current zoning. And the answer is, there's 3 studies on water availability. It's obviously a well analyzed issue in the community. We heard last week, or last meeting, from Chris Sheafe that he thought that carrying capacity for water, if "ag" and mining uses were retired, would be about 2.2 million. That's the high end, that's the highest you'll ever hear. Then you hear something much more conservative, then the numbers change when you say, well, what's the water budget for the natural system. So you see a lot of different numbers. But they're all expressed. They're in the water element of the comprehensive plan, so you have it on disk. They're in some of the riparian documents that came out. They're in the 1999, 2000... But they're most directly expressed, with all of the historical information, in the water resources document, 2001. And then they're summarized in the EIS issue paper. It would be a good decision for this committee what population projection they'd like to adopt as an assumption. The low end, the high end, and what other uses are you considering, going forward. The question about, is there an analysis that ties water use to current zoning? There will be, because we're doing two build-out analyses. One is on just land, and one is on water tied to current zoning, so that's what I was hoping to have for this next meeting.

Question: Update on the economics consultant?

Maeveen: Update on the economics consultant. We had our pre-proposal and there were consultants from all over the country there, and a number from San Diego, a number from Phoenix, a couple local consultants, and then some from area codes that I didn't recognize, so... So very sophisticated questions. Sometimes you're in a room and you know you're with people who are in over their head, there was none of that. So I think we'll probably see, just from the people in the room, we'll probably see about 15 proposals. Board of Supervisors wants the contract before them no later than the first meeting in December.

Question: As you mentioned, Chris (Sheaf) said last time that his high end figure was 2.2 million people. Now you've mentioned this notion of the water budget that will support the natural systems. Do you know what the population figure is in connection with that?

Maeveen: There is a study on the water budget for the natural system. We analyzed it and put it into a study that you'll see in 1999, it's on your disk, for Army Corps, and then one of the early riparian studies includes water budget for the natural system. And we have it all on one graphic, I can bring that to the next meeting. But not only can you translate it to population, you can translate it to number of golf courses, number of, so you understand these tradeoffs.

The following issues were deferred.

Transfer of Development Rights

History and Possible Use in the SDCP

Negotiation of Mitigation Ratios

Framing of the Issues

Call to the Public: None.

Meeting Adjourned at 8:35 pm

SDCP - Steering Committee

Four Points Sheraton
Wednesday, November 6, 2002
Meeting Notes

Participants: See attached sign-in sheet David Steele, Maeveen Behan and SIMG staff.

Documents made available to the Steering Committee members at the meeting:

- Agendas
- "Not In My Back Yard" Removing Barriers to Affordable Housing—Executive Summary The State of Housing in Arizona—2000: Alan Lurie
- Conservation Community Preferred Alternative—Outline for Implementation of the Sonoran Desert Conservation Plan: Carolyn Campbell

Meeting Commenced at 6:00pm

Meeting commenced with 30 Steering Committee members and 12 members of the general public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda. By 7:15 pm there were 43 Steering Committee members present and 16 members of the general public.

Logistics for the next Study Session:

Saturday, November 16, 2002
8:30 am to 11:30 am
Pima County Public Works Building
Conference Room 'C'
201 N. Stone

Logistics for the next Ad-Hoc Subcommittee meeting:

Friday, November 8, 2002
9:30 am to 11:30 am
Arizona Builders' Alliance
1661 N. Swan Road
Suite 144

Old Business:

Approval of meeting notes:

- September 4 meeting— Approved.
- October 5 meeting – Approved.

Updated Operating Guidelines:

- Lucy Vitale wants the flowchart that she presented to the Steering Committee to be included as part of the Operating Guidelines.
- Michael Zimet made this request a motion and it passed.

Quarterly Report:

David did a brief quarterly report in response to a Board of Supervisors directive. It consists of two pages that present an overview of the meetings to which are attached the attendance sheets and the meeting notes. The meetings that are covered by this are the April 6th, the May 1, May 18th meetings.

Motion: Forward the report to the Board of Supervisors with the aforementioned attachments.

Motion passed.

Economics Consultant Proposal Review Committee Participation:

At the September meeting, Chuck Huckleberry presented an update on the status of the RFP. He said that they were going to put together an Advisory Committee RFP review committee, to look over the various RFP's and provide some advice to the County on the economics consultant. He asked for representatives from three Stakeholder Groups – ranching, neighborhoods and environmentalists and the business/real estate development community.

The Ad-Hoc Subcommittee decided to recommend these actions:

- Have the Stakeholder Groups identify the individual that they would like to have represent them on the Steering Committee.
- Have the Steering Committee identify that person.
- Lucy Vitale wanted to have an at-large member from the Steering Committee as well.

The Stakeholder groups identified the Steering Committee member they wanted to have represent their group.

The environmental neighborhood and conservation community: Jenny Neely

The business/real estate development community: Jonathan DuHamel

The ranching community had chosen someone but the name of the person was not available.

The Steering Committee at large would be represented by Lucy Vitale.

Call to the public: None.

Affordable Housing in the Context of the Sonoran Desert Conservation Plan: Alan Lurie,

Alan: Good evening ladies and gentlemen. I thought for a long time about whether to give this presentation or not and I think there is some facts that have come forward in the last several months that move me to talk about affordable housing. The motive is strictly to make sure that we do not get myopic on the thought of the Sonoran Desert Conservation Plan to the exclusion of the people in Pima County. That is something I have not been asked to do by my association. It is just something that I think needs to be done. I have some source documents and I think really what I am trying to do here is to educate. To get people honestly apprised of the problems that some of the people in Pima County are having on finding safe and affordable housing. I have as source documents, and two of these have been handed out, something that says *Not in My Back Yard*. That was a large undertaking by President George Bush, Sr. at the time when Secretary Kemp was the head of Housing and Urban Development. I will talk about that first. There is another document that you only have a short cut on and that is *The State of Housing in Arizona, Arizona Housing Commission*. You have an executive summary inside of the handouts. There is a complimentary piece by the City of Tucson which is an executive summary for research findings, *the state of affordable housing in Tucson*. That will be available if you would like it. And then there is another document that I have not made copies of because it is that (using fingers) thick and it is called *Arizona Affordable Housing Profile*. It is a document that is being done by Elliott Pollack and Company. I called Elliott at David's request and he was gone Monday, couldn't change schedules. We also couldn't change schedules at the late date that we called them so we decided not to get together. I'm sure, in his wanderings, he will come back and make presentations in the name of the Governor. Let's start with the *Not in My Back Yard* presentation. It is kind of funny – when I have a young fellow working in the home shows that put together the Power Point presentation. When he showed it to me, he had my last name spelled incorrectly. I told him that was at least a two grade lowering and he was not sure whether I was kidding or not. Two year project, lots of people from every industry got together and worked for the President and the HUD Chairman. They found out that most of the things that were wrong in affordable housing started and stopped with government. The Federal Government was not exempt. The state government did not get the right directions from the Federal and then did not pass it on to the communities, so there were thirty one recommendations devised at the end of this particular meeting. They get in to this thing pretty quickly and I have read a lot of reports, most of them just go back and forth for a little while.

The first paragraph, which you have, where it says: *millions of Americans are being priced out of buying or renting the kind of housing they otherwise could afford were it not for a web of government regulations for them America, the land of opportunity, has become the land of frustrating and often unrewarded search for affordable housing*. And, it gets worse. And they call a spade a spade and there is plenty of room for corrections, there is plenty of room for improvement but the problem, as in many cases in government, it is very, very slow in coming. There is – we always get down to the bottom line which is, do we have enough money available to do what we need to do and can we hire the staff to keep pressing things along and from what I see from a report

that was done in probably the 1990 to 1993 time frame, they have not come very far and that is too bad. What they have done is to compliment the report is to put these boxes in and each of them really has a message in itself and I think we are not in sync. The definition that HUD comes up with for someone who is in trouble as far as how much money they are spending for housing is thirty percent. If you spend more than thirty percent of your income, then you are not doing well by their definitional base. Again, the final conclusion of this report, as we go through it, is that government is probably the only single source to correct many of the problems that are associated with affordable housing. The next item is that government is probably the major source in creating the problems in the first place. I looked at this particular graphic and said really what we are doing here is we are mandating still which is really counterproductive. As we go through the rest of the reports, you will be able to see the single worst element of our community as far as having affordable housing are the Native Americans and it is so low and so bad that it is really kind of scary and yet as the slide says, as bad as it is, we conveniently stay away from meaningful solutions. Now we go to this book, *How Bad Is It*. In the second paragraph you see that rents are rising twice as fast as incomes. You will also see that they get to a rather emotional word when they talk about affordable housing is at a crisis state in the State of Arizona. Crisis is not a nice word as you know.

There was a survey undertaken by the State of Arizona where they contacted a group of people and asked them:

1. *What do you consider to be the primary barriers to affordable housing in your city/town?*
2. *Can you suggest possible strategies to correct each respective barrier?*
3. *What actions, if any, had been taken to eliminate or lessen these barriers by local authorities or private groups?*

The respondents, and you see there are 419 of them responded with 1,059 responses. When I was in the Air Force, we used to say that you ask 9 navigators the answer to something and you get 32 different answers. I think probably it is the same thing here. We ask 419 people and we got 1,059 answers. Across the state the barriers with the highest response were *high land costs, limited land availability, second one – lack of infrastructure* and I put that up here because all of the research that I have done says the same thing. At least the first answer – *lack of land and the cost of land*. I hope for those of you who cannot see that very clearly, you can see it on your handout. This is kind of incredible. In Tucson, since 1988, the average sales price of a single family home has increased nearly 51% from \$89,500 to \$134,900. I'm going to have a little lesson here. There is a lot of things that you can get in trouble with when you read things about housing costs and so forth. *Median* means that there are as many prices above as there are below. The middle point – the *median*. The average is as you would imagine, you have 6,000 permits, you add the cost of all those permits and divide by 6,000.

Question: Is that adjusted for inflation?

Alan: That's a great question, but I am sorry I cannot answer that question.

Question: How recent are those numbers?

Alan: These numbers – the ones that have graphs in front of them are 2002 data from Elliott, Pollocks. If it has just the State of Arizona Housing Commission, then that is year 2000 data.

Alan: I have 3 or 4 additional slides more complete than this that will give you an answer hopefully. This starts to let you know how bad the situation is. 317 total homes built in Pima County below \$90,500 in year 2000. In the City of Tucson, instead of the 6.6%, they only built 5.6% with virtually no affordable housing in Oro Valley or in Marana. Again, median, remember what we talked about median. I have had talks with John Strobeck. He says he anticipates this going a little higher in 2002 and then anticipates that very quickly we'll be at a median sale of \$200,000 for a new home. Here's another trick in this and this is not said to demean anyone or to turn anyone off, the multiple listing service (MLS) is something very important to the realtors. The MLS has almost no new sales and they have, I'll say none but that may be not true by one – no custom homes. So, if we look at an average and cut out a \$5 million dollar home or a set of \$1 million or \$500,000 homes, then we are really bastardizing the data. MLS is talking about resale product. I was a little frightened about putting all these numbers up because it is a great way to turn an audience off, but I thought if you had it in front of you, and you could use it as a reference as you like, it might be acceptable. I think this is very telling in the slide. What we have seen in other parts of the country, if housing becomes very expensive and the tax becomes very expensive, people have to give up their homes. Often times it's sell their home, get some good money and hope to buy a little bit less of a house nearby and find out that they have to go a long way out before they can find acceptable housing. Or, worse, move in with 3 other families in a small apartment and try to live like that.

Again, this is a 3 group part of barriers, the first one again *lack and high cost of private land*. You can read those at your convenience. Those are in your handouts. There is something in the housing market that I don't know if you know about or have thought about. I brought this ungainly thing around for one specific reason. This should be 2001 and that should be 2002. So what we are looking at, we are looking at a new average price in 2000 - \$159,800, in 2001 - \$181,500. That shows an increase of 13.54% or 5.54% more than the average across the United States for increases. The resale home value and you can see the numbers - that didn't match the appreciation by 5.75% across the country. New median, higher by 13.72%, resale median minus 2.19%. Alright, now when we get to 2001 and 2002, what you can see is the new home market leveling off and the resale market doing what we would call an unearned creep and what it will do is it will gain toward what the new home sale market is and the new home sale market will flatten. I thought this was an interesting thing, it came in...in early October. There's another thing that is a little confusing in that where people consider affordable housing to be subsidized housing. That's not what I am considering affordable housing, that's not what I am talking about. Professor Glazer of Harvard and Mr. I guess Professor Yarko (?) of the Worten (?) school said "America is not facing a nationwide affordable housing crisis, instead in particular places the prices are higher than they are in other places and those prices are higher because of the lack of availability and high prices of land." Again, another way to restate the premise that was made in those questionnaires. O.K. and this was reported by Walter E. Meyer, Professor of Property and Urban Law, Yale Law School. This is said a different way by Thomas Sole (?). This is one that you are going to positively have to look at - *What does all of this mean to us in the way of how many people are we losing by virtue of having increased prices?* This is from the National Association of Home Builders, Housing Economics Department. What it says is for \$100,000 home, we have this many people, 193,000 people can afford it. If we go to \$101,000 at a 7% so it is off certainly after the 50 basis point reduction today, I'd be calling every 10 minutes to try to figure out what was going so I used 7%, or they used 7%, the difference of \$1,000, the difference in cost, the difference in tax, the difference in income needed, the number of people who can now afford it and the difference of \$1,000 is 1480 potential buyers, homeowners, cannot qualify for a home. If we go to \$2,000, the difference is almost 3,000 homeowners. It goes up pretty fast. I can't quantify, I can't skip around because the numbers are totally independent. If we went to \$90,000 home that was shown during the presentation, the numbers would be even higher.

Question: Early on you said that the rule of thumb for your report was 30% of income, was that gross income or net income or that is say take home pay or theoretical gross pay?

Alan: It's gross pay. This is not my definition. This is Housing and Urban Development's definition

Question: In relative to nationally, when you say we lose people, I am wondering if we've got so much affordable housing where they are going?

Alan: You know the day after and the day after that, there are people saying, 'you know, woe is me we're driving more and more people out of being able to get into a home.' So you are going to, I don't think it changes that much. I think the motive behind making some of those claims may be a little suspect

Question: Are you trying to tell these people here that if the Sonoran Desert Protection Plan passes, that there will be even less affordable housing?

Alan: I want people not to be myopic, I want people to look at the big picture and the big picture is we have to protect the environment, we have to protect our people, we need to come someplace where we can do both of them.

Question: About how much is the actual cost of materials and labor involved to build a 2,000 square foot house which would be a good sized house for a family. The cost of materials seems to go up Lumber alone has gone up over 30%.

Alan: And down again, and it fluctuates you are right, it, you know dry wall, lots of things have gone up and down. The amount of money, the bottom line amount of money that the builders are making and again depending upon what their niche is has gone down. The cost of building the home, the end price, has gone up. The reason for that is the added imposition by government and lots of things but that's why and if we pass the Sonoran Desert Conservation Plan without not taking into consideration people then I am afraid because we are taking that additional large amount of developable land out of the mix that we are going to in fact again escalate the cost of housing. I will try to get that information to you at the next meeting.

Question: Aren't these regulations are required for people that are so self interested that they dismiss these important externalities.

Alan: Well, you know, I think in the State of Arizona, in Pima County where we have 87% of the land not developable, I think what we have to ask ourselves is do we have 13% for the people?

Question: Because I am trying to get a sense of the extent to which wages are a factor here as opposed to land availability because the 13% figure doesn't include 60% of the County that's the Reservation and then the issue is not land availability but livable wage issues.

Alan: If Pima County were inhabited by millionaires there probably would be absolutely no problem in doing exactly what everyone wanted. And the answers to the questions that were sent out by the State, one of those were wage pay inequities and so forth, so I agree with you.

Question: . Isn't it likely that no matter what planning we do, we have to take into account the fact that there is only so much housing that can be added to our housing stock because of the limitations of water and isn't it necessary for us to focus on that issue?

Alan: I couldn't agree more. I have been on the Groundwater Users Advisory Council for the Tucson Active Management Area for the last 6 years and if they stay the course and mandate 100 year assured water supply before they allow anybody to build, I think we will be safe. That has to be a good measurement. It can't be something that we do with a very sharp pen but if we in fact do that we are going to have enough water.

Question: It would be helpful for the group to see that article regarding how much affordable housing is available in Tucson compared to the rest of the nation.

Alan: It seems to me that I remember that Maricopa County had a 10.6% affordability rate and that Pima County had a 9.9% affordability rate, not very much difference, but you know again, when I started this off, I said the reason I wanted to do this was because I was afraid if we got myopic on the Sonoran Desert Conservation Plan, there would be a large jump in the lack of affordability because we are taking developable or potentially developable land out of the mix. So, my motive is not selfish, hopefully I am not hurting anybody by telling you that I think that we got a real problem here in Pima County and that we have to look at the big picture with eyes wide open. That's the only point that I am trying to make.

Question: To what extent do you think we need to factor in opportunities for redevelopment in our planning process and assuming that you agree that we should, how do we go about doing it?

Alan: I go back to Portland, Oregon and I go to my second daughter is living in San Jose and what they have done there as people have been priced out of their homes, someone spends much too much for the land and home only to buy the land, tears down the home and builds a very expensive home. This is fair, this is free market, but the people who have been taken out of their home then have very little hope of getting something in the neighborhood around work, near their kids and so forth, and they are out you know along with that folk on the slide starting off at 4:00 in the morning and hoping to get through a pass by 6:00 so they can sleep until 7:30. So, it's you know, it's good and it's bad, it's legal, it's done. I hope we don't get in to that mode a whole lot.

Stakeholder Preferred Alternative Presentations:

Conservation Community Preferred Alternative—Outline for Implementation of the Sonoran Desert Conservation Plan: Carolyn Campbell, Nancy Laney, Rob Marshall, and Luther Propst.

Carolyn: First of all, you all see on your agenda that the coalition also had signed up for a presentation on affordable housing this evening and there is a couple of reasons that we would like to defer that until the study session. The first reason is that we used all the 40 minutes that we allotted to that for the first presentation which I thank Alan, it was I think a great presentation and the coalition has been doing research and I think we going to be adding to a lot of the points that Alan made so hopefully it will be a – it's a very important issue to all of us I think – affordable housing so we would like to ask that we give that at the next available time at a study session. So what I would like to do now is give a presentation "*The Conservation Community Preferred Alternative*" and I am very pleased to be here giving a presentation on behalf of all the groups that were part of this. A couple of options that we had in putting together our presentation. One was to just look at the issues that we've been concerned about through our work on the conservation plan regarding biological resources and

kind of looking at just the biological resources and kind of looking at just the biological resources in a vacuum. In other words, just looking at what we could do – the most we could do to protect the eco system and biological diversity here without taking into consideration some of the issues that we have heard about with property rights and financial constraints and things like that but instead, we decided to take a different approach. We've all been meeting here now for over 3 years and we've heard a lot from different stakeholders. We've been talking for 3 years about a lot of issues and so what we decided to do was try to incorporate into our presentation a lot of the issues that we've heard from other stakeholders in their presentations as well as meetings that we've had outside of the Steering Committee with many of you. And so, what we are trying to develop here is a preferred alternative that is balanced and addresses the concerns we've heard that will still gain us a Section 10 permit and protect the biodiversity here, the flora and the fauna in the Sonoran Desert within Pima County's borders. And so as such there are a lot of details that still need to be developed as you will see in our presentation, we have areas that need to be developed more fully between all of us here. We have two parts to our presentation, one is a conservation community preferred alternative as we see kind of a road map as to how to get there and the different pieces that need to be incorporated for a quality conservation oriented preferred alternative. And then in the second part of the presentation, we have tried to set out areas where we felt, because of the presentations that we have agreement on, and then part of that is also areas that we see need for further discussion through the Steering Committee. And so with that, I would like to move on.

These are the Groups that have been a part of this process and that have signed on to this preferred alternative – Arizona Sonoran Desert Museum, the Coalition for Sonoran Desert Protection and as you all know there are 41 conservation neighborhood groups in the Coalition and I believe we have about 25 members from those organizations that have seats at the Steering Committee table here. And what we would like to do after this presentation really is to propose that we sit down with each other outside of the Steering Committee or within the Steering Committee process and develop these details more fully and what we are presenting is not something we can give to the Fish and Wildlife Service tomorrow and call that the Sonoran Desert Conservation Plan. We want to put ours on the table and start meeting here soon. I think we really need to continue moving ahead. Then I want to thank everybody from all our organizations, there was a lot of discussion, a lot of input and a lot of work that went into this.

We are introducing here a new concept that a lot of us have been thinking about as we consider the implementation of the conservation land system and this should provide – the conservation land system should provide a contiguous, protected preserve which will be a subset of the conservation land system for ecosystem conservation while still providing for compatible development within the entire conservation land system and so when we talk about a preserve, we are talking about lands, like I said a subset of the conservation land system and remember the conservation land system is the map that was developed by the biologists on a science technical advisory team and that is the map that we are all familiar with and we feel that the conservation land systems were put in there for a reason, they are all biologically important but we don't have any illusions that we are going to be able to purchase everything in the conservation land system nor is it really needed or is it feasible. And so some of the COS land will be protected through acquisition or other means and much of it will be developed and so in our presentation we are separating how we are going to deal with the protected lands and how we are proposing to deal with the lands that will be developed and both of these are important elements. The conservation system – the conservation community supports the process that went into developing the conservation land system. The scientific process is one of the best that we have seen in looking at other habitat conservation plan processes that have gone on around the country. And, of course, it identifies priority biological lands or environmentally significant lands for one reason or another. We have faith in that process and we feel that the Steering Committee and the County should adopt the conservation land system as part of the STCP process and the Section 10 permit. And we feel that way for the following reasons. That it comprehensively focuses on maintaining habitat to protect rare or declining species and the CLS is the alternative most likely to prevent future listings and also that a lot of land, more areas of high biological value are located further from the urban core and that will make assembly of a contiguous preserve easier and less costly. So, like I said before, we have broken down the implementation of a conservation land system into two parts – one is assembly, managing and funding the preserve, again the preserve being the lands a subset of the CLS that will be permanently protected, and then how are we going to provide regulation of the conservation land system. We have provided this as kind of a clip notes, a table on assembling, managing and funding the preserve and I am going to be going into more detail on these issues as we move through the presentation but first in assembling the preserve – acquisition, when we say acquisition, we are talking about more than just fee simple purchase of properties. We have talked before in the Steering Committee about acquisition of development rights, acquisition of water rights, other things that can be used to actually protect land and using

all that to fall under the broader term of what we are calling “acquisition.” Development regulations will also get us to mitigation lands or set asides and then those lands will also eventually become part of the what we are calling the preserve. And then we talk about conservation of the existing public lands, we would like to see that the goals of the Sonoran Desert Conservation Plan are reflected in the management of all the public lands that we currently have. Some may already be managed consistent with the STCP but we want to go through a process and make sure that that happens. And then managing the preserve, we want to make sure we have full information so we want to have site analysis for all the lands and, of course, we need to have management and monitoring plans which include adaptive management so that we can change, we have a process for changing management if what we are doing currently is not achieving the goals and protecting the species. Funding of course is an issue and we have broken it very simply into local, state and federal sources and within that and outside of those, we also feel that there are funds through private sources such as foundations that actually give money to acquire open space that we could be looking at as well. I am going to be repeating myself throughout this presentation a bit because we really want to emphasize and break this down into some pretty specific pieces. The methods again are three fold, (1) we want to purchase or other protect and I talked about some of the examples of how we can protect what has been identified as high priority private lands within the conservation land system and then (2) conservation of existing public lands to conform with the goals of the Sonoran Desert Conservation Plan and then additionally (3) conservation through land use and development planning where we can add more lands through those processes through development, again mitigation set asides, add new lands in the preserve through land lease and development. What I want to do here, again I am going to be repeating some of this but the different players in this planning process all have things to contribute and we are asking the different players whether they be public agencies or private land owners to be a part of the solution and so the federal contributions again – rededicate their existing lands toward the goal of the Sonoran Desert Conservation Plan and then add new lands to their existing federal lands, add more lands to additional high priority conservation land system lands to the preserve. Similarly with the County, it’s a County plan so we are asking for a lot more contributions from Pima County. One is adopt the conservation land system to guide STCP land acquisitions. Land use regulations, protective management and biological monitoring again. We have talked in this Steering Committee and I think we even got close to a vote on adopting the Conservation Land System that map to be part of our Section 10 permit in the Conservation Plan and I would really like to ask the Steering Committee that when we feel ready, I would like to see us or hopefully we will feel ready to actually adopt the conservation land system to recommend to the County. And then federal lands, I’m sorry, I just want to mention before about federal lands that we have – the federal agencies have signed on very early to this process that they are cooperating with the County a whole slew of federal agencies and so I hope that we can keep their feet to the fire to be part of this process on the federal lands and that includes the Forest Service, the Park Service, BLM and US Fish and Wildlife Service at the very least. More County contributions just as we asked the Feds, we want to rededicate and manage existing County lands within the CLS, lands such as the Tucson Mountain Park, Colossal Cave, Tortilita Mountain Park and any other lands that might be added to that to current parks or to create new county parks and all of these again we want to manage toward the goals of the Sonoran Desert Conservation Plan. Landowner contributions – through the development process and these for the most part, when I say through the development process, landowner contributions are going to be accomplished when landowners come in with a request for a rezoning or other legislative acts by the County and that is when they will be asked to contribute to the preserve. Again we are asking for a site analysis set asides avoiding impacts to the highest biological resources and then mitigating for the impacts that will result from their development and there can also be of course voluntary, the landowners can voluntarily offer conservation on their land but I think we are going to be in going towards the Sonoran Desert Conservation Plan we need to have the private landowners be involved, all of us need to be involved particularly with this in developing the details that we would like to see so we can all come to a become a part of the consensus solution to how we are going to be dealing with this. I think sometimes that seems like a difficult one but we’ve had a lot of conversations and I think we might be getting close but we all need to sit down and talk about this. Managing the preserve – I have talked about some of this before. We need to have managing and monitoring plans for preserve lands that includes an adaptive management plan and again all the folks, the County, State and Federal agencies, of course we all hope that the State Land Department will sign on and be a part of this process, and we can have cooperative monitoring with all of these agencies and then we need to have reporting annually on the successors of the conservation plan or lack of on the implementation. . In a report that all of our groups had put together jointly that I handed out to everybody, we had a whole lot of possible funding sources for the implementation of the Sonoran Desert Conservation Plan. We had done kind of a national survey of how other communities fund open space and we had a particular emphasis on funding

communities like ourselves in the Southwest, and also emphasis on how other folks have funded habitat conservation plans in particular. I really hope that everybody has a chance to read that report because it has a lot of good information and we made a lot of recommendations. This is a really short list of what we think is really achievable first steps. Some of the other recommendations that we have we are going to all need to get together and agree on them because a lot of things we need to go to the State legislature and ask for their help and we are not going to be able to do that unless we all go together and it's difficult but these are the things we can pursue that are very achievable and we can if we all went together to the State we could get very creative like many other communities have done and in our presentation on funding mechanisms, we mentioned that most successful communities have used a variety of funding sources and did not just rely on one and that is what we would like to see here. I'm not going to read these because you can all read them but those are some of the – short list. We are talking again separating the different entities for their contributions for funding the preserve. The County needs to provide assured funding source for the Sonoran Desert Conservation Plan for monitoring adaptive management, compensation to land owners. In our review of other conservation plans, we have seen that there are actually some visionary plans out there and the vision has not been achieved and the plans have not been fully implemented because their funding source fell through or funding sources. And so, a big problem with the plans is that they haven't been funded or they have been underfunded and so we need to make sure that the County realizes and finds assured funding source that will be able to implement this fully. Another issue that we've seen that is common in the failure of other conservation plans is this issue right here of a contingency fund. The County, the Feds, all of us on the Steering Committee can do the best job that we can to identify what's going to be needed to be assembled and funded in a conservation plan but there are always going to be issues and we've seen this over and over again and conservations plans and there are things that are unforeseen and things that have changed and so in addition to laying out a balance sheet of how we think we can achieve it, we also think the county needs to establish a contingency fund for these kind of changed circumstances. We are also asking that the County fund independent periodic review of program success. We need to keep looking getting milestones looking at what has been achieved and if we are not doing o.k., we need to do something about it. Hopefully it will be successful but we want to see reviews on an on-going basis. Federal contributions – we are asking the Feds to be involved and to contribute toward that contingency fund that I brought up – fund management of the preserve, the same issue with underfunding the Feds are going to be part of the solution with adding lands to the preserve but they need to have funding for that. We've seen that with the latest Ironwood Forest National Monument. We added 129,000 acres of BLM land to the monument system and there is no funding there so what have we gained. We need to make sure that the Feds step up and fund the management of the preserve and also contribute funding to the other issues that I mentioned in the review of the program. I'm sorry that there was a slide that was out of order there and it's actually really, really big – it's a whole page. It's not because there was something I was pulling out and it's more or less important, although it is important, the large regulation of conservation lands and that actually gets inserted here and I'm sorry that's a little out of order and that it is so big. Regulation of the conservation lands systems – we put this up here to develop an overall environmentally sensitive lands ordinance but I want to emphasize that that's kind of a conceptual term that we came up with to try to address regulation but all of these issues that we are going need to be addressing will not necessarily fall under an ESLO. There are also other issues that ultimately need to be addressed in different places if we are going to be getting a Section 10 permit and our agreements with the Federal government and such there are a variety of ways this is going to be addressed but just for simplicity, I kind of put it under environmentally sensitive lands ordinance but the county is working on this but I think the Steering Committee needs to make recommendations, very specific recommendations, on an ordinance combining and strengthening existing County environmental ordinances into one big package and then of course there are going to be new elements that we are going to be adding to our ESLO or land use ordinance, whatever it is going to be, that are consistent with SPCP goals that we have not dealt with here in Pima County in the past because we didn't have the information that we have now on how to best preserve lands and so we want to add new elements and this will as we've been saying I think be an incentive for the development community that an ESLO in particular will provide a one stop shopping for landowners that are seeking to develop their property. Another element of the regulation for conservation land system that we've talked about a bit is establish mitigation and set aside standards and I have put that later on in my presentation that that's something that we really all need to develop together. O.K. That last one I should say was the extent of what we have put together as bit of the road map and now I would like to get into (I'm sorry, next slide again) and I'm actually going to be reading these because I want to make sure that everybody is clear, you have them there and you know how to read, but I want to go over all of these because we feel that we have agreement on these and it would be great to hear from you all afterwards if you think there are others that we have left out or if there

are things that maybe we were mistaken and we don't have agreement on. These are what we took out of other presentations, we have the Sonoran Desert Conservation Plan should provide for protection of species and habitats, that SPCP Development and Implementation should have broad participation and support from public and private stakeholders and all jurisdictions operating in Pima County. Next, a variety of incentives should be provided to help meet conservation goals, the burden of funding should be fairly distributed and a variety of sources should be identified and goal oriented management plans should be developed for land within the preserve. All development, again we've taken this and we agree with it, all development will comply with Endangered Species Act where applicable. Regulations should be as streamlined and user friendly as possible. Pima County should protect some high priority CLS lands through an open space bond and we think that should happen fairly quickly as part of this process. Economic analysis of regional impact and we believe if you've heard that we should look at the potential benefits as well as the potential costs and we need to do this as part of the SPCP. Have sufficient acreage for mitigation available to ensure concurrency of conservation so conservation and development can happen concurrently. This came up from the last presentation by Chris and Mike and I just want to reiterate that was I think a great presentation where I think it is really helping us to move forward. The SPCP should provide for anticipated growth in a way that increases overall quality of life for the general public. For example, implement policies that address affordable housing, access to recreation, cultural and historical preservation, attracting better jobs, etc. and that future land use patterns will be different from the past. And another issue that came up recently water will be a limiting factor for development in the region. These are again comparing key concepts. We are not saying we necessarily disagree with these, as a matter of fact, I don't think we do disagree with any of them. Some of them are issues that have come up that we either need more clarification on from the folks that have presented them or we really need like I said before, we need to sit down and develop the details of these fairly specifically. First, the discussion of the number of species to be covered. Second, work with stakeholders on defining fair compensation and regulation. Work with stakeholders on detailing procedure for mitigation. Identifying incentives for conservation, again being such as the transfer of development, tax incentives for conservation. We've talked about a tool box of incentives that we need to develop and we need to do that together. Again, these are things that we are going to be needing to talk to the State legislature about. Develop goal oriented adaptive management plan. That has come up on a number of occasions and in talking with some of the ranchers, I think we need to sit down together and really put the details to that one. More discussion is needed on a couple of issues – identify and promote other funding mechanisms to equitably and adequately provide for incentives. Simple acquisitions, management and monitoring and unforeseen circumstances are things that I have touched on earlier. Identify priority issues related to the Sonoran Desert Conservation Plan. Some of the issues that we talked about before and we need to collaborate to develop specific strategies that address these concerns without undermining the biological goals of the Sonoran Desert Conservation Plan. Like Alan brought up earlier, we need to be moving forward on these issues together and not do some of the initiatives to the detriment of others. We really tried to outline the necessary steps to gain us a Section 10 permit through the Endangered Species Act and also look at the big picture to enhance the quality of life for all residents of Pima County and we also tried to go through a lot of these issues that we've seen and tried to compare and contrast and hopefully put aside many of these issues that we agree upon so we can really focus on those issues that we need to develop together and I think that is what we should be focusing on. So, I thank you very much for the time and what I would like to do, like I said earlier, if people do have comments or questions, I was hoping to get a representative from the other three organizations beside the coalition.

Question: We ought to approach this thing kind of in a two phased approach. One is let's focus on what we absolutely have to do and what we absolutely can afford and if we can afford more and we can do more let's go. So I would be one person who doesn't agree with that concept just the way you stated it.

Carolyn: My only response is that we feel strongly that we can achieve more than a minimal compliance. We've seen plans that have achieved minimal compliance. They've actually not achieved goals of the Endangered Species Act. We feel that if we can get creative, we can put together a plan that does a lot more than minimal compliance and is not such a pie in the sky, it's not going to cost that much more. We can do things right and we can, this community can afford them. I believe that and I don't think we should limit ourselves.

Question: Do all the lands within the CLS need to have site analysis or just the ones that are going to be developed?

Rob: Just the ones that are going to be developed.

Question: Does the preserve keep getting larger because on several slides you showed how we need to add to the preserve so that one never knows how large the preserve will be or eventually all of CLS can become a preserve then?

Carolyn: Maybe I wasn't clear but currently we have not identified a preserve. We are making a distinction between the conservation land system, much of that is going to be developed and some of that we hope to go through a process and decide what needs to be acquired that will get us a Section 10 permit that will achieve the goals of the Sonoran Desert Conservation Plan. Many of those lands will be most likely in my assumption will be inside the biological core important riparian areas, possibly recovery management areas and be adjacent to currently protected land but like I said at the beginning, I don't think that we are going to be seeing the entire conservation land system. It's pretty big to be that we need to acquire all that and protect it. We, the coalition anyway, has already gone before the Board of Supervisors and supported large developments within the biological core and I am sure that that will continue happening and I'm sure we will support some more of it. We see it as a subset of the conservation land system. There's nothing now, we're starting from scratch.

Question: In comparing key concepts, when you say one of the ways to fund is bond, the County may put it forth, but the bonding issue may fail.

Luther: We don't know whether a bond is going to pass in an election. There's that point and then the second point is if the sales tax is enacted it can come and go depending on the political winds of change. Of course you have to go to the voters and have them approve it and it would have to be acceptable to the voters. I think you are absolutely right about a sales tax. There is a variety of mechanisms for funding conservation. The best mechanisms have a variety of approaches. In this state we have a hard time with certain approaches. A bond measure is the most reliable. Sales tax is something that ought to certainly be considered but it is more volatile than something that is backed by the property tax. There are pros and cons of all of them. Personally I like the idea of a bond measure because it is something the voters have always been more comfortable with as a general policy.

Question: Could you please go over rezoning and what other legislative acts you were referring to in your presentation?

Carolyn: We feel that if a development, if a landowner needs, talking about legislative acts, there are other issues besides just rezoning, things like special or conditional use permits, time extensions for rezonings, things that a landowner needs to get dispensation from the actual Board of Supervisors that those need to be looked at and dealt with in terms of the conservation plan. The point is that rezonings aren't the only things that we need to look at when we are asking for all these issues through the development planning. There are a lot of other acts or requests I should say that need to be approved by the Board of Supervisors. Those were a couple of examples.

Question: On the issue of compensation, where all economic uses have been extinguished; is that taking the point that if you have a diminution or reduction in value that's not a compensatable (sic) event?

Panel Members: It's really not going to be any of us can sit here and say when compensation is required. That's something that the Courts are deciding and we'll be following that.

Carolyn: I guess my additional response to that would be that we feel we put that on the side because I think we all agree on that and that's what we want, it's the others, if we are talking about other levels of what exactly is diminished property rights and things like that, that needs to be part of the discussion that we need to come to agreement on. We strongly feel what we put up there on the slide, is open to discussion.

Question: When we talk about areas of agreement; I would think that it would be extremely helpful if we could get comments by the other stakeholders' groups and if there is uniformity that these in fact are areas of agreement and I would think it will take some massaging of the words but I think you have provided something that can certainly be worked on by the other stakeholders groups. I think we now are at a point where we can begin to hear from the other stakeholders groups and to make a final decision on areas of agreement and then focus on the discussion areas. Do you envision this Steering Committee dealing with state and federal representatives to be able to make informed recommendations to the county? As for example, we have now identified who the two Congressmen are going to be from Pima County, one of whom has a great deal of knowledge about conservation generally and the other of whom has a great deal of knowledge about the

Sonoran Desert Conservation Plan. Might it help in making good recommendations in your mind to the County that we begin consulting with Kolby and Grijalva?

Carolyn: Yes, and that's a serious yes. On the issue of the areas of agreement, our vision for putting those together was that I would like to see if we do have areas of agreement that everybody had said yes that we don't have to continue to discuss them, because I feel that we have been discussing a lot of things, people have been saying things in a different way than other stakeholders but we've actually been agreeing and I don't think we need to be doing that anymore. So I was hoping that what we put together where we could direct our energies is to be looking at the areas that we still need more discussion on, that we might not agree right off the bat and what we have discussed and what we would like to do is to begin contacting folks and start sitting down with people a few at a time or whatever people have time for and let's start talking about these issues and see where we can get because we've had presentations from the development community, from the conservation community, the Altar Valley Ranchers, the Ironwood Alliance and some individuals and there's a lot on the table right now and I think we are ready to start getting into the details and that's what I'm suggesting we do both inside the Steering Committee and outside and I would encourage anybody to call us as well if you would like to sit down and talk about this.

Question: Regarding old neighborhoods that are decayed, that were affordable housing when they were in good shape and can and maybe should be affordable housing again. Rehabilitation, maintenance those kinds of concepts. Do you believe that the planning for that kind of redevelopment belongs in our plan and if so, how do we get it in there?

Luther: I don't have a strong view whether it needs to be in this plan or dealt with in a collateral way along the same path but it certainly is something that should be dealt with. I wish Chris Sheafe were here because his presentation talked about the importance of figuring out how we are going to accommodate the 420,000 people or whatever that number is that will arrive in the plan's lifetime and certainly through things like Rio Nuevo and other efforts to promote more livable communities were development already exists and to redevelop what it feels is essential to making this work. I don't know that we want to try to load that in to this plan, per se, but I think we certainly need to, as conservation advocates and everyone else, we need to embrace that as part of an effort to protect endangered species in the County. It may be overly burdensome to make it part of this plan but it needs to be part of the overall program.

Question: The County is already implementing this CLS so isn't that number 3, your last block a moot point?

Carolyn: Through the comprehensive plan they have developed urban development guidelines, regional plan policies, things like that. However, until those could be revisited by this group, we could have different recommendations that those get stronger or change or whatever but until that becomes codified in a variety of ways in a Section 10 permit, then it really hasn't done anything to further the goals of getting that habitat conservation permit.

Question: Are you proposing that we have an ordinance that's even more restrictive than the upper overlay zoning ordinance which requires 300 foot setbacks and 50% open space already?

Carolyn: Well first let me give you the background. There are other communities that have done habitat conservation plans that have combined a kind of super ordinance research protection ordinance or conservation environmentally sensitive lands ordinance and there is a process going on with a committee that I think Christina talked about that her and Alan and Lori and some a couple others are on right now and the County is going through that process to have an environmentally sensitive land ordinance. I am not suggesting that every one of them needs to be different or strengthened but we have had some problems in the past with Hillside Development Overlay, there's some changes perhaps to the riparian overlay zone, whether or not the buffer ordinance in particular needs to be different, I don't know. I mean we were involved in the last round of the strengthening of the buffer overlay zone ordinance and I think it is a good ordinance. I don't know if it could be better or not and I am not involved in that process but I am suggesting that what's the combination we can have one ordinance where they are all fitting together so that it kicks in at the same level for parcels and slopes or whatever and also we have that one stop shopping and I think there is definitely room for strengthening the ordinances. But like I said I am not sure about the buffer particular. I don't know if anybody else has any particular thoughts.

Question: Federal lands have to conform with Endangered Species Act. The only reason we will be asking them if we take a conservation land system that doesn't limit itself to endangered species, we've got 40 other

species, so they may not be able to adhere to our requests, other than for endangered species and if we hinge our plan on them conforming to other species, they may not have the authority to conform with, we might fall flat. And so a word of caution, we may not want to hinge our plan on them – federal lands conforming when they may not have the authority or the discretion to make those conformances and can we keep them out of the mix beyond endangered species which they have to conform to anyway.

Rob: Its given the proportion of federal land in the conservation land system, we thought it was necessary just to see where there was conservation that could be accomplished through the federal lands. We realize that they don't have an obligation but they did sign an agreement with the County that they would participate in this process and so the potential remains that there are things that could be done. We put in there to explore that potential.

Panel Member: Now, a park superintendent may last a tenure of a couple of years, forest supervisor may be around that time too and so the agreements that they make with the county may not last any longer than their tenure and so I think the Fish and Wildlife Service will recognize that when we go up for a Section 10 that relies on a lot of federal discretionary decisions beyond the Endangered Species Act and maybe we can just use the federal contribution to the endangered species part of it and not to the other sensitive species that contributed to the conservation land system.

Sherry Barrett of the Fish and Wildlife Service: I can provide some clarification on this issue. The permit to not rely on federal funding for the mitigation component. O.K. So what you need to consider is if the federal agencies are involved, they are in a partnership mode but their mitigation will not able to be their contributions cannot be used as part of the mitigation for the NSL take permit that the county would apply for so Mitch is correct that it would be partnership we can do MOUs with those different federal agencies for their contributions for management, maybe even acquisition of additional lands and if they acquire lands through the Land and Water Conservation Fund that land can also not be used for mitigation for the county's permit.

Carolyn: That's a little bit of a different issue and we realize that, but I want to add to what Rob said and remind folks that a variety of federal agencies signed on an agreement with county early on and it's not, I don't want it to be portrayed that the federal agencies have to follow along with whatever the county does. I am hoping and I think it is incumbent on the County to continue to work together and have those federal agencies help develop the plan and be part of it. Another issue would be to say that the federal agencies, the land managers, are implementing the goals of the STCP does not mean that we are going to have uniform management on all different lands. You look at some of the other plans where different municipalities are all signed on to the general goals of the plan and they all implement it differently, so those agencies, the folks that work for those agencies, will know what they will be able to accomplish and what they need to accomplish for other species outside. I don't want to have the impression that it's a uniform application of the same exact protection for the same amount of species. And then lastly when I was comparing it to the municipalities that there should be a federal agency stay on that they would be part of some solid agreements that they are signing just like the county that if the leadership changes then we would actually have to open up the plan and amend it if something changes, just like the future Board of Supervisors would be tied to this unless they would want to open up the whole plan by doing something differently so with agreements I think a lot of this can be accomplished and what you are talking about can be dealt with.

Question: Can you please explain to me what you mean exactly by your statement on the regulation of the CLS that you would provide one stop shopping for landowners seeking to develop property. Could you expand on that a little bit please?

Carolyn: Simply that putting together all the ordinances into one ordinance. Right now property owners need to be dealing with a variety of environmental ordinances that don't always match up and like Nancy said they might not be so effective. If you are in an area that's in an buffer zone and its effective by the Hillside development zone ordinance there might be some conflicts there that we think we can iron out by putting them together and doing a realistic look at how we can streamline the whole development process by having one ordinance. I don't know how else really to say it but that's the vision that we have and what the county committee is working towards now and has been effective in other communities that have put together a broad ordinance.

Question: Can we ask for an opinion from the county attorney as to whether or not the county has authority to bind future boards of supervisors to the extent that we need to address a time period that will far exceed the term of the current board of supervisors?

David: Why don't we set that up as an issue for a future agenda item in the near term and maybe we can ask someone from the county attorney's office to come and, you know, tell him what we are specifically looking for but agendaize it and have them come and make a presentation.

Questions from the Public:

Question: Weren't you scheduled on the Agenda to address affordable housing?

Carolyn: The coalition was on the agenda prior to this agenda item to deal with in conjunction with Alan's presentation, also a presentation on affordable housing. We had asked the Steering Committee to let us give that presentation at the next study session so we could focus on this presentation tonight and we will be doing that and we will have information available on the research that we have done.

Question: Were you planning on making an additional presentation on that and does the coalition have a paper or some kind of analysis of the economic impacts from your perspective.

Carolyn: The coalition also released a report that we gave a presentation on at a Steering Committee meeting 6 or 8 weeks ago on the potential economic benefits of conservation, protecting natural resources in the Sonoran Desert. I don't know if you got a copy of that but I will certainly, I brought one, I've got extra copies whoever didn't get one and I will give you one this evening. Like we said in our presentation here tonight, we do believe that an economic analysis needs to be done for the Section 10 permit and it needs to look at the economic cost and benefits of conservation and I think we've made that point consistently over the last couple of years.

Question: What is the quality of life?

Carolyn: We truly believe the quality of life can be enhanced by the conservation plan and we hope to see that in our deliberations and I guess that's an answer that will need to come later if there are conflicting, if that does not happen but I truly don't believe it will. But like I said, that's not what we are doing with this presentation. We did not pretend to define the quality of life and what exactly that means. But, I think it is a question that we all need to talk about in the Steering Committee. That's why there were so many issues there about affordable housing, cultural and historical preservation, access to recreation, other things that are either part an element of the conservation plan outside the biological resources or they are connected with what we are trying to do and I would like to see us address that and answer that question. I don't feel that we need to be answering it ourselves right now.

Next Steps – Moving beyond receiving information to developing specific recommendations:

David presented a brief overview of the steps the Steering Committee has taken since September:

- Steering Committee has heard from all stakeholder groups and other sources that have provide information.
- The Steering Committee is starting to hear some specific recommendations; so differences have got to be reconciled, action items have to be presented to the full Steering Committee, so they can take some up or down action on them.
- **The Steering Committee needs to ensure that action is taken at meetings. The Ad Hoc subcommittee has discussed this, there's a finite number of meetings between now and end of March, so the Steering Committee needs to start focusing on making the meetings action oriented to where specific proposals from various stakeholders can be considered and acted upon. Perhaps form a drafting group to identify the areas of agreement, present that to the Steering Committee and then the Steering Committee can react to it. Then that same group can identify areas of disagreement, have the various points of view articulated and develop a plan to reconcile those.**

Gail Hartman made the following motion:

1. We the Steering Committee authorize David to begin writing the background portion of the Plan, something he has already agreed to do.
2. We authorize that small stakeholder meetings occur outside of the Steering Committee, that they begin immediately to clarify points of agreement and disagreement and flesh out the details of the Sonoran Desert Conservation Plan.

3. By our first meeting in January the results of these informal meetings be brought to the full Steering Committee for refinement and decisions.

Discussion:

- **While some members were not sure that the drafting group could do its work within this time line, other members were of the opinion that without knowing if the County could afford the plan, who pays for the plan, and at what phase taxpayers have to pay for the plan, that any formulation or modification of the plan would be impossible.**
- Other Steering Committee members stated that the Steering Committee needed to “get down to what the real charge is here, that is to develop an alternative for the Habitat Conservation Plan, which is what we need to do to get a Section 10 permit....The cost of the SDCP, the bigger vision of the SDCP, is what we are going to really grapple with, but we are sitting here trying to talk about it as if it were part of our consideration right now and I want to remind us that Sharon Bronson and others have said that our business here is to do an alternative to the Habitat Conservation Plan and all these other things that we are talking about are terrific and I certainly want to be in the middle of all of them but if we want to get on with this practice, let’s get back to the Habitat Conservation Plan get that solved and then get on to the next piece.”
- Some members voiced that there were a few points of agreement and a few points of near agreement that could be written up. These members felt that they did not want further exploration of these areas, but to write a first draft, not a final draft, but to bring something in writing to the Steering Committee, for the Steering Committee to discuss and either pass or send back for edits, corrections or additions.

Motion passed.

Meeting with legislators and other policy makers:

Pursuant to the Ad Hoc’s Committee’s directions, David drafted and distributed a discussion paper with respect to a meeting with policy makers. It had been previously suggested, that the Steering Committee meet with state legislators and other key policy makers, city council members, and policy makers. There was discussion about meeting with them after the election; the next opportunity to do that being the December 7th meeting. Some of the proponents of the meeting with legislators wanted to elaborate on this. Most opted to forego meeting with the elected officials on December 7th.

- Some members voiced that this meeting should be postponed until the Spring when the Steering Committee would have some agreement regarding what the Steering Committee needs from the legislators. They felt it was premature to meet with them unless the Steering Committee had something to offer them in the form of a plan. They also felt the Steering Committee should make this meeting as meaningful as possible; that the Steering Committee is not ready to give the legislature and elected officials a statement of policy, nor the areas of agreement because the Steering Committee will not vote on this item until January. These Steering Committee members wanted to agendaize issues that the Steering Committee would ask the legislature to deal with such as broadening the authority of the county to deal with purchase of development rights.
- Other members stated that there was some agreement, in certain segments on certain issues. They voiced that since the legislative session is a very short one, the Steering Committee will have lost its opportunity to meet with the legislature for another year if they do not meet with them before they go into session.

Proposed Steering Committee Schedule Changes:

Although the initial motion was to have the legislature and elected officials attend the December 7th meeting, the Steering Committee began to discuss an additional meeting or study session in December. Several dates were mentioned.

- Ernie Cohen proposed converting the November 16th study session to a meeting.
- Gerald Juliani proposed Wednesday, December 11th as a meeting.
- Trevor Hare proposed to keep the Saturday, November 16th a study session and we would have the legislative briefing on that day.

Luther Propst made the following motion:

Wednesday, December 11th to be a study session to meet with the legislators and other policy makers. Keep November 16th as a study session. Use the December 7th meeting to finalize the agenda for the December 11th study session.

Motion passed.

Call to the Public: None.

New Business:

Executive Session – Role of Facilitator

The Steering Committee met in Executive Session.

Meeting Adjourned 9:00pm

SDCP - Steering Committee

Pima County Public Works Bldg. Rm 'C'

8:30am to 11:30am

Saturday, November 16, 2002

Meeting Notes

Participants: See attached sign-in sheet David Steele, Maeveen Behan and SIMG staff.

Documents made available to the Steering Committee members at the meeting:

- Agendas
- TDR Background and Precedence—Christine McVie
- Funding Recommendations for the Pima County—Carolyn Campbell, Lisa Stage.

Meeting Commenced at 8:30am

Meeting commenced with 21 Steering Committee members and 2 members of the general public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda.

Logistics for the next Meeting:

Saturday, December 7, 2002

8:30 am to 11:30 am

Pima County Public Works Building

Conference Room 'C'

201 N. Stone

Logistics for the next Ad-Hoc Subcommittee meeting:

Monday, November 25, 2002

9:30 am to 11:30 am

Arizona Builders' Alliance

1661 N. Swan Road

Suite 144

Call to the Public: None

Section 10 Environmental Impact Statement Strategies, and Geographic Implications:

Maeveen Behan was scheduled to make this presentation, but she was unable to attend due to illness. This issue was deferred until further notice.

December 11 Meeting with Legislators and other Policymakers – Structure and Format

- David noted that given the Steering Committee's clear direction to move forward with having the meeting, the logistics and invitations had to begin immediately, and that a list of invitees would be provided at the December 7th meeting. He pointed out that the goal was to get a sense from the attending Steering Committee members on the form and the structure, so specific recommendations for adoption by the full Steering Committee could be made on December 7th; where the Steering Committee could formalize and finalize the specific agenda, and talk about the issues, consider and act upon the issues that the Steering Committee may or may not be presenting to the legislators.
- The Steering Committee began a discussion on who to invite. While some members wanted to invite all Arizona elected officials, other members voiced their sentiment that only Pima County should be invited. The general sentiment was that the entire state legislature should be invited because 70% of the legislature consisted of newly elected legislators and the Sonoran Desert Conservation Plan will effect other counties. The elected officials from the municipalities in Pima County, their mayors and councils, mainly the towns of Marana, Oro Valley, and Sahuarita were added to the invitation list as well as the Tucson City Council, the governor-elect, attorney general-elect, the secretary of state and if a new state land commissioner has be appointed.

- It was suggested that the Pima County Board of Supervisors should be invited even though they receive notice of each meeting and study session the Sonoran Desert Conservation Plan Steering Committee has. There was some concern that three or more supervisors could not attend without violation of the AZ Open Meeting Law, but point of clarification was made that if the Board of Supervisors publicly noted that they would be attending this meeting, there would be no violation. Additionally an invitation would be extended to the County Attorney General, as well as the Tohono O'Odham Nation and the Pasqua Yaqui Tribe.
- The general consensus of the present Steering Committee members that an invitation should be sent to both of the congressmen who represent Pima County as guests. Or a congressman and a congressman-elect.
- David then presented the draft agenda for the December 11 meeting. It was noted that at the November 6th Steering Committee meeting and the November 8 Ad-Hoc meeting it was discussed that Pima County should choose a spokesperson to provide an overview and background of the Sonoran Desert Conservation Plan leading up to the Steering Committee.
- The introduction by the Pima County spokesperson would be followed by the views of the stakeholder groups. The main questions to answer would be why are the stakeholders participating in this process, what do they hope to get out of it.
- The Ad-hoc committee recommended a property rights panel at this meeting consisting of two attorneys representing the different views of the issue and to address property rights in the context of the Sonoran Desert Conservation Plan. The attorneys that were identified for this panel are Fred Boselman a law school professor, University of Chicago. And Steve Betts, an attorney with Gallagher and Kennedy in Phoenix, who has been very involved in those issues. After much discussion the decision was made to move the Private Property Rights discussion to a date in January.
- The question was raised regarding whether or not the legislators should be given time limits on speaking, asking questions and commenting. The majority of the Steering Committee members present felt this was an informational briefing and the invitees should not be given any speaking time, but would have the opportunity to ask questions of the stakeholder groups panel during the question and answer portion of the meeting.
- While there was some concern that three hours would not be enough time to present all the background, issues, and have a question and answer period and refreshments, other members wondered if the legislators and other policy makers would remain for the full three hours. The final recommendation was that the meeting would have to move at a quick and tightly structured pace in order to achieve the main goals of conveying the main.
- David then presented two options to the Steering Committee members on how the stakeholder groups would make their presentations to the legislators. **(SEE ATTACHED)**

Option One: Individual stakeholder presentations that would be some reversions of what's been provided up to this point. A stakeholder panel which would be one person giving an overview of the various stakeholders positions, the stakeholders on the panel would work to get to develop that presentation, then q & a with the entire panel.

Option Two: Stakeholder panel would be individual presentations from the panelists and then q & a with the entire panel.

- Members of the Steering Committee cited their reasons for choosing Option Two
 - Stakeholders would be uncomfortable with somebody else presenting their views.
 - Legislators can see all the different views and then direct their questions at experts in those fields.
 - The panelist could get together and assign one person to address certain aspects of issues that overlap between those groups.
- Susan Shobe, a member of the public, suggested that if the Steering Committee presented the issues and what the Steering Committee would like the legislators to do directly after the stakeholder presentations that this would immediately show that the Steering Committee has agreed on something that they would like the legislators to do, in addition it would give the legislators an opportunity during the question and answer session to ask questions about what is being asked of them, as well as the stakeholder presentations. Many of the Steering Committee agreed with her.

Possible Issues to Address at December 11 Meeting with Legislators and other Policymakers:

- There were some Steering Committee members that wanted to be clear that the Steering Committee was not meeting with the legislators to talk about issues in the different proposals where there was no agreement or even going into length on any of the process that the Steering Committee had been through.
- Several Steering Committee members raised specific issues that the Steering Committee felt would be beneficial to present to the legislators.
- The following Steering Committee members will write discussion papers for the Steering Committee to review.:
 - Conservation Easements—Debbie Hecht
 - Heritage Fund—Lisa Stage
 - Lottery—Doug McVie
 - Arizona Preserve Initiative—Gayle Hartmann
 - Private Property Rights—Mike Zimet
- Some members stated that it was in the best interest of the Steering Committee to make the best balanced presentation to the legislators to show that the Steering Committee members have come together. That the Steering Committee members agree on a variety of things that represent the needs of all stakeholders. The general comments agreed that it is fundamental for the Steering Committee to join together and move on together with a program that's going to preserve open space and preserve endangered species.

Purchase/Transfer of Development Rights: History and Possible use in the Sonoran Desert Conservation Plan—Christine McVie:

Christine: I'm going to start with the one that says on the front of it "TDR Background and Precedence". And I just want to make sure that everyone can follow along so that we are tracking on the same page. All right, as many of you are aware, the county has convened an environmentally sensitive lands ordinance committee. We've been meeting for about a year. We've been looking at all of the, and that, by the way, that group consists of only 5 individuals, one of whom is Alan Lurie, representing the Southern Arizona Home Builders Association, one of whom is Patty Richardson, who's representing the Tucson Association of Realtors. One of whom is myself. We have a new member, Mike Grassinger, who represents the planning quarter and is a consultant in private practice who has done a lot of good work and has been very helpful and constructive in the past. And then we have an attorney, also, on board at the moment. These two last positions have fluctuated as people change jobs and do things. However, one of the things that we identified as a committee early on last year was that, in the fall, trying to work towards some legislative action, was that there is a real need for a better toolbox. We need tools so that we can accomplish the kinds of things that we need to do, and just as Michael says, in a fair and uniform way that respects the rights of everyone. It's my personal opinion, looking at the maps and studying this for the last 6 years, that without the willing cooperation of the private property owners in Pima County, this plan will not succeed. That's been the assumption I've always worked under and I've had many discussions with Michael and others as regards that. That being said, there needs to be a toolbox that's expanded in order to provide opportunities for people to cooperate in a meaningful way, and to have it be attractive and an incentive for them to do so. And so we came to some conclusions last year. And the county did, in fact, four separate issues, three of which I have examples of for you today. The first one is transfer of development rights. Now, this is background information that we did in October 4th, as you can see, 2001. There's a 2-pager here. Basically, this is when you have development rights in one area that's sensitive and you transfer those to another area that is less sensitive. It's pretty simple. There's the sending area and there's the receiving area. Now there are some real economic benefits to this, if you look on the back side. This is a voluntary incentive and it gives you an opportunity, especially for the regulated community. Now, transfer of development rights isn't going to be something that mom and dad necessarily are going to be the chief beneficiaries of. Transfer of development rights is a process that would allow members of the regulated community, which they have vested zoning in a given area that has been identified as environmentally sensitive, to get their yield by transferring that vested right to another area where they could build without adverse consequences to a sensitive area. So transfer of development rights is really a tool that affects the larger scale

developer other than a single family homebuilder. Purchase of development rights, which would be on page 2, this was House Bill 2104 last year, purchase of development rights can affect a far larger group. Both transfer of development rights and purchase of development rights can be used to facilitate protection of cultural and historic places of concern, both in the city and out in the “tullies”. It can be used to protect ranchlands and landscape level sorts of issues. And it gives the opportunity for a private property owner to take one of their bundle of rights that they have with that property and to exchange it for some monetary or other value, and basically they put that in a separate category and they put it to rest in perpetuity. So they can use the property, they can live on the property, they may be able to ranch that property. They simply, because that’s the opportunity, in exchange for a fair and uniform remuneration, they give up the opportunity to develop it further than what the baseline is. Lastly, one of the things that we worked on, and I don’t want to take up a lot of time with this, hopefully you’ll all have an opportunity to read this and we can get it out by e-mail to the rest of the Steering Committee so we can have a substantive conversation on the 7th. But the last one is an example of the salvage of native plants by homeowners associations. This is another way for people to do a gleanings, they can use it for restoration, groups use it to beautify local parks. It’s been very popular up in the Oro Valley area, they’ve used it quite a bit, and Marana’s looking at doing this. And interestingly enough, once again, there was not an opportunity. This is a good example here of where we just used a strikeout. There was an existing state law and this would amend that Arizona Revised Statute, and if you note that there are a couple of additions and one strikeout. Some of these are extremely simple in their approach. I am not an attorney. I wouldn’t claim to have any expertise or knowledge on crafting State law. What we did do within the context of the environmentally sensitive land ordinance was consult with the county attorney, and we tried to find a way to minimally interfere so that the legislature would not have negative impression of this. We weren’t trying to recreate the wheel, we were simply trying to enable people to have an opportunity to make the law more useful to the average citizen. And that is personally the recommendation that I would make, is to keep it very simple. We don’t necessarily want to go out and rewrite Arizona Revised Statutes. Where there are current statutes that need to be tweaked a little so that it is a little more user friendly, those are the kinds of things that I would envision us asking for assistance from the state legislature and enabling legislation to give us a better toolbox to meet our concerns of our stakeholders, but the ranch community, the development community in particular. It’s only by offering the development community and the ranching community some level of certainty as to their continued existence and their economic viability that conservationists can have a level of certainty in return. This does not work one way. It has to be a two way street. Respect for private property rights must be implicit in this conversation. It’s really kind of an oxymoron to assume anything else, in my mind. So these are 3 examples of approaches. When Lisa talks a little about funding mechanisms, there are other approaches in terms of the conservation easements. This is the one thing I didn’t have a copy of, was the conservation easement approach that went through. However, that again is a pretty boilerplate thing. The county attorney was involved with it. I want you to understand, none of this happened without the county’s awareness, and none of this happened without the county attorney weighing in on it. That being said, the feedback that I received from last year’s legislative process was that the perception that it came only from the county and not necessarily from the citizens per se impacted how it was perceived at the state legislature. As I said earlier, some of you weren’t here earlier this morning, we don’t win a lot of popularity contests at the Maricopa County, necessarily. And it is the feedback I received, which may or may not be accurate, that that in some part had a role in our lack of success in moving some of these items forward. Which is why at the last Steering Committee I suggested, and have suggested for over a year now to various members of the stakeholders, that it is, I think, a very much stronger case for us to go arm in arm on those things that we think we may be of use to the community at large. I think that both the state legislatures, the governor and federal legislatures need to see us come together on a couple of key issues that will enable this to work successfully for the stakeholders in our community. In particular, the regulated community and the devel..., and the ranch community. Without that, we don’t have a plan and there could be no certainty for conservationists. When we work together in a constructive and productive manner on the things that we can agree on, the legislature is far more likely to take a favorable look at that and to suggest that it would be something they would tend to be more favorable towards, coming from a broad stakeholder group, I think it’s, you know, an understatement. So does anyone have any questions about the concepts of TDR’s, PDR’s or... Oh, you want to just bag that? That’s okay, too.

Questions:

Question: The TDR legislation that you have here has passed is there something further that the legislature needs to do on that?

Christine: I just wanted people to have an understanding of this process. I wanted you to understand where both the ESLL committee, which is a stakeholder group, I think, just by the inclusion of the parties involved. And the county has been actively moving towards trying to develop tools that this body and the county and the citizens of the county could utilize to implement the plan.

Question: Is the problem with TDRs the specific issue that cities, incorporated communities, and municipalities allow or are permitted to use TDR's, but unincorporated areas are not?

Christine: That is correct. Again, this is a current existent Arizona Revised Statute It's not a new law. This law currently only allows incorporated municipalities to exercise transfer of development rights. There are examples, in the 2nd page, in other states where TDR's have been utilized between cities and counties. In other words, a county could transfer densities into a city for infill or redevelopment funding, and certainly it's been used in Clark County and in other areas. This is not a radical idea. It's very successfully employed elsewhere.

Question: What are the tools that you see that would be helpful as a request coming out of this group to our state legislature?

Christine: I will provide you with more data. I didn't want to overwhelm anyone, this is very legal. But I can show you the strikeout we sent up last year. And that's all it is, Debbie, in answer to your question on this specific issue of TDR's, is we simply, again, we didn't rewrite the state law Much like what you see on the salvage example, etc., all we did was cross out a couple things and put in "and counties" instead of just municipalities. We simply added the words "and counties".

Question: Why have counties not been included thus far? Is it just an inadvertent legislative drafting oversight or is there something more?

Christine: One of the reasons that counties have not is because of the history of incorporation wars and some of the issues of revenue sharing, etc., up in Maricopa County. I would just say that perhaps the state legislature, in its wisdom, unlike other states which have done that, has not seen that it would be beneficial. And perhaps now's the time for that climate to change.

Question: Would your recommended changes make it clear that there could be TDR's between municipalities and counties?

Christine: Absolutely, because that is essential to this process. And as you all are aware, Sahuarita and Marana have signed out to do sub-area plans with the overarching Pima County plan and we are looking forward to optimistically enthusiastic that both the City of Tucson and Oro Valley will also be joining, and that's going to get us the rest of our federal funding. So we will have to work trans-jurisdictionally. Many of these plans have problems because of multiple jurisdiction issues. Working between multiple jurisdictions has been a big problem in California, and this is one of the tools that would enable both the cities, the towns and the counties to come to reasonable and fair approaches to those areas that they may have conflicts. I might also add that as regards to the economic study, if we had tools that would help us resolve potential economic conflicts, a lot of the problems that we're having with trying to assess what our impacts are and how we're going to pay for them would go away.

Question: I notice that there aren't any people from the ranching community on that committee, and quite a few of the environmentally sensitive lands are owned by ranchers.

Christine: As I said earlier, did not go through and this is not, this was the staff briefing on TDR's from October. I will get you the rest of the House Bill that we attempted to get through. : What did go through was the purchase of development rights, which is on your page 2. And purchase of development rights was, as I'm sure anyone who went to our study sessions and classes at the beginning knows, was immediately the choice and direction that the county administrator took in order to address the issues with ranchlands. And they have said from the very beginning, and they've issued two written reports on it that I would refer you to at the library, that PDR's is the way they wanted to approach ranching. We didn't make that determination, that was made by the administrator and the board. They did go forward with this, this did pass. Unfortunately, the purchase of development rights does not address some of the conflicts that the regulated community has. It will address ranching and it will address cultural and historic sites, but purchase of development rights is a limited tool in that regard for people who have vested zoning, for, say, very high densities. I could give you an example in the northwest and some in the southeast. And those current zoning densities that are already granted are in conflict

with what we've known and learned to be true in terms of the environmental value of that property. We have to come up with a way, since everybody I think understands we can't buy everything. We have to have a fair, equitable, uniform across the county method where we can make sure that those individuals have their fair economic value and level of use and compensation for that which they give up and/or transfer elsewhere. And in order to do that, we're looking at PDR's. This would also enable us to apply for funding mechanisms like infill, the federal redevelopment program, things of that sort. So part of this toolbox is to enable us to qualify for other funding sources as well in order for us to have a fair, equitable distribution of costs across the board and make sure that no one has any concerns about the takings issue. I mean, we're trying to build in safeguards so that the concerns that I have heard voiced by the regulated community can be addressed in a way that they seem to be quite interested in.

Question: What do you mean by the regulated community?

Christine: The development community. The regulated community, in large part, is those people who are doing something on a larger scale than a single family home. And that can be your small to mid-level, or it can be your large scale, high density big guys from out of state.

Question: : I just wanted to remind us that we talked at the last meeting about going out and doing homework between meetings. We're not going to ever finish this process if we try to resolve everything within single meetings. And if the ranchers think they might have conflicts with us, the ranchers should get together, maybe talk with their own lawyers, find out what might be an issue, maybe talk to Chris, Mr. Lurie, Patty Richardson in between. Same thing with the development community. Do as much homework as you can on December 7th so you will be able to know whether or not you have problems with this.

Christine: Thank you, Lisa, and that's why I provided this information today, not to give you the seminal overview, which I don't feel I'm capable of, but simply to give you an update on where the county's been, the types of things they've been trying to do to develop, this toolbox, and to ask for your support and your assistance if, in fact, you think it's something you choose to pursue.

Question: PDR's are done, but TDR's are not and I would rather discuss it in detail with ranchers, and not only the ranchers that are on the committee, the ranchers that may be part of the public...

Christine: I invite you to go right ahead. I would suggest, however, that in order for us to enhance our toolbox anytime in the near future, 70% of the new lawmakers are coming in this year. It's an important time to make contact, it's an important time to indicate that we need assistance developing our toolbox. And again, and Doug makes a very good point, it's very clear in this language that this is for willing participants. This is not something that is mandatory and you can't...

Question: Can't they use that condemnation?

Christine: It's not condemnation, it's not compelling. There is absolutely no mechanism here for this to be applied to anyone against their will. This is willing cooperators. These are incentives for people who wish to participate. This is not anything else. So let's be real clear on that and not have any misunderstandings. This is not something that would be applied to anyone against their will. This totally is, in fact by law states, that it must be willing cooperators.

Question: Are you aware of any research on the fact that the Arizona Constitution, unlike the federal Constitution, requires compensation not only for taking but for damaging property?

Christine: I have the proceedings for the Arizona State Bar Association presentation on these issues that occurred, I believe it was 2 years ago. At that point in time, the panel consisted of Frank Thompson, Frank Bangs, Jim Misako, Maeveen Behan and others. Mr. Bangs, Frank Bangs, the attorney who is so well known in southern Arizona in particular for having worked both sides of the aisle and represented both regulated communities and individuals on property rights issues, made it very clear that in the State of Arizona, as long as you have use and/or access, there is no taking. That's the issue with TDR's and PDR's. Some of the conflicts, quite frankly, we see ourselves getting into. Damage is pretty broadly defined and as such is real hard to nail down. In order to show damage, you have to show that you are actually inhibited from having either use or access, or that your use is so constrained that it makes your original vested right unexercisable. But the point is, I think, we all acknowledge that we do not have as many tools as we might like and we do not have as much

flexibility as we might like, and certainly we need to work out the issues to insure amongst ourselves and the community, the entire community, that it's fair, uniform and equitable. But that being said, I am absolutely convinced that without better tools, we're doomed. And so what I'm suggesting is that, here's some history, here's what the county's been doing to try to provide that. The county has not been as successful as they would like because I don't think there's been the informed citizenry behind it. And I'm asking people, like I have been for the last year across the board, that if this interests you, if you could help me, I would appreciate that because I do not consider myself an expert on this. However, I think that working together we can try to avoid some of the pitfalls that other communities may have had with some of these issues. I know that was our intent with the PDR's and I would be happy to furnish more information on what I can find out on that and the conservation easement issue, which I think are both extremely important. I don't have it written in stone the way I want to see it, but I would like us to come to some consensus and move forward, and I would like to have at least TDR's be an option we look at trying to move forward this legislative session. The way land is taxed is based on its potential highest and best use. If a ranch is located next to a metropolitan expanding area, the taxing authority will look at it and say, it may be used as ranching, but unless somebody files a type of permit that says they'll maintain it in an agricultural use, we're going to go ahead and assume that it's higher use land and we're going to start taxing it on that basis. So that's really how this process rolls and constantly pushes the lower use to sell out to the higher use and that happens all over. Cindy, what the ranchers really ought to focus on is how they can make this system work to preserve the long term ranching interests. And that's really where it came from. Originally the transfer of development rights was started by agricultural uses to figure out a way to protect the agricultural use arena because they were losing, you know, different families had to sell out through a death or whatever, and they had to sell in order to raise enough money to pay the taxes and whatnot, they couldn't maintain the land and they lost their crops, so they were looking for a way to preserve their ranching facility or their farming facility and the way that it generally evolved was they first went to state legislatures and said, let us commit that we'll keep our land in this use and then you tax us at that level and no other level. And that grew into the idea of, well, if we can do it for 10 year stretches, why don't we do it for a long term period. And I think then those people who are trying to maintain lifestyles began looking at it and saying, well, gosh, if that works on that side of ??, maybe it'll also work to meet some of our other goals. And the problem that came up in the one area that I'm familiar with was when somebody cleverly decided, oh, well, if we're going to do this, let's force it on them by kind of looping around and saying if you don't cooperate, you're going to get taxed so badly having to contribute to your neighbor's development rights that you'll in effect come to the party whether you like it or not. And we'll call it voluntary, but it's not going to be voluntary. And that broke down in the State of Washington and I think it really stalled the process. If the public at large wants the benefit of maintaining a lot of open space, the public at large needs to pay for it. That's really what it comes down to.

Ernie: We should frame the issue and present as consideration for adoption at the December 7th meeting based on this full discussion that we've had up to now before we move on to the next issue. That we present to the legislators our view that there is a need for more tools to effectuate conservation and preservation of open space, that one example that we specifically urge be adopted is expanding the transfer of development rights tool to counties working in conjunction or independently of municipalities and incorporated towns, and that consideration should also be given for the development of incentives for conservation easements. I think that frames the issue for discussion.

David: Let me suggest a course of action. I'm going to volunteer Chris and we can get that just verbatim of what you just said, Ernie, off the tape and use that as kind of a starting point for a document or a resolution that the county can consider, or the Steering Committee can consider on December 7th. What I'd like for Chris to do is to work with some of the other stakeholders around the table. You know, Chris has got some obvious views on this, Mr. Harris, Cindy from the ranching community, Michael, and anybody else actually. And we'll work on a document with some fairly specific language that you folks feel comfortable with that we can then run to the, after we deal with Lucy's procedural question on December 7th we can actually have some specific language on that.

Pima County/Stakeholders

Plan Funding Sources: Funding Recommendations for the Pima County—Lisa Stage

Carolyn Campbell was originally scheduled to address this topic, but had to leave the meeting early. Lisa Stage stepped in as primary presenter and other Steering Committee members and Susan Shobe contributed their knowledge on this topic.

Lisa: I'm just going to briefly look at the back page of this handout, the funding recommendations for Pima County which comes from a report that conservation groups put together earlier, and if you actually have really technical questions, I might ask Susan Shobe to answer them because she worked a lot on this report. But on the back page here there's recommendations for future state lobbying efforts. This is particularly addressed to funding issues. If you go three arrows down, it looks like with the work that the ESLO and Chris has done, you already have incentives for conservation easements cued up. So I think that if you just go ahead with what Ernie and Chris were talking about. What the Steering Committee lobbying the state for funding for the Sonoran Desert Conservation Plan. So these were options that came up. They run the gamut. There's probably a lot of them we're not ready to ask the state for yet, but there's creating a new state lottery game that goes specifically directly just to conservation, increasing travel taxes, the conservation easement incentives. General funds for open space, a state public relations campaign, a citizen awareness campaign for open space. Tax increment financing is a little bit trickier. If you go one page before the, it says page 22 at the bottom, half way down describes tax increment financing a little bit. If everybody remembers when Rio Nuevo was created. They did a Rio Nuevo TIF(?) where the city applied it to the businesses along Broadway. Right, this is the same type of idea. The state can create a TIF and that TIF and that TIF could actually coincide with the borders of Pima County. This was already done for a water district. There could be a conservation TIF that would apply tax funding specifically to open space acquisition. So that is a possibility. If we decided that we wanted to go ahead with that, we would lobby the state to create a conservation TIF for Pima County to fund open space. That's what that item is. There's two other things that have come up really since this report was published that I wanted to talk about, that we should talk about with the state. One, at the end of the last session we had to deal a lot with different bills getting passed on to them, ways to raid the Heritage Fund. Heritage Fund monies were going to be taken out of the pot to be spent on things other than our parks and conservation. And if we could speak with one voice, if we could agree to speak to the state with one voice to say, please don't take monies out of the Heritage Fund, we're going to need that for acquisitions and management in Pima County for the SDCP, that would be one thing that we might be able to agree to say to them. The second issue is, Chris showed you on the 2nd page here, the purchase of development rights that was passed. And we may agree that we want to go to the state and ask for state funding to assist with those purchase of development rights. Those are two other state lobbying issues that might be added on in addition.

Christine: There's one other option that is already existent in the state and that's the Arizona Preserve Initiative. It's been adopted by the state for "Growing Smarter Plus" in particular, to comply with the state law. And that option allows certain revenues to be set aside for the purchase, or set aside of open space in conjunction with filings by jurisdictions, either counties or municipalities. So for instance, in the case of Pima County, at the beginning of this process Pima County made an application to the state land department and suggested that there were certain state lands that they felt the highest and best use of would be to preserve them as open space. And again, this does not negate ranching, okay, but simply that they would not be used for development. There are two criteria for this. One is, within 3 miles of an urban area, and one is within 5 miles. And the state then has matching monies that the state puts aside, and the county has to come up with half of it, too. In the case of Pima County, initially they had looked at what became the Ironwood Monument but originally was the Silverbell Park. They also looked at the Tortolita Mountain Park and the expansion of that as being a critical issue. And so they filed an API filing on that. Now that file basically is a place card holder with the state land department. Doesn't necessarily guarantee that the county's going to get that. If and when the state decides to dispose of those lands, the state will go to the county and say, are you still interested. If the county says yes, they'll say, then you need to pony up your half. There are other lands that are being looked at for that, so that's another mechanism for facilitating this process that's not necessarily coming all of it out of our pocket.

Gayle: I also was going to suggest that putting this Arizona Preserve Initiative item on the agenda for us to bring forward to the legislators would not be a bad idea. As Chris explained, this is already the law. We're not asking for any changes in the law. There is money, and I believe it's \$40 million, sitting in the proper pot, well, it was a few months ago. Of course, the state's broke, but it's supposed to be there. That is designated as matching funds for state land. Remember, this only applies to state land. The county has to provide half the money, the state provides half. Land was designated in Pima County and our money, the county money, is from the 1997 Open Space Bond, and there is still money available. The one example of this, it's just background, that is moving forward is the west side of Tumamoc Hill. The flats between the bottom of Tumamoc Hill and

Greasewood Road is state land. That, within the next few months there will be a million or so dollars from the "Growing Smarter" fund. It will be matched by county money. That piece of property will then become county and University of Arizona land. That's the only example of us getting any of this API funding. So I think it is important for us to bring this up. We don't have to go into the details of the process because they should know something about it, but I think it's important for us to say, we would like to see the state land department begin to pay attention to the lands that have been designated for conservation purposes in Pima County.

Question: Can you please give us some details on the special tax district?

Susan Sobe: It is creating a special district that could apply to lands potentially. It would be up to the Steering Committee to decide where you wanted to establish that district. What they did in Texas was put certain lands in the preserve, into the special tax district. In order to be able to develop in the lands that were identified within the preserve. Development was then compensating for developing in that area.

Question: Is a TIF establish a new tax or raise our tax, or does it just reappropriate where that tax money is spent?

Gayle: The example that we have in Tucson, which is the only one I know much about, the Rio Nuevo, it takes the taxes within the district, the state taxes that would normally go to the state and it says that there's a beginning date, in the case here I think it's 2001, and that the taxes above the amount that had been collected at that point would, instead of going to the state, would remain in Pima County for whatever the purpose it's been designated for. That's what TIF funding is. I frankly think we're getting into way too much detail and that these ideas are probably too controversial for us to present on the 11th.

Debbie: As far as the state tax credit for individuals to donate conservation easements, I didn't know that it was actually a state credit like, and to me a credit means that you owe \$200 to the state for your income tax and you get "X" amount taken off. I thought that it was for a reduction in your property values and therefore a reduction in your property tax. So I think that this is misleading. It's an enormous difference, and what happens is, when you donate a conservation easement to some entity you say that you're going to leave that open and untouched. So therefore, you know, as Chris was saying, in real estate there's a bundle of rights, you give away one of your rights, which devalues your property and therefore your property tax should reflect that. And we need that help because it's a state, Gayle, you might have to help, that the taxing authority comes from the state. We need to ask the legislators to get that for us so that, like, I'm president of Tucson Mountains Association, there's a lot of open space out there. People would like to retain 20 acres and give a conservation easement, but they're getting killed by the taxes. So if we could get that for people like this, we would retain more open space, which is really the wish of the taxpayer. Here is a concrete example: Somebody owns 20 acres with SR zoning, SR's one house per 3.3 acres. They have one house on it, they don't want to divide it, they want to leave it open. They say, okay, I'm going to put my house on 3.3 acres. I want a conservation easement on the other 17 acres. They do that. That means they can't develop it, they can't use it, nothing. Now they go to the state or the county or whomever. You say, because I have put the conservation easement on there, you know, the property's not good for anything except my one little home site over here, so I'm asking you to devalue my property, the assessed value. So therefore my property shouldn't be taxed at the original 20 acre original zoning. So that gives people that want to retain open space the option where they're not taxed to death. So I would heartily request that we include that in our thing. It's just another tool, it isn't something that's mandatory or through condemnation or anything like that. It's just another option for landowners to reduce their tax bill.

Gayle: The transfer of development rights, we have now had a presentation on, there is at least some level of understanding of the issue. We have precedent in other communities. I think we can, with a little more discussion of that, perhaps bring that forward as an issue to discuss with the legislators. The second issue that I think, and I'm sort of just raising this, it may be the least, less controversial, would be this Arizona Preserve Initiative. That the money is there, the law is there, we would just like the state government, this is particularly for the governor to hear and her staff, we would like some of these lands that have been identified in Pima County to be allowed to move forward in the process. Now that's two big items and I'd frankly be happy to let it go there. The conservation easement issue that Debbie's raising is, I think, an important issue but it seems to be not too well understood. It is rather complicated. That has been brought to the legislature, by the way, and it was voted down. It does exist in other states. It's not a new idea. But I think we could put it aside and say if we can get those two issues across and get some feedback from the legislators, we'd be doing pretty well.

Lisa: I want to add one more to Gayle's, which is seeing if we can ask the legislature to not raid the Heritage Fund. See if we can all agree on that one, pretty basically, since that is also existing law. And then I think that Ernie and Chris have included conservation easements, a discussion of the past legislation, in their previous discussion of TDR's. We can cue it up; if it doesn't go anywhere within a certain timeframe on the next meeting, then drop it until we can get more information.

Doug: I'd like to try to expand upon the first item, which actually hasn't got a lot of air or a lot of opposition I've heard yet. And what I'm proposing might answer some questions regard to state land, education, conservation, the inequity of PAC's distribution in the state. Those are kind of interesting issues to me and I'm proposing we could maybe have a state lottery and I would note that the lotteries, and I don't call it gaming, the gambling initiatives, the one that really passed big time passed and it's used for conservation largely. And that's an indication to me that people maybe aren't that keen on gambling in the state but they do recognize a way of funding conservation. I'd say this new lottery could be used to retire state land for conservation. BPI has already identified some parcels that were not getting retired. I would propose that the lottery monies spent in Pima County go to retire state land in Pima County so that Maricopa County or something doesn't eat up all this lottery. And as opposed to the current system where the state land is often bought or maybe sold to developers and full rack housing goes in, creating 5,000 new students to educate, and that this money would go to retire the land and the money would actually go to invest our current education system which is dead last in the nation right now. And this might be a way to crawl out of that hole. I would also say there's a lot of opposition to this stuff that's being forced on us or whatever, that people voluntarily would buy lottery tickets.

Protection of Existing Private-Property Rights—Mike Zimet

Mike: It's real important that we come together and agree that whatever we agree on in the way of conservation, development rights, transfer of development rights, that underlying it all we have respect for people's property rights and if we have to come up with some kind of wording of what those property rights might be that we could all agree on, then like I said in the Ad-Hoc committee, then I will try and do that. But if this is something that we want to present to these legislators on the 11th, it seems to me that we have to have some kind of agenda, if you will, right at the December 7th meeting so then to agree that these are the things we agree on. So now all I'm saying is that I've been hearing all this discussion about how we're going to protect the land and buy the land if necessary given the money to do this and I'm saying that hand-in-hand to do that has to be an understanding that property rights have to be protected along the way. I suggest to you that we need something to give to these legislators that suggest that we want property rights legislation that will enable us to do these things as well...some of these funding sources can be used not only to buy open space, but some of that money be used to pay private property owners for this open space.

Doug: I don't necessarily oppose a lottery that would maybe include open space from private landowners. However, I point out that private landowners that have land in biologically rich and sought after, you know, by the current jurisdictions, property, have the ability to go to them and offer the open space and get it bought. It happens and it's going to continue to happen, whereas state land is the much stickier wicket and we're having a real hard time with education dealing with state land and conservation in the state, and I'm just proposing maybe at least a lottery that's slanted that way.

Christine: First of all, there was legislation that was considered last year that literally would have made it impossible for us to adequately and fairly compensate people. That is counter productive, okay? That's based on fear. Number two, in order for people to get the kind of compensation that they deserve and for it to be fair and equitable, we as a community need to come to some consensus. I need to remind you that we do not get a permit by saying that we're going to, you know, hold off on that for a couple of years and then after that, anything goes. A permit is based on certain guarantees for threatened and endangered species that occur in perpetuity. Look it up. In perpetuity doesn't mean that they get to decide that they're going to develop it 10 years down the road. It means that we as a community make a commitment to compensate people fairly and equitably so that we set aside certain areas in perpetuity so that our ecosystem can survive and function. That's what the law says, that's what we need to get a permit. That's why you can't give it away for a year and then change your mind.

Call to the public:

Susan Shobe: First of all, I would like to pay you all a compliment in the fact that despite Lucy's objections of venturing into this territory today and trying to work through it, I have seen a lot of productive discussion going

on today, and I think that it was really valuable for you guys to do. I see a lot of areas where you are going, you've got homework assignments. You're going to come back with, ready to go the next meeting. The second thing that I would ask is that I've heard a lot of people saying we don't want the development industry necessarily or developers saying that we don't want the development industry to have to bear the brunt of the costs for this conservation plan. And yet it seems that nearly all of the funding mechanisms that have been recommended by the conservation community who worked on putting together the funding mechanisms report, that nearly every one of those recommendations have been shot down. And I don't know how, I would just ask you to think about how you would like the public, if you want the public, the burden to be borne mostly by the public, how you would like that to be paid for. If you don't want, I mean, if you would not want it to be borne by any one person, how are we going to...I'm just asking you to think about it in between now and the next meeting, because I've heard a lot of objections to the things that have been recommended. I haven't heard a lot of new ideas as far as generating revenue for the conservation plan. Thanks.

Adjourned 11:30 am

SDCP - Steering Committee

Pima County Public Works Bldg. Rm 'C'

8:30am to 11:30am

Saturday, December 7, 2002

Meeting Notes

Participants: See attached sign-in sheet David Steele, Maeveen Behan and SIMG staff.

Documents made available to the Steering Committee members at the meeting:

- Agendas
- CD with Environmental Impact Statement Issue Papers; Maeveen Behan, Pima County
- Letter of Invitation and list of policy makers invited.
- Sonoran Desert Conservation Plan and Affordable Housing; Susan Shobe, Assistant Director of the Coalition for Desert Protection.
- County Lotteries as a Funding Source for Conservation; Doug McVie

Meeting Commenced at 8:30am

Meeting commenced with 26 Steering Committee members and 2 members of the general public. By 9:15 there were 42 Steering Committee members and 8 members of the general public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda. David noted that the agenda only called for 2 hours, but the meeting would not exceed three hours.

Logistics for the next Meeting:

Wednesday, December 11, 2002

6:00 pm to 9:00 pm

Four Points Sheraton

1900 E. Speedway Blvd.

Logistics for the next Ad-Hoc Subcommittee meeting:

Monday, December 16, 2002

9:30 am to 11:30 am

Arizona Builders' Alliance

1661 N. Swan Road

Suite 144

Old Business:

Approval of meeting notes from November 6:

- Lucy wanted to be sure that her changes requested at the September 4 meeting and noted in the November 6 meeting notes, had occurred.
- Meeting notes for the November 6 meeting were approved.

Update on the Economic Consultant/Impact on Steering Committee work:

Maeveen: Recommendations have been made by the panel and by the Board on the 17th. There's a protest period of 5 days, so if any of the firms who weren't recommended want to protest, you make a public announcement of the recommended consultant and then it goes to the Board on the 17th. The Board will direct staff to negotiate a contract with a consultant. It's public that the panel has recommended a firm from Phoenix with a sub of SWCA, and so that was the panel's recommendation. And that will go to the Board, and then the Board will direct, on the 17th the Board will direct the county staff to negotiate a contract with one of the consultants.

Questions:

Question: Will the economics consultant be on board by the 1st of the year?

Maeveen: Yes.

Question: Should we *not* expect any results until probably May at the earliest? The shortest timeline has been 4 months.

Maeveen: It depends really on whom they select. Because the timelines for the projects were different. Four months is right. With deliverables earlier. So we can expect deliverables as soon as January, February. Depending on who they select. That will be part of the discussion before the Board.

Question: Could you tell us the impact the economic consultant will have on the Steering Committee's work?

Maeveen: The timelines on these different proposals were very different. So if the Board goes with the recommended consultant, it's a very fast timeline to work with the Steering Committee. And it states essentially with deliverables coming through your ?? essentially on your timetable. And then there's another life that they would have working through the EIS process. You'd get to work with them right away, have them at meetings.

Question: What can we do on the track that needs the economics consultant?

Maeveen: There are two tasks for the economic consultant. One of them is to stay around for the process that follows the Steering Committee, which is the federal process, actually going through drafts of the MSCP and EIS. And that's one thing that they'll be on board for which will extend the timeline of the contract. And then what was your question and the RFP and whatever else the Steering Committee wants to add to it, they're ready for that, you know, in January, so you can start having them at those kind of meetings. So I don't see this, I see it as working with the Steering Committee on the timelines that you set.

Question: Maybe that's something that we need to agendize for our January meeting is coordination with the economics consultant and feeding it, what do you think about that idea?

Maeveen: I think it's a great idea, and you might want to have Paul Fromer here, too.

Status of Stakeholder discussions:

David asked the question whether the stakeholder meetings among the various stakeholder interests gotten together with each other on an informal basis outside the Steering Committee and the status of those discussions:

- At this time there had not been any discussions among the stakeholder groups.
- Lucy proposed a motion that the Steering Committee delay the January 8th deadline that was in the original Hartmann motion.
- David thought that the Steering Committee could not act on that motion, because it was not properly denoted on the agenda as an action item. He recommended that this could be placed on the January 8th agenda so the Steering Committee could have discussion and action on it.
- Other members thought the motion should be left the way it is. They felt that although the Steering Committee would not be done by January 8th, there was no reason to assume that there would not be material to discuss by January 8th. These members felt that the offline meetings were going to occur, that the Steering Committee would be more or less on target for the spring if they kept moving at the present pace and therefore could not see any reason to push things forward any further.
- The motion presented by Gayle Hartmann at the November 6 meeting would remain as originally stated.

Section 10 Environmental Impact Statement Strategies, and Geographic Implications; Presented by Maeveen Beham

Maeveen: Thank you. I'm going to keep my presentation short and I have two things that I brought for you today. One is a new disk with EIS issue papers that have been published on it. And one is like a one page facts sheet. I brought this just because I think it gives a context for the relationship between the comprehensive plan and the Section 10 permit which might help you focus on what remains to be done. And use that information to frame alternatives. We wrote this cost model and it's the template for the EIS issue papers. And the only reason we're writing any of these is to try to advance the conversation and pass along information to you so that you can see how assumptions are made. If you don't like them, you can change them. And take that information and extrapolate it as you make recommendations. So just to, I felt like you were just a little bit stuck and that concerned me, and so that's why we wrote these papers. So if they don't appeal to you, you don't have to refer to them or use them at all, but that was just to break open the discussion, that's really why we wrote them. So the cost model, I'd like to talk a little bit about that and then talk a little bit about how the EIS

issue papers relate to it and then talk a little bit about some maps I brought on land availability because that's I think the most interesting of the EIS issue papers. The theme of all these documents is that when we started this process, I think the mindset was that, and rightly so given other MSCP's, that the entirety of the conservation commitment that the county made would be expressed in this federal permit. And I think people thought that, that worries some people, some people like it because they think it brings the force of federal law into a conservation commitment. Some people don't like it for that same reason. And the conservation plans that have gone before have done that. You've had a local government that would not have put a conservation plan in place if they didn't have an endangered species crisis. That's what you were dealing with. I don't know if Tony or Mitch is here, but they're doing a, the Star's doing a 3-part series and it will be published next weekend. What I realized as I worked with them, they went to Austin, Clark County and San Diego, and they're running those stories in that fashion. What I realized is, even the Star reporters who have covered this all the way don't understand how different our opportunities are and how different our approaches. Primarily because the local government here would have put a conservation plan in place with or without the endangered species pressures. And that's really already happened in the comprehensive plan, and it's in the conservation land system. So we'll be lucky because Paul Fromer who works with us was involved in all those plans. So one of the things we asked him to do was just go right to the source and ask him to write up a study that compares all these. So he's doing that and we'll have that for you next week. But I think the main difference between Pima County and these other major MSCP efforts is that those areas really wouldn't put a conservation plan in place if they didn't have to and that completely changes how they approach the Section 10 permit. So I just want to make that first point. The second point is since we started this process, what we need to mitigate in a Section 10 permit, unincorporated Pima County, the picture's completely changed. And I've made this point before and we realized it while we were doing the cost model but I want to make it again because PAG(?) now has their numbers out and it's even a lighter projected burden on incorporated Pima County. So the two pieces of information are, when we started, PAG projected that Pima County in the next 20 years would pick up 157,000 people, a third to a half of the population. Today they're projecting that in the next 20 years Pima County will pick up under 20,000 people. And the reason for that is because in the last 4 years the incorporated areas have annexed 63 square miles. And they are also anticipating future annexations. But that's their projection. So in the cost model we went from 157,000 to 37, but the cost model actually assumes 100,000 people. We state that PAG makes this projection but we'll for purposes of discussion talk in terms of 100,000. But just to put a context on that, what PAG is saying is that for the next 20 years, Pima County will see impacts that are on the order of what we used to see every year, to exaggerate slightly. That's what they're saying. And so if you think about the different options you have for pursuing a Section 10 permit, what that means is our impacts are a lot less and so we could carve out a small permit, we could carve out a permit that's bigger than we need, or we could do something in between. And I just think a real public discussion that will happen, and it would be great if the Steering Committee had a position on this, is what is the wisdom of expressing your conservation ethic in a federal permit? I can see good sides to that, I can see why people would worry about that. I can see why you might want to phase towards that. So I'm not advocating any position, I'm just telling you that there's a tremendous opportunity to think this through and really craft the permit to what our needs are. There's another twist to this story, which is that when the City and Marana, Sahuarita, and not so much Oro Valley, Oro Valley didn't really pick up a lot of endangered species issues. But Marana really annexed the worst of the pygmy owl endangered species compliance issues. The City and Sahuarita really annexed the worst of the Pima pineapple cactus issues. And that all just played out in the last 4 years. So it's not just that we're not seeing a lot of people coming and putting houses down on habitat in unincorporated Pima County. It's not the endangered species habitat that will be impacted in unincorporated Pima County like it will be impacted in other places because of these annexations. So that's, those are two paradigms that make us different than other MSCP's, and I think it frees you up as you think about alternatives. And I'm not making any suggestion. As Tony comes back to me with all these quotes, I think my concern is that people think I'm advocating for one position or not. I'm not. I'm just saying you have a lot of freedom. So that's what the cost model sort of points out.

Independent of this whole world of knowledge, what happened was the science community, right?, working through the technical teams, came up with their recommendation about where they think the most valuable resources are, completely independent of this. When you look at what they came up with, and I just want to put this one more piece of information out in front of you, they say that 97% of the reserve that they would like to see protected somehow through some process, they aren't recommending it has to be a Section 10 permit, they don't look at the jurisdictional boundaries, but as it turns out, 97% of it fell in unincorporated Pima County. And so what they did was try to capture the maximum biodiversity with the smallest footprint and you see how they made those decisions, 3 or

more, 5 or more species get greater levels of protection. But all of that really fell outside, 97% of it fell outside of the incorporated areas. And so I've said this before, but where Pima County finds itself at sort of the end of this process is we hold little of the problem and most of the solution, from a regional perspective. So where we're valuable now, most valuable I think, is as partners to the local jurisdictions that won't be able to develop in the fashion that they imagine probably, designating themselves as growth areas and at the density that they've built out before, unless we partner from a regional perspective. I don't know if that's an issue that you want to take on, but we're working with Marana, which is wonderful. The City of Tucson signed a cooperative agreement and Oro Valley signs this week; so all those partnerships will be in place. That, I think, is one thing that, a discussion I haven't seen because maybe people didn't know the degree to which it becomes important. If we don't work regionally, what we're left with is, really, the southeast side of Tucson not being able to develop in a way that accommodates population sufficient for us to be able to stay out of the conservation land system. I'll say that a different way. It's to the advantage of the development community, I believe, and the conservation community to free up some land for take, which is the essence of a Section 10 permit, and this in particular for Pima pineapple cactus in southeast Tucson and Sahuarita, and let the reserve that the biologists have identified in unincorporated Pima County really do the work to protect that species. And that I think is going to be the tough issue that people haven't really realized. That the City of Tucson is going to be tied up project by project in the southeast side, and Sahuarita is too, over pineapple cactus unless there's a regional solution.

Questions:

Question: I'm not completely sure what the MOU was, the memorandum of understanding between the city and the county. I looked it over but I'm not sure I understand the details. But as I recall, it said that they, the City, needs to look inside its incorporated boundaries for the solution to its problems. If that's the case, how do they or how are they required to act outside of their boundaries? Because they haven't signed on, as I understand it, to a regional plan. They've just signed onto something where you're going share information.

Maeveen: Right, right. And that's, you know, I've been trying; this marks my four year anniversary trying to get cooperative agreements with everyone. And so I, all right, Jerry. What you see in the Marana cooperative agreement and the City of Tucson, and in the Oro Valley cooperative agreement, is an option to work regionally if that is what people want to do when they have all the knowledge and risks before them. Or to just sort of carve out their own, to think very proactive. And that's a decision point before us. But what we have now that we didn't have before is so much conversation going on at the technical level that you'll see that I think the bureaucrats will see the logic and there'll be common advantages to negotiate with Fish & Wildlife that come forward. Because you're looking at things across administrative boundaries. And then I guess what I'm suggesting is, there's an opportunity for constituent pressure, whether it's from the Steering Committee or anyone else, to achieve a regional solution. A regional solution. I just don't want that to be lost.

And I wanted to make kind of one more point with these maps to say why I think, if we don't achieve a regional solution, we've really lost a huge opportunity to develop in the best fashion till we reach build out and conserve in the best fashion. So I have these maps and what they show is vacant land owned by the state, vacant land owned by private individuals, and one more category which is land that has a little bit of an improvement and is over 5 acres. Potentially developable. Vacant land, classified by the assessor, it's a very draconian classification. You can't have any improvements on it at all. So we cut the data so you can see those first two classifications, and then the last one with the full cash value at 10 thousand, 15, 20, and 25, to see if substantial acreage was added if we raised the dollar amount on the improvement. So you're not talking about shed, you're talking about some other structure that has more value. And it really didn't raise the acreage on that 3rd category significantly. So I'll just give you some rough numbers and show you this first map, and the rough numbers are: there's about 100 square miles of vacant land not in the conservation land system, so you never have to step a toe in the reserve, about 100 square miles of vacant land owned by the state; about 100 square miles of vacant land owned by private individuals; and about another, more than 100 square miles of land that has a small improvement on it. So 300, just for purposes of discussion, 300 square miles of land that's not in the conservation land system at all. Now we're looking across administrative boundaries. We're looking at everything. And this I think is a way to start thinking regionally. So you look across administrative boundaries. If the goal is to determine how much land is available for development in the urbanizing area, without stepping a toe in the conservation land system, what does that look like? And it's roughly 300 square miles. So then you have to think about, what does that mean? What does that translate to? And if we

continue to build out in the fashion we have, if we make no improvements with density, we just continue to sprawl, if you think we're sprawling, you can translate, we're at 3,000 people per square mile, and so 300 square miles, by this map, 900 thousand people can come into the area that's already been impacted so much that the biologists are saying it doesn't add to the overall reserve that they've staked out, so that's 900 thousand people. Now there are a lot of questions that have to come up. You know, is that land really available for development? I think Chris Sheafe brought that topic. There might be other constraints on it that make it difficult to develop.

Then I think another issue is, at 900 thousand more people, where do we stand in relation to our water budget and the carrying capacity of the community? And it's not the topic for the day, but there's the topic for the future which is what are we going to do then. But the general message is that land availability is not the problem. I would love to see a perfection of this map, some ground truthing by the development community. And if we need to come to terms with how much development is going to occur in the conservation land system, that we start to get a feel for that early. Because some of this land is not available for development. So that's where I'm trying to take the discussion. I guess I'll just point out, on the map here, where you see State Land Department, City of Tucson, everyone pointing towards the southeast and saying that's the place to develop. If we don't resolve pineapple cactus issues down here, from the regional perspective, that's going to be fragmented, it's not going to accommodate the density and it's not going to pick up the population that we might pick up outside of the CLS if there's sort of a regional vision about this. So that's the purpose of this set of maps.

We have another set, and this was, whenever I read economic studies, really the way to read them is to figure out what assumption the author made about build out and density. And what you see is, in the studies that come up with a real high price tag on the impact of conservation, they're assuming an up-zoning and they assume different levels of up-zoning. What we wanted to do is just map out, we took satellite imagery today, this is a picture today. And you can see all this land which essentially translates to the conservation land system is open, it's open for the moment. What we did was just make a visual of what would happen at build out. So want to show us the picture of build out. So these are the two extremes. If build out occurs at the level that has 3 rack, at the level that has been assumed in prior economic studies, there's the vision of Pima County. Of course, we don't have enough water for that, but that's what you're looking at. And then we have, so you go from this to this, sort of the extremes. Then there are gradations in between with lesser density. I thought I'd leave these here so you could just take a look at them and kind of, you can look at a lot of data and you can bite, you know, assumptions here and there, but I just think it really helps to look at what's the picture, you know. If you agree to a little bit more density here or there or if you start stepping into the reserve. I don't know, my staff told me when I asked for this, they said, are you saying like a picture's worth a thousand studies? Which of course pains me to admit. (laughter) I said, yeah, I think it might be. So that's why we did this. And that's probably the land availability. We learned how to put these together in-house, this is all in-house. So if anybody wants a variation on this, we can look at that, too. That's really what I thought, where your discussion might take you. Well, what is it going to look like if we move to the southeast in the next 20 years? Or if we move, start moving into the conservation land system; what density do you want to talk about. So because, the reason this conversation is relevant is because the central question of the Section 10 permit is how much impact are you going to offset, and that has a price tag to it. So that's really the decision for the Board in incorporating your recommendations. So that's really...

I brought you a disk and it has, let's see, cultural resources. These are really interesting the way these fell out, the EIS issue papers. Invasive species, environmental justice, ranching, recreation, utility right of way, riparian priorities. And a number of others, we'll publish a few more. But what we really did was take that cost study template and ask the advocates of cultural resources to say, if we pick up mostly ranch land, what does that do to your resource? Are you better or worse off? If we pick up mostly riparian, what does that do to your resource? If we resolve this mostly by picking up mountain park, assuming that all of this satisfies the endangered species requirements, does that help you or hurt you, and then if we focus on the northwest side, does that help you or hurt you. Now none of this is to say that, you know, will there be a single solution. But it's just to show the tradeoffs. And this is really interesting. We have all this on maps, so we could just overlay it. The cultural resource, for example, is most advantaged by protection of ranchlands. And we thought it would be riparian. But the riparian is so linear and the resources are up on the bank that it just misses it. So there would have to be a decision to really sort of expand riparian to include cultural resource, if that's the direction people wanted to go in. And if it is, then you increase the cost and you can quantify that. So that's the purpose of these papers. We found out things we didn't know as we went forward. But we just wanted to just

think generally about that minimum option, put the other competing resources up against it, and then look to see if there's one or two of these solutions that generally advantage most of the interests. So that's what we did.

Question: Are the maps on the disk?

Maeveen: They're not on the disk I'm giving you today, but they're on the disk I'll give you next week. We've got a number of other issue papers and we did a report on mapping, there's been studies coming out constantly. So we owe you probably 3 more disks.

Question: you were talking before about how you would like it to be regional and therefore because of the PAG studies you are assuming 20,000 or they are projecting 20,000 in the next 20 years, and so it kind of exonerates Pima County from all the problems. That's the impression you gave. But if we go regional, Pima County is the applicant and Pima County will have to come up with the funding also, including the jurisdiction, so how are we going to, we haven't found anything. Whether it's within Marana or the City or unincorporated, we still have to carry the burden.

Maeveen: Let me, everything you said worried me, and I'm glad you asked those questions because the first thing I need to say is (laughter), Pima County is not, Pima County is not exonerated and we will get a Section 10 permit. It's just like buying an insurance policy. So you want to buy a big one or a small one? That's the question before you. That's it. We are an applicant for our own permit and we will get one. You have opportunities to frame the scope of that permit and there are good reasons to have it small, large or something in between. So I'm not saying we won't get a Section 10 permit, we absolutely will. The other jurisdictions may be applicants. It's a decision point for them. And I think they're doing studies right now to figure out if they want to do that. If it's to their advantage to buy that insurance policy. What we will likely discuss within the governmental community is, what's the next generation of cooperative agreements? What do those look like? And as we all go get permits, are there some opportunities to partner with projects, with programs. If for example Clark County decided that each applicant has, they run their own permit, they run their own permit. But what they wanted was, they want to run the program. So the cities gave, they draw down so much money, they gave it to the county, county works with a group like this, and that group makes decisions about what land to buy. Cities just didn't want to be in that program. They decided that through an intergovernmental agreement. I don't think that will happen here. But I think that we will have joint projects, especially riparian, intergovernmental. I think that there may be mitigation opportunities on pineapple cactus that result from issues for Sahuarita and for the City. And I think that on the federal side you'll see a lot of joint ventures between Pima County and the major land managers. I think what you'll see is, buy into a uniform adaptive management program that frames what the management programs are for each of those governments. Which is great because then you have regional approach to recreation, regional approach to ranching, regional approach to all of these issues, cultural resource protection, with the major landholders. So I want to make sure no one walks away from this thinking I'm saying we don't need a Section 10 permit. We do. But it doesn't mean that this wasn't a good use of time. Because the region needs a Section 10 permit as much or more than it ever did. And so that's why I said that Pima County will get a Section 10 permit, it's great that all this information is here, and we are increasingly valuable as partner to offer regional solutions. And I think everyone's seeing that now, intergovernmentally.

Question: Wouldn't you say that since the other jurisdictions of annexed areas with pygmy owls and pineapple cactus, that this gives us as the county an opportunity to have other people pay for the reserve system by transferring their solutions into the reserve that the county is setting up so that this whole thing seems to be an effort to transfer the burden of compliance to now with a big compliance up front instead of a nickel and dime all the time, every project, compliance down the road. So even though Pima County is going to have its own permit regardless, if these other jurisdictions, Sahuarita, Marana, etc., they can transfer their solution to our reserve and give us money to pay for it with, it seems like.

Maeveen: I think it's a good point for the Steering Committee to discuss. If you look at the history of what types of funding have been successful, that competition, like we'll shift the cost here, we'll shift the cost there, generally is not successful. And so that, you won't see in any of our documents, and you'll see in the cost model, that we're not promoting that at all. I believe that the county, Tohono nation and the federal agencies, the reason why we were able to cooperate early is because we have so much land that we're forced to think regionally. And that's just the way we think. And the incorporated areas are, they feel I think sometimes a little bit ganged up on by that. So what I heard you say concerned me a little because it sounded like sort of

adopting a competitive mode and I'm really going in the other direction. : A decision point for the Steering Committee, the recommendation the Steering Committee might make, and we put this in the cost model, is how do you apportion the burden and the benefit. How do you want to do that? But we were thinking more of the different people who, not jurisdictionally, but who gets a break because the entire region has some breathing room on endangered species issues in its government development services department, developers, people who buy homes, people who enjoy the reserve. And how do you want to, do you have a recommendation about the fairness of apportioning that burden which might be reflected in how it's funded, but there's such serious limitations on what funding is actually available that I almost see it as moot. It's moot to create a lot of controversy when the regional solutions, regional funding has been the only thing that's worked in the past.

Question: From the point of view of the county staff, are you able to provide us with a list of decision points or better still a graphic decision tree that might help us with that focus and that setting of order?

Maeveen: Maybe we could do it this way. The answer is yes, but maybe to just maximize the feeling of freedom for the Steering Committee, we could have a little outline of what types of decisions prior processes have, you know, what do the Steering Committee weigh in on. So if you had Clark County where they all, 100 people sat in a room and fought over every word in a technical document and it took them years. That's one process. Or you have processes where the Steering Committee just came in and said, there are 5 concepts, this is our recommendation for the general direction based on those concepts. So, the total range. And we could give you that. I'm glad you asked that because I would like to work with Paul Fromer and get you just a list of what we would like to hear from you that would help us, and you can add anything you like to it.

Question: Could you tell us what the points at which we have to make decisions and from the county's perspective, what our alternatives are?

Maeveen: I'll tell you how easy it is. It's as easy as getting the table of contents to prior MSCP's and going down that list. It's very easy to do. So yeah, I'd love to provide that.

Question: Please answer the question as to when you believe we might get a Section 10 permit in place.

Maeveen: Okay, first, I think that I'm so close to this information and it is so complex for people who come in and leave and have a real life and do other things (laughter) that my insight is that you've made this much harder than it is. And that has been, I guess what I'm trying to convey in a nice way as I come before you, to say I believe if you stay on this track, you'll never finish. Just to be lost in the complexity of it. I believe it's much simpler. So if we can sort of clarify what the assignment is for the Steering Committee, I think that you have your recommendation in March, the Board would submit it to Fish and Wildlife, and it would run through iterations of draft EIS's, and we're talking about the timeline that we originally projected, which is a permit in 2003. The Interior Department is not jumping to help Pima County now as it might have been in the past, and so that federal timeline is not something that I can control. Typically it takes longer, the federal timeline, you know, takes 18 months and their process is completely different. They just hold, they just send a document out into the world like pygmy owl recovery plan or critical habitat and people show up at a hearing and vent. And so it's not the kind of process that we've had. And by the way, all of this is in addition to what the basic rule is. We didn't need to do any of this. So that really makes me think that we've made things harder than they need to be. So I believe that the community can know what the Section 10 permit is going to cost and what it's going to look like and what its benefit's going to be in 2003. Because the federal process really is just typically just, I'd say, changes details. Doesn't change the basic substance. A lot of people think they're through when they recommend the alternative. And they don't know, like in San Diego, a lot of those people don't know a lot of those jurisdictions never finished or haven't finished. They declared victory early, when the recommendation was made. And I think that's when the newspapers would sort of lose interest. I mean, nobody, nobody really follows drafts of the EIS. Maybe we will in Tucson, but I just haven't seen that in other places. I believe we'll know everything generally, you know, the big pieces of information in 2003. And I believe we'll know it in the spring of 2003 if we don't continue to sort of complicate what we're up to. You could extrapolate from the cost study right now and go forward. But the economic analysis, if you want verification and you want more information, you want other questions answered, you'll have those on the timeline that you're on. Working with the consultant. So that's another thing that I think has been really kind of held out as ?? and made more complex. I believe that because I'm very close to this information. And let me just tell you that if you were in another jurisdiction and you talked to the people who sort of put that plan together, the way, like Clark County, how did they come up with an impact fee of \$550. How'd they do that? Was there an expensive economic analysis that measured the cost of everything and...? No. What happened was they went to the biggest

developers who had the most influence and asked them what they could tolerate. And they came up with a fee. And that was, then became the rule and they tested it against different, they had it in place for the planning process, they funded the planning process, and it turned out to bring them a lot of money, so that was a good guess. In one way you could start to get a sense of, I just say, every community has its own way of funding things and its own way of sort of breaking log jams. And I believe that a predictor here of total cost is what the community has supported in the past for bonds. If you want to get a sense of, you know, is this going to break the back of the community, what will be requested or required. My main messages are, it doesn't have to cost much. That's an option before the community for unincorporated Pima County. And another message that I think I'm not really conveying here, I don't think I'm Columbus discovering the new world, saying that there's opportunities for regional solutions. I'm saying something very specific, which is, if as a part of Pima County's permit we have a safe harbor for Chiricahua leopard frogs that give a break to the ranchers that can reduce the total cost of the permit and give one group a huge break. I'm talking about specific projects, specific proposals, and the same thing could come about with pineapple cactus if in partnership with the City and Sahuarita, as a part of our permit, we had a joint program, we had a joint approach, and that was part of the permit, you'd see huge benefits. So I'm not, this is not fuzzy thinking on my part. I have specific proposals that would drop the overall cost of the reserve, create projects and partnerships. That's what we're talking right now, with Tohono Nation, with a lot of places. Everyone's thinking, well, what do we do next. So that was what I was trying to convey.

Question: Do you have specific suggestions of what we ought to do to change our behavior as a Steering Committee in order to accomplish the task of getting a Section Ten Permit?

Maeveen: I didn't mean to overstate that. I think that, the idea of just having sort of an outline of what types of decisions you might weigh on. You know, the central ones are if unincorporated Pima County doesn't need a big permit at this moment, do you recommend that we buy a bigger insurance policy for a number of reasons. And from that flows many, many other decisions. We can create a tree, you know, if you go this direction, here is the next set of decisions. If you go this direction, here's the next set. So I think fundamentally if you can, I've always thought this that in the end people would believe this was disappointingly practical. After all this ideology and all this creative energy and then it comes down to, if you every see these permits, they're just really practical. If you can get a sense that we need to fill in the blank on a few of these federal requirements, that might crystallize.

Question: Could you just give us some thoughts as to how we could make our meeting with the legislature and other elected officials as productive as possible?

Maeveen: I think if you understand, thanks for asking. I think if you understand that essentially the state has no money to spend in this next session on new initiatives. And if you could just keep that in mind. You know, we're not going to be asking them, Pima County, for laws that cost money, we're just not. So I think if there's a way for you to let them know what your thoughts are but not set yourself up for failure by not understanding their situation, you'll be better off, you'll have more credibility.

Possible Issues to Address at December 11 Meeting with Legislators and other Policymakers:

At the November 16th meeting several Steering Committee members took on the task of addressing various issues at the December 11th meeting. These members wrote papers that were distributed to the Steering Committee members.

- Transfer of Development Rights – Christine McVie
- Arizona Preserve Initiative – Gayle Hartmann
- Heritage Fund – Lisa Stage
- Conservation Easements – Debbie Hecht
- Private Property Rights – Mike Zimet

Meeting with Legislators and other Policymakers – Structure and Format

David gave a status report on the invitations:

- Invitations have been sent out to all 90 of the legislators that are going to be in the next legislative session.

- Meeting notices were sent to the mayors, town councils, Tucson, Oro Valley, Marana, all the incorporated, the state officials and the new administrations, and included in that, the new elected officer holders.
- Follow-up calls were made to each of the legislators by SIMG staff.
- 3 legislators confirmed that they would attend.
- The majority of the newly elected legislators are going to be in D.C. for a legislative orientation on December 11th, but they were all very interested in coming to the meeting, and they asked to be notified of any future meetings.
- Steering Committee members requested, in view of the low turn-out, that this meeting be deferred to a date in the near future when more legislators would attend.
- The suggestion was made to hold this meeting on a Saturday during the legislative session, as the legislative week ends on Thursday. David would send out a query to the legislators regarding which Saturday meeting would be best.

David noted that Chuck Huckelberry wanted it to be clear that the Steering Committee was not representing the Board of Supervisors or Pima County.

- While some members felt the Steering Committee was not ready to make recommendations for legislation because consensus had not been reached on any of the issues, other members wanted to have the County present the issues to the legislature.
- The point was raised that the Steering Committee wanted to make these recommendations directly to the legislature as a citizen's coalition.
- The concern was voiced that too much time from regular meetings was being spent on the planning of the December 11 study session and the Steering Committee was losing focus of the recommended preferred alternatives that had to be presented to the Board of Supervisors by March 1st.

The Steering Committee discussion shifted after taking into consideration the low response from the invited legislators.

Motions:

- **Convert the December 11th Study Session into a meeting to address the six items and the additional issues that the Steering Committee might have agreement on.**

Motion failed.

- **Limit the agenda on December 11th study session to issues related to the legislators briefing, the agenda, the structure of the meeting and the issues that we will raise with them.**

Motion failed.

- December 11th consider the legislators briefing and the discuss the issues matrix.

Motion passed.

Call to the Public:

David Lutz: This may not be related to this particular issue but my name is David Lutz and I'm a property owner in an environmentally significant area. It's near Panther Peak and there's state land which the National Park Service wants to annex but they put it on the back burner. Since then there's been a lot of wildcat development in the area and people moved in there, been dumping stuff on the state land, they've been tearing it up with off road vehicles and stuff like that. It's an area, Panther Peak is a mountain which is on the far northwest corner of the Tucson Mountains. The east half is in the Saguaro National Park, the west half is state land and a lot of the state land in that area is being impacted, this particular peak, because a wildcat development is cropping up in the area, and then people moved in and they've, a lot of off road activity, like somebody took a very big truck and did a lot of damage on the state land. They knocked down a palo verde tree, saguaro cactus, tore out a lot of trees and shrubs for no good reason. I tried to plant it back, then I got signs from the state land department posted around there, but still there's a lot of impact.

- Maeveen Beham and Carolyn Campbell addressed Mr. Lutz's concerns in sidebar discussions.

New Business:

Sonoran Desert Conservation Plan and Affordable Housing; Susan Shobe, Assistant Director of the Coalition for Desert Protection

Susan: In this presentation I'm going to address the argument that the Sonoran Desert Conservation Plan will decrease the supply of affordable housing in Pima County. During the presentation I'm just going to mention briefly, I'm going to refer you to Maeveen's presentation that she just gave. I appreciate that she was here right before I was. Regarding the supply of developable land. I'm also going to talk a little bit about the current state of affordable housing on the housing market in Pima County and discuss potential impacts of the Sonoran Desert Conservation Plan on this. I wanted to touch on this briefly about the sources that I used for this presentation. I did refer some to Mr. Lurie's handouts that he gave in the presentation last time, that he gave on affordable housing. One of the major reports that I used for this was the first one that's listed up there. It's "The Length Between Growth Management and Housing Affordability: The Academic Evidence". And the reason why I wanted to mention this is because this is a report by the Brookings Institute and it's an analysis of growth management based on the information and evidence presented mostly in scholarly literature. Including articles published in refereed and a few other publications, written by those whose work routinely appears in this. This report does not include publications by interests affected by the subjects. Either the development industry or environmental interests. So it's strictly academic literature. I also referred a lot to the housing reports in Pima County that were put out just last year and the comprehensive plan update. And referred to the SDCP education sessions that you all went through on both demographics and the economy. The main argument that we heard with regard to affordable housing is that the Sonoran Desert Conservation Plan will decrease the supply of affordable housing in Pima County because conserving large amounts of land will cause a scarcity in the supply of land available for development. And land and subsequently housing costs will rise in response. Now this argument is valid in that it is consistent with the simplest of economic theory. Whenever you have two factors in a relationship, when you're dealing with the supply of a good and the cost of a good, if you do decrease the supply of a good, it will increase the cost because of scarcity. However, even in economic theory the introduction of even one additional variable into that relationship means that that relationship is not necessarily going to hold. And as we know, and as Maeveen even pointed out during her presentation, the one factor that she mentioned was water. The introduction of that means that this relationship is not necessarily going to hold. And as I will mention in the presentation, there are many other factors that affect affordable housing outside of just the supply of land that have great impacts here in Pima County.

The critique that I'll give in addressing the supply, the availability of developable land, again I'll just refer you to Maeveen's presentation. She stated that there is enough land within, I'm sorry, outside of the entire con?? land system to accommodate growth at current densities in Pima County for almost the next 100 years. And that water is going to be the limiting factor for growth in the region. That being said, there are some questions about how the Sonoran Desert Conservation Plan will affect affordable housing. And in order to understand this, we need to understand that the Sonoran Desert Conservation Plan is only one part of an overall growth management strategy that exists in Pima County. Growth management can be generally described as the deliberate and integrated use of planning, regulatory and fiscal authority of federal, state and local governments to influence the pattern of growth and development in order to meet projected needs. And the Sonoran Desert Conservation Plan, since it's inception and as Maeveen reiterated, has always been projected or promoted as both regulatory requirement of the Endangered Species Act and an urban growth plan at the same time. Growth management policies are characterized by their goals which attempt to manage growth in ways that both minimize costs and maximize benefits to individuals and to the larger public. And these goals are to preserve public good, to minimize negative externalities, to minimize public fiscal costs, to maximize social equity and to elevate the quality of life. Essentially, successful growth management policies create value within the community. This is great from many perspectives. How many of us wouldn't want to live in a community known for its clean air and water, efficient transportation systems and overall being a great place to raise a family. So essentially, successful growth management policies create value in the community. However, this can lead to increased housing prices. But it's important to distinguish that the increases are the result in a real increase in demand in the community rather than the relative increase in demand that comes from restricted supply. There are some that would argue, however, that increasing housing costs is still going to increase the amount of people that can't afford

affordable housing. And in Pima County, given the current situation of affordable housing, this is a legitimate concern. For example from 1991 to 2000, the median cost of a new home in Pima County rose from 106,000 to 137 point 6 (137,600). Of the 11,707 homes sold during 2000, around 4,800 of these were new homes. In 1990 almost 50% of homes permitted for single family residence were mobile homes. Of 332,000 occupied housing units, 64% are owner occupied, 35.7% are renter occupied, and of the renting households, almost half spent a third or more of their household income on housing. In addition, for the low and very low incomes in 2000, 20% of households made under \$15,000 a year. And this income group could only afford less than 4% of all houses sold in Pima County. For moderate incomes, the median household income in Pima County is 35-5 (\$35,500); an affordable house for this income level would be below \$90,500. Looking at affordable housing, I just want you to know that this is consistent with Mr. Lurie's definition of affordable housing as being paying no more than 30% of your income toward housing and utilities. The only 6%, about 6½% of new homes constructed in 2000 were sold or priced out or below 95, within the affordable level for that income. And for the decade between the mid-1980's and the mid-1990's, inflation-adjusted middle income wages experienced a 21% decline in buying power, the largest decline in real income of any state in the nation. And over the same period, home prices increased by 30%. As far as the demographics, this is important in looking at what our projected population, what the projected residents of Pima County are going to be like. Almost all persons who relocate to Pima County are poorer than residents currently living here. Traditional family households are declining relative to the population. Meaning we have more widows having houses, more single parent family housing, more extended families living all within one roof. A bunch of statistics kind of mean nothing until you break it down into what does this mean. There are just not enough homes affordable for households that make less than \$15,000 per year. We have 20% of the market competing for less than 1/25th of the housing available to them. Rental housing, mobile homes and non-new homes are very important sources of housing in Pima County. New homes are catered to the top third income bracket and the affordability gap for moderate to low income owners has risen over the last decade. The affordability gap means the difference in a person's income, what they can afford for housing and what they actually have to pay for housing. Now these notable points are consistent with the Pima County reports, with Elliott Pollack's report on the Arizona Affordable Housing Study, the Arizona Housing Commission Report that Mr. Lurie handed out during his presentation. In addition, these findings are consistent with the Brookings Institute report that finds that market demand, not land constraints, was the primary determinant in housing prices. Here in Pima County, income levels of the lower and middle income brackets are just not keeping pace with the other incomes to which the housing market is being catered. Now in addition, the Brookings Institute report found that both traditional land use regulations and growth management policies can increase the supply of housing, with the growth management policies. That is, if the urban growth boundaries or the supply of land is constrained too tightly, that can, just as I said before, it is consistent with economic theories, that's the primary factor. However, and we can see the conditions that have resulted in Pima County with current land use policies. The question is then, next slide please, how do growth management policies differ with regard to affordable housing from traditional planning. Growth management attempts to overcome the exclusionary forces that exist for low to moderate income earners by increasing the supply of housing relative to demand. Typical growth management programs have affordable housing and inclusionary elements that are designed to lower the costs of construction and broaden choices to more housing segments. It attempts to increase the supply of housing relative to demand, as I said. Usually, or sometimes this is done through increasing housing densities, promoting a mix of housing types. One of the things that Elliott Pollack said in his report is that overall, Pima County really needs to do a better job of increasing both the types and prices of housing for all economic segments. And finally, promoting regional fair share housing or other inclusionary housing elements. In addition, if housing costs are viewed as a portion of a family's overall wealth, then simply examining the cost of housing is not the only factor to consider when you're looking at what is affordable. For example, in 2001 the typical American household spent about 27% on housing and 17% on transportation. That's a total of 44% of their income. If that typical family decided to move to a different house so that their transportations decreased to 10% but their housing costs were then 34%, their housing would be considered unaffordable even though that family was no worse off than they were before. Therefore the second main goal of growth management with respect to affordable housing is to offset potential increase in housing prices with increases in amenities. Such as decreasing transportation costs, decreasing costs associated with providing public infrastructure, providing better

access to jobs, services and amenities, and promoting policies that promote higher paying jobs. In Pima County the primary growth management mechanism is the comprehensive land use plan. And word to words, the Sonoran Desert Conservation Plan has been integrated into the comp plan via this comprehensive land, I'm sorry, the conservation land system map which was adopted into the plan in December of 2001. It can and it has been argued how the Sonoran Desert Conservation Plan directly serves and/or complements growth management goals. Such as the preservation of public goods and elevating quality of life. While this is true, it's important to remember that affordable housing is affected by the growth management strategy as a whole and by many other aspects that are simply outside of the scope of the Sonoran Desert Conservation Plan. We can see that by looking at the current situation in Pima County, the current housing situation in Pima County, that has resulted completely outside of the Sonoran Desert Conservation Plan. Therefore, to lay the blame or the credit solely on the Sonoran Desert Conservation Plan for either obliterating or saving affordable housing would be inaccurate, especially because the primary concern with regard to the SDCP's impact on affordable housing, that it would cause a scarcity in the availability of developable land, has already been significantly addressed. In order to assess how affordable housing will be affected by the Sonoran Desert Conservation Plan, we need to look at the overall growth management strategy or the comprehensive plan to see how it's addressed. The reason of the comprehensive land use plan is encouraging in this respect. It specifically states, in order to accommodate future population growth and carry out the compact form development goals of Growing Smarter Plus, mixed use and affordable housing programs will need to be a part of Pima County's updated comprehensive land use plan. There were several policies that were implemented during this recent update that are positive steps in addressing affordable housing in Pima County. The first one, establishment of housing policies and programs, these include inclusionary or mixed income subdivision programs, homebuyer education programs, enhancing opportunities for placement of manufactured housing, a strategy to insure housing availability for population groups with special needs, and a program to develop a strategy to provide affordable housing for families with incomes at medium, low and very low incomes. As determined by high intensity urban and multi-functional corridor to create a mixed use designation that is anticipated to best fulfill the needs of promoting and creating mixed use compact development. And it's noted that incentives will most likely be necessary in order to promote development in this designation. Again, under the circulation element, this is transportation. They want to promote high density, mixed use development and redevelopment along the major transit corridors. That directly corresponds to decreased transportation costs for persons living along those corridors. The growth element. They identify growth areas based on the ability to make circulation more efficient. To conserve natural resources in coordination with areas outside the boundaries and to promote financially sound infrastructure expansion through coordinated development. These go right back to the secondary strategy that I mentioned with regard to growth management, in that their goal is to offset potential increases by decreasing, I'm sorry, by increasing service to amenities and better service overall. The last section was the cost of growth element. And this is also called "potential policies and strategies to require development to pay its fair share". Essentially this establishes a method of assessing and funding minimum levels of public service to insure concurrency with development And this can assist with affordable housing efforts by making sure that goods and services are distributed equitably throughout the community. Finally, I mentioned earlier that there were many factors outside the scope of the SDCP that have great impact on affordable housing. And due to time constraints, I'm not going to go into a lot of detail, but they definitely need mentioning. First of all, let's see, I stated earlier that the updated comprehensive land use plan was encouraging. Really, the proof is in the pudding, as they say. In going over various county documents related to affordable housing, I found that the county has been contemplating action and reviewing detailed plans since 1989. I'm sure that if I'd gone back to the 1989 version that it would have referred to even earlier proposals for incorporating affordable housing elements. The county and the state, as our elected officials, have the power to choose what issues they address, and previously they have neglected the needs of the neediest people by promoting economic development in different areas. The liaises faire approach to land use has resulted in an increased gap in affordability for housing and sprawling, gapping, inefficient infrastructure development. Another issue affecting affordable housing everywhere in the nation is the types and amount of support available from the federal government. In addition, local lending practices definitely need to be mentioned here. In 2001, local banks in Tucson were rated the second worst in the country for Hispanic individuals, who were rejected 2.79 times more often than whites. This is an increase of 15% since 1999. Even when the numbers are broken down by

income levels, Hispanics were rejected more often than whites. Given the large and increasing number of Hispanic people in Pima County, discriminatory lending practices are particularly disturbing because they not only increase the problem of affordable housing, they increase racial tension in the community as well. The “nimby” attitude. Mr. Lurie touched on this during his presentation somewhat. This has been a continual challenge for affordable housing. Negative stereotypes about people who need affordable housing, what affordable housing looks like, and the racist origins of exclusionary zoning still permeate our society. These are compounded in the west by the public policies that have served to promote the idea of “Camelot among the saguaros” or “17 acres and a horse for Johnny”, as David Taylor said to you in his education sessions on demographics (applause). Finally, the lack of participation by the business and development community needs mentioning. This is not indicative, or this is not unique to Pima County at all. At a series of recent affordable housing roundtables held by the National Housing Conference in Seattle, Portland, sorry, in Seattle, Portland, Minneapolis/St. Paul and New Orleans, the private sector was noted as the missing player. Private industry is inherently linked to both the supply and demand for affordable housing. They control or significantly influence the construction of housing, the wages of local earners and the taxes that help equitably distribute the benefits of economic growth. Their participation is absolutely critical if the affordable housing dilemma is to adequately be addressed. So in conclusion, housing costs may rise under the Sonoran Desert Conservation Plan. However, this is not going to be due to land scarcity. It is going to be, if it happens, it will be the result of value created within Pima County by the implementation of overall growth management strategies, and that it will not necessarily negatively affect affordable housing. In fact, this growth management strategy may be the best thing for affordable housing that’s every happened in Pima County. The impacts to affordable housing will greatly depend on those policies that are implemented. Inclusionary housing policies, those regulations and incentives are needed. In serving the types of affordable housing promotion that’s been done all over the country, most times incentives are not adequate to solicit the participation by the private industry needed. And in Washington, D.C. they found that implementation of some of these regulations decreased the number of people unable to afford housing within their range by 13% over a very short amount of time. In addition, to reduce barriers to infill and mixed development. This is something that the regulated or that the private industry has had a common criticism all over the region with regards to affordable housing, is that you need to decrease the barriers to infill and mixed use development. Building From the Best of Tucson. The Sonoran Institute did a survey or a study awhile back on different types of building within Tucson and there are some really great examples in there about what you can do with infill, making things economically viable for people. In addition, to direct the benefits of growth management, I’m sorry, to direct the benefits of growth equitable, I’m sorry, management should not be in there. This is just redistribution of funds to areas that need it. Finally, political will and community support are absolutely critical to increasing the supply of affordable housing. The last thing that I want to mention is that a lot of people are talking about, or actually Mr. Lurie said last time in his presentation that he was not dealing with people who needed solely federal support or solely... I’m sorry, subsidies, federal subsidies for this. However, it could be argued and it has been argued by affordable housing advocates that those in the lowest income level, if they do not have housing in their level, they will take housing from levels, from upper levels. Therefore you have a ripple effect of a shortage of affordable housing that can go even up to 80 to 100% of median income levels. Therefore, it’s been argued that it would be most cost effective to address the neediest first and bring about a better balance in the supply of affordable housing for all income levels.

Questions:

Question: I hear a lot of about the need for in-fill, but that has the potential to create a ‘heat island’ of Tucson.

Susan: Actually this was a presentation talking about affordable housing and addressing how the Sonoran Desert Conservation Plan is going to affect affordable housing. There are, I understand that, I mean you can drive down any street in Tucson in the center of town and see tons of empty vacant buildings sitting there. Those are, those could be utilized for good space. I mean, they already are taking up space and they’re not fulfilling a large purpose. So there’s definitely room to be able to put more people where we already have them without necessarily causing a lot more impacts to things right now.

Question: How did you determine that hundred year supply and what was the criteria used?

Susan: I'm referring to the data that Maeveen presented in her report, that given current population growth projections, and given the area of land, like she said, it's nearly 900,000 people that would be allowed, that you could, that would fit in the area at the current rate that we're developing and the current densities that we're developing. Three hundred square miles could accommodate nearly 900,000 people. And that would last, based on current growth projections, that means that nearly 100 years into the future we could be accommodating growth.

Question: Is that property currently zoned for that growth?

Susan: That is land completely outside of the conservation land system.

Question: But it may be zoned SR, may be zoned RH, and it may never be rezoned to accommodate that growth, is that correct?

Susan: Well, it may not, but given that we are trying to direct growth away from the biologically sensitive areas and that it is not the intent of Pima County or any of the jurisdictions to not accommodate growth in the future, it's very likely that those lands would be re-designated to accommodate population growth in the future.

Question: Would it be unreasonable to ask as part of the plan that that land be designated as rezoned at this time?

Susan: I think it's definitely a legitimate concern that, and this is something that Maeveen has already asked for, is input from the development community to insure that there is an adequate supply of land available for development so that we don't incur land crunch.

Question: But to have that land theoretically available because it's there and have it available because it's zoned and ready to be developed over the years are far apart, two different things.

Susan: I suppose that if we did that, then we would have to ask that all of the land in the conservation land system then be restricted from any kind of development at all. If that were to be fair.

Question: Could you please turn this presentation into a memo?

Susan: Sure.

Question: Have you analyzed the relationship, if any, between the SDCP and the redevelopment aspects, particularly the residential redevelopment aspects of the Rio Nuevo project?

Susan: I did not look at those a lot primarily because that is dealing with issue within the City and I realize that what the City's do and the jurisdictions do, do complement and have great impacts on residents and affordable housing in general. I did not have a chance to look at that. However, I know that there are things that, and that's where, in a way, having cooperative agreements with the cities or with the municipalities is really important because the county and the city then can work to complement, have complementary strategies rather than adversarial strategies. Thank you, that was a really good point.

Question: Do you have any idea how many acres there are of vacant land inside the city limits at this point in time?

Susan: Inside the city limits, I do not. From Maeveen's presentation, she was saying that there were approximately 300 square miles available for development, I'm sorry, available land for development completely outside of the conservation land system. I did not look to see how much of that was within city limits.

Comment: There currently is a scarcity of land in Pima County. It's evidenced by the price of land that it trades at currently, at the price of housing at it sells. So whatever we do to implement the Sonoran Desert Conservation Plan on currently developable land will increase the price of land and increase the price of housing. It's part of our group, what we're supposed to do is figure out how much we're going to allow that to happen. Are we going to have a very large effect? Or a small effect or a moderate effect? That's number one. Number two is in terms of the maps that Maeveen showed, the 300 square miles, there are a lot of things you have to take into consideration. Because it's not available. There are infrastructure constraints, there are places that are undesirable from the market standpoint, and 100 thousand acres, or 100 square miles from the state, they don't meter it out. It is not available. So it's a fallacy to say that it is available for development. They traditionally meter out very little land for development.

Susan: I have a couple of things to respond to that. First of all, when you were talking about the scarcity of land and land costs going up, there are two figures that I came across that were very interesting to me. Number one is that many of the densities for which the lands have been zoned in outlying areas were not developed at

those densities. They were developed at significant lower densities. And that most of the houses were, they're much larger houses than what were necessarily necessary. So the, you think if land costs were a factor, that people would be trying to build as many houses on that particular area of land as they could in order to make a profit. And they're not doing that. They're making bigger houses that appeal to higher incomes on larger lots. It's a fact. That's what I came across in the Pima County reports. And we can argue about that, but that's what the statistics were saying. In addition, the National Association of Homebuilders is promoting even bigger houses for the future which are going to be out of range for most people. And when you talk about what the market is preferring, a lot of us in this room may have certain preferences, but 20% of the population right now is not able to afford anything more than 4% of the housing market. We need to be looking at those people's preferences as well. And for them, their preference is to have an affordable house within reach of services that they can get to, and right now there just is not availability for those people.

Question: Am I to understand, then, that your suggestion for affordable housing places affordable housing within the city limits?

Susan: No, not entirely. Some of the inclusionary housing programs that have been implemented require that a certain percentage of say a subdivision of 200 houses is being built. A certain percentage of that would need to be affordable to those in the median income. Those are some of the policies as well that have been recommended and that have been successful in other communities. In other communities, that is what has happened. I'm not saying that that's what Pima County is going to do. I actually have not been able to, I have not had a chance to talk with the planning department to see where they are in their planning stages or what they are proposing. I know that that idea has been suggested in previous county documents.

Comment: Contrary to some of the comments that I've heard here today, if you read what was adopted in the comprehensive plan policies, you will find that a lot of the answers to the questions you're asking are already there. And the county, as Susan has reported, is working on those. And in compliance with the state law, Growing Smarter, we identified growth areas where there was available land where building should go and should be much more intense in terms of mixed use. And those things were spelled out specifically. For instance the entire City of Tucson, for instance the Flowing Wells growth area, just to name two examples. Those went through multiple iterations of conversations and public hearings and were adopted again in April, after originally being adopted on December the 18th of last year. So the county has taken steps to do that. The second thing, or the third thing I guess I want to say, is that the market today is supporting lower density where there's less infrastructure where you're on septic systems, etc., and those costs are going up, absolutely, because that's what people want. And people are buying those 3.3 and 4.12, whatever, acre parcels and they're putting half a million dollar homes and more expensive homes on them. That is not what we're talking about here. What we're talking about here is affordable housing. So it's an apples and oranges conversation that you're having. There are places where we can do mixed use and infill, where we can build up, like Roy Drachman said, where we can have affordable housing that's adjacent to infrastructure that exists that does not put us in a position where we have to extend our infrastructure 20 miles at the cost of millions of dollars a mile. And those options have not been carefully considered by this community in cooperation with the city and the other municipalities where infrastructure exists today and is strong enough or with appropriate enhancement could be strong enough to support increased population, it will cost us less as a community. Because it is in the transportation and in the infrastructure that we really have not gauged the cost to the community in the past. That's why we're looking at impact fees now. So that we can have concurrency. So that we can have infrastructure to meet the needs of the residents we're shuffling wherever we're shuffling them. So those things, I think, put a different light on it than certain elements that the community would want you to consider. I invite you to explore what the county has already done and what stakeholder groups through the comprehensive plan did do.

Issues for Future meeting agendas:

- January 8, 2003 -- The economics consultant, assuming it's all done with respect to Pima County Procurement.
- January 22, 2003 -- Work at putting a property rights panel together. Possibly having Mr. Bosselman attend.
- February 1, 2003 -- Possible meeting with legislators.

Call to the public: None.

Adjourned 11:30 am

SDCP - Steering Committee

Sheraton Four Points

6:00pm to 9:00pm

Wednesday, December 11, 2002

Meeting Notes

Participants: See attached sign-in sheet David Steele.

Documents made available to the Steering Committee members at the study session:

- Agendas
- Issues Matrix—Updated
- Newspaper Articles from Doug McVie

Study Session Commenced at 6:00pm

Study session commenced with 16 Steering Committee members and 2 members of the general public. By 7:25 there were 18 Steering Committee members and 3 members of the general public. **David Steele** opened by introducing himself, reviewing the ground rules and reviewing the agenda. It was noted that the correct date for the Ad-Hoc meeting was Monday, December 16, although there is an Ad-Hoc meeting scheduled for Monday, January 13.

Logistics for the next Meeting:

Wednesday, January 8, 2003

6:00 pm to 9:00 pm

Pima County Public Works Bldg. Rm. 'C'

201 N. Stone

Logistics for the next Ad-Hoc Subcommittee meeting:

Monday, December 16, 2002

9:30 am to 11:30 am

Arizona Builders' Alliance

1661 N. Swan Road

Suite 144

Administrative Matters:

Document distribution

Many Steering Committee members have requested to receive meeting materials via email. As a result, Steering Committee members may opt to have meeting materials emailed to them as well as receive hard copies via US mail. Sign-up sheets will be available at the next meeting.

Call to the Public: None.

Meeting with Legislators and other Policy makers

At the December 7th meeting the Steering Committee requested that David find out the best date for legislators to attend a meeting with the Steering Committee. Following the Steering Committee's directive, David proposed two different dates to the legislators, February 1st or February 15th both are Saturdays.

- While some members felt the legislators should come down for a Saturday meeting, other members requested that the Steering Committee consider the option that the Steering Committee make a trip up to Phoenix to meet with the legislators.
- Although most members opted for the February 1st, other members felt there should be no more scheduled meetings dedicated to meeting with the legislators, but that a meeting should be added as the December 11th meeting was added. February 8th was suggested as a possible date for an additional study session.

- Other members felt that perhaps the Steering Committee should vote to have one mandatory meeting added so as many Steering Committee members as possible would attend the meeting with the legislators, and in addition, that perhaps some members whom have never attended should be removed.
- The point of clarification was made that the Steering Committee did not have the authority to remove Steering Committee members that do not attend. Attendance is reported to the Clerk of the Board and the Board of Supervisors decides who will be removed for unacceptable attendance.
- While the idea to make the meeting mandatory was not accepted by the Steering Committee members present as a possible recommendation to be made to the entire Steering Committee at a meeting, the idea of adding a study session was accepted as a recommendation to be made to the Steering Committee for voting at the January 8th meeting.
- After this discussion David committed to speaking with the Southern Arizona legislators and suggesting Saturday, February 1st as a possible meeting date. He would then report his findings to the Steering Committee on January 8th. The Steering Committee would also decide at the January 8th meeting whether or not to add an additional study session.

David put together an agenda based upon the discussions the Steering Committee had in November. The proposed agenda consists of introductory comments, overview and background of the Sonoran Desert Conservation Plan, stakeholder views, business and development interests, environmental and neighborhood interests, and ranching interests, the 3 broader categories would do the presentations, then a Q & A with a larger panel. There would be a presentation of issues, if the Steering Committee were able to decide on specific issues to present to the legislators. Followed by an additional question and answer period, a call to the public, then an adjournment, then an opportunity for informal discussion.

- Some members requested a format so that the meeting moved at a more swift and organized pace.
- Other members recommended fixed time slots so that there would be sufficient time allotted for questions and answers.

Possible Issues to Address at meeting with Legislators and other Policy makers

Steering Committee member Gayle Hartmann suggested the easier and less controversial issues like the Heritage Fund, Arizona Preserve Initiative, and Conservation Easements be presented first thus allowing more time for the harder issues like the County Lotteries, Transfer of Development Rights and Private Property Rights. The Steering Committee discussed each issue individually and had the author of each discussion paper make a small presentation. The presentation was on David's laptop and he was making changes as the Steering Committee suggested them.

Heritage Fund—Lisa Stage: The Heritage Fund was established because the voters in Arizona recognized that funding for open space, parks management, cultural, historical preservation, is one of the first things to get cut. They wanted to set up a permanent funding source just for those things. They did that. The state legislature and the governor's office have continued over time to try to take money out of that specified fund and use it for the general fund or other spending purposes. So basically what I'm proposing is that we ask the legislators to please respect that the Heritage Fund, what it was set up for, and to not try to raid it to balance the budget. The basis of the sentence is, "we request the legislator respect the will of the voters and to maintain the Heritage Fund intact." The rest of it is just supporting clauses.

- Steering Committee therefore requests that the legislator abide by the will of voters when they established the Heritage Fund in 1990 and maintain the Heritage funding as restricted funding and intact for the purposes for which it was established.

Arizona Preserve Initiative—Gayle Hartmann: The Arizona Preserve Initiative was passed in 1996. The goal of the law is to encourage the preservation of select parcels of state trust land in and around urban areas. I'm not going to go through what's eligible, that's sort of nit-picky stuff. The application procedure is sort of complicated. But the whole purpose of having this here is because, if you look at the bottom of the page, it talks about the parcels, the API applications in Pima County that have been submitted to the state. Catalina State Park expansion, Tortolita Alluvial Fan, etc., Tortolita Mountain Park, Tortolita Mountain East Biological Corridor, Tucson Mountains and west side of Tumamoc Hill. And with the exception of the Tumamoc Hill parcel, none of

these have gone forward. They've been stuck on the state land commissioner's desk, unfortunately. I should add that with Growing Smarter money, 50% of the money to pay for these comes out of state funds and the county supplies the other 50% which at the moment has to come out of the 1997 open space bond and there is 7 million left in that. So the purpose of having this discussion with the legislators, at least my thought was 2 things. If you look on the back of your little piece of paper here it sort of explains them. One is to just explain to new legislators really what the API is and how it's intended to function. Because I suspect many of them won't know this too well. And secondly, to encourage them, particularly the southern Arizona legislators, to work with the state land department or help us to work with the state land department and we hope with the new state land commissioner so that the preserve initiative can benefit conservation efforts in Pima County. Now I should say, this is sort of a political comment, but I think it's necessary to say it, that within the last couple weeks there has been movement. There has been a change here. The state land commissioner has actually agreed to move forward on one of these large parcels, the Tortolita Mountain Park expansion, the 4500 acre one, the one to the east of the Tortolita Mountains.

- The Steering Committee recommends that Pima County, actually encourage legislators to help us in working with the state land department so that the Arizona Preserve Initiative can benefit conservation efforts in Pima County.
- For the members' information, the county can make an API filing at any time and it is irrespective of jurisdiction.
- The point was made that the Steering Committee is an advisory to the Board of Supervisors and they speak officially on behalf, but this diverse group of stakeholders wanted to bring some issues to your attention prospectively before they're actually raised.

Transfer of Development Rights—Christine McVie: At the behest of the ESLO subcommittee, which I've also explained previously, not on their own behalf, pushed this forward last year and it didn't go anywhere. We recommended that the law as it currently stands be changed to allow counties to participate in this process and I believe David made an excellent clarification the last time we had this conversation, which was that this should be not just for properties from county to county and/or a given municipality to a municipality, but that the idea here could be, if the Steering Committee so chose, to facilitate transfer of development rights between county and municipalities, if that would be equitable and fair as regards the development issues. So the bottom line is, there's a current law that exists and what we want to do is expand that to enable the county to participate. The ESLO subcommittee went through our process and took it through the county attorney. We got draft language out of staff; we submitted this to Mr. Huckleberry. It's my understanding that Mr. Willett was the point person. It's my understanding that everything he was the point person on didn't make it. ESLO is the Environmentally Sensitive Land Ordinance subcommittee that was appointed over a year ago by Mr. Huckleberry and it includes Alan Lurie of the Southern Arizona Home Builders Association, Patty Richardson of the Tucson Association of Realtors, myself, staff members and Mike Grassinger who was a planner for the planning center, as well as an attorney whom I haven't seen lately. There was unanimous support, and as Alan Lurie and myself both shared at a previous Steering Committee meeting, when we couldn't get the county attorney's response on this, I asked Alan to call his own attorney and his attorney had no problem with it and therefore SAHBA and I went together arm in arm and suggested that the county go forward. At which point in time Chris Straub actually paid some attention and it did go forward.

- The Steering Committee recommends that legislation be sought to permit transfer of development rights in unincorporated areas.
- The legislation should permit transfer of development rights within and also between and across jurisdictional boundaries.

Conservation Easements—Debbie Hecht, was not present but her written document was read by David Steele: "To implement a law with clear, simple guidelines that reduce property and income taxes for property owners who want to use conservation easements to protect their properties or portions of their properties to enable them to reduce their state income tax and their property tax. Any law should be congruent with federal tax guidelines for conservation easements"

- The Steering Committee has no recommendation on this. The issue was deferred in order to give the proponent an opportunity to explain it, and in addition, have Diana Freshwater, Executive Director of the

Arizona Open Land Trust who was involved last year with Pima County in drafting language to go to the Arizona legislature to attend and address the Steering Committee at the January 8th meeting.

Lottery—Doug McVie: Well, seeing as though all our growth and stuff has left us money and we're trying to get this plan going and the development community has said a number of times that they're concerned and not interested in funding a lot of it. And private property and taxes are not popular because we have the highest taxes in the state already. I know that some of the stuff the Coalition did indicated that Colorado in particular used a lottery for some stuff and we might be able to suggest gearing one that would not erode the existing state lottery. In fact, it might enhance our Region 5, Arizona Game and Fish, and it might help actually fund education. When you turn over a section of land and put full rack housing on it, I think you create so many kids to educate that I'm not sure you're doing any favor. Whereas if you turn it over for conservation, you kind of enhance your quality of life and you actually create funds for the children that are here. And somehow to gear it to keep it local might have some appeal. Because we've noted possibly the API is going to kick in for a piece of land for the first time in history here in Pima County and that's a great thing. But we have a lot of other state land where apparently the API's been dropped on, that's the northwest side that Chris was talking about. The open space bonds are about used up and they weren't necessarily all spent where they thought they were going to be spent. A lot of it's the voter forum (?). And there just might be a way to get some funds for a plan, get some of the API and some of the state land stuff going a little differently, keep some of our money local. And I did mention, too, that possibly some of this funding could go to monitoring and management, because we don't have any money for that either. I propose that it's local county lotteries. I don't know exactly how the state lottery goes, but I'm pretty sure every cent spent in Pima County on it doesn't go to Pima County, would be my guess. And I'm suggesting some modification or a lottery per county for local conservation issues. And I'm also specifically talking about a percentage of it, and just a thing to throw out, 51% at least go to API to retire state land because that money does, by mandate, go to education. And get some feedback about the conservation issues in Pima County maybe. Remember that over half the money for this game would be going actually to education. So that's just a thought. I've suggested that the existent bureaucracy run it and I'm saying this would fund API, so I don't think that's another bureaucracy, that's a law apparently passed in '96 that's going to buy us the first piece of land in history, maybe, according to Gayle. So I'm not trying to reinvent the wheel, I'm just trying to fund some of our plans and try to do something with state trust land. I think the other effort on state trust land was to set aside a maximum of 3% of it, including some lake bottoms and stuff.

- This suggests a county-by-county lottery that the proceeds for which will be spent in the county for which the tickets are sold. Fifty percent of it will go the Arizona Preserve Initiative, a portion towards the education system and another portion of it would go for the purchase of development rights.

Private Property Rights—Michael Zimet: **The first thing, the absolute right for a property owner to build his home on his property, which right, if precluded, shall be compensable by the responsible jurisdiction.** Now, all that's saying is that an individual who owns a piece of property should have a right to build a home on there. It doesn't say where on the property he can build his home. We have situations because of the various overlays that effectively make a property un-buildable presently. And that's continued in the comprehensive plan, it's continued in all these other things that we have lately. All we're trying to say here is that a person should have the right, no matter what, to build a house on his land. **The second issue says compensation of property owners for 100% of total loss or a pre-agreed upon percentage of partial loss of value.** In other words, if among us we can say, well, if he loses 50% of his land, then that's compensable. It doesn't have to be 100% loss. Or if he loses 70% or 40%, some number. For instance, Peaks & Ridges is a good example. If a person bought a piece of property for \$50,000 to build his house up on a ridge so he has a view and that's taken away from him, it seems to me that there's, he might lose 50% or more of the value of his property because he's asked to relocate that residence. So the second thing says, 100% of total loss. Or a pre-agreed upon percentage of partial loss of value. **The third thing, vesting of rights of property owners with currently zoned private land or land covered by a development plan or special plan.**

- Require the counties to pay the amount of loss or substantial diminution of value, if any, when home values or vested rights of property owners are affected by a county's adoption of conservation plans that restrict use of the subject properties. Provisions should also be made for the development and implementation of a fair, efficient and binding alternate dispute resolution to determine the amount of such loss of diminished value.

- There has been a legal adjudication as regards a downzoning case in Pima County. It is under appeal, but the courts have upheld the county's rights to downzone.
- There is an Arizona Supreme Court decision, which is quoted by both Frank Bangs in his CLE for the Arizona State Bar on Environmentally Sensitive Lands and in the proposed Critical Habitat Designation for the Cactus Ferruginous Pygmy Owl, which states that there is no taking as long as there is use and/or access and any viable economic use.
- At their last presentation, the conservation community put forward the following: Pima County need not compensate for instances where all economic uses have been extinguished.
- There was the general sentiment that there would not be agreement that any of this language was appropriate for state legislation.

Issues Matrix:

The Issues Matrix was created in order to identify the areas of agreement between the various stakeholder groups within the Steering Committee.

- David suggested that perhaps it would be beneficial to the Steering Committee if Bruce Gungle and Mike Zimet wrote a discussion paper for the January 8th meeting.
- David would write a list of the areas of agreement drawing from the Issues Matrix and as the Steering Committee dictated the changes in wording.
- One of the items noted by Carolyn Campbell was the funding mechanisms. She requested that it read: One of the funding mechanisms that should be considered for the acquisition of lands within the CLS is a voter-approved bond.
- The final wording of some issues was left in draft form until US Fish and Wildlife could comment on them.

Issues for future meeting agendas:

- The Steering Committee requested to hear from the Recreational Technical Advisory Team. The Recreation Technical Advisory Team would like to present their final report at one of the meetings in February.
- The time period for the Sonoran Desert Conservation Plan needs to be revisited.
- What species should be included also needs to be reopened.
- There has not been an amicable date for the attorneys to address the Steering Committee.
- A few members wanted to see the following on a future agenda: the time period for the plan and what species should be included.

Call to the Public:

Harold Barnett: On the compensation issue, which clearly is central, instead of thinking at the level of absolutes, might think, since the build-up from another point of view, and this is just a statement to consider. If costs are imposed for private actions that yield some increase in value, compensation is reasonable if public actions yield to loss in value. So instead of thinking, hundred percent, zero compensation, since we know there are some costs already being imposed, we can think in terms of offsetting compensation. And work from the bottom up instead of the top down. When you mention up zoning and downzoning, that seems that it's a very easily done thing, transfer of development rights, that earlier discussion. There is also rezoning which is something different, which is in the comprehensive plan. And if you request your rezoning, there are clearly costs involved in terms of land set-asides. So it is not unreasonable, then, to state that if you restrict use of land below its current zoning, that it would be compensated. You know, so it's, what I'm essentially saying is that there is a degree to which costs are imposed, it's reasonable to have an offsetting degree to which loss is compensated.

Adjourned 9:00pm

SDCP - Steering Committee

Pima County Public Works Bldg. Rm 'C'

6:00pm to 9:00pm

Wednesday, January 8, 2003

Meeting Notes

Participants: Maeveen Beham, David Steele. See attached sign in sheet.

Documents made available to the Steering Committee members at the meeting:

- Agendas
 - Newspaper Article by Steering Committee members Luther Propst and Chris Sheafe.
- Draft Statements of General Agreement
- Developing the Habitat Conservation Plan
- Habitat Conservation Plan Outline
- Scope of Work
- Letters to the Board of Supervisors from Cindy Copping and Jonathan DuHamel
- CD's Numbered 15 and 16 Containing SDCP Reports

Meeting Commenced at 6:00pm

Meeting commenced with 28 Steering Committee members and 5 members of the general public. By 7:15 there were 42 Steering Committee members and 13 members of the general public. **David Steele** opened by introducing himself, reviewing the ground rules and reviewing the agenda.

Logistics for the next Study Session:

Wednesday, January 22, 2003

6:00 pm to 9:00 pm

Pima County Public Works Bldg. Rm. 'C'

201 N. Stone

Logistics for the next Ad-Hoc Subcommittee meeting:

Monday, January 13, 2003

3:00pm to 5:00 pm

Arizona Builders' Alliance

1661 N. Swan Road

Suite 144

Administrative Matters:

Information distribution

Many Steering Committee members have requested to receive meeting materials via email. As a result, Steering Committee members may opt to have meeting materials emailed to them or receive hard copies via US mail. Sign-up sheets will be available at the next meeting.

GIS Information:

Mo and John in our office have been able to create kind of a stand-alone program that'll enable you to go into, focus in on specific area and be able to show map layers or take map layers off. This is a program that enables us at these meetings or on your own to look at these layers and look at actually where the proposed conservation land system and the various designations of the conservation land system are impacting specific areas on the map.

Old Business:

Approve meeting notes from December 7th meeting:

No objections, meeting notes approved.

Review and Approve Quarterly Reports, 3rd and 4th Quarters:

- Lucy Vitale wants the Ad-Hoc meetings to be noted and counted. David noted that the change had been done, but not the copy he had.
- Lisa Stage noted the misspelling of Maeveen Behan's name.
- The following change is inconsistent with the verbatim transcript: Lucy Vitale requested that all individuals be identified by their first and last names when referenced for the first time in any written reports and meeting minutes.

Approved with the noted changes.

Follow-up from the Hartmann Motion:

Authorize David Steele to begin writing the background portion of the plan; he's agreed to do. We authorized that small stakeholder meetings occur outside of the Steering Committee, that they begin immediately to clarify points of agreement and disagreement and flesh out details. And by our first meeting in January, today, the results of these informal meetings be brought to the full Steering Committee for refinement and decisions

Status of Stakeholder discussions:

- Luther Propst and Chris Sheafe wrote a dialogue that was printed in the Arizona Daily Star. Copies of the article were mailed to the Steering Committee and available at the meeting. There were no questions at this meeting regarding this article.
- Mike Zimet and Bruce Gungle were going to present their discussion paper at this meeting, this item was deferred to a future meeting.
- Carolyn Campbell, Rob Marshall and David Goldstein met for an initial discussion and were planning on having a few more and perhaps broadening the group with a couple other members and talking about the issues.
- The conservation stakeholder group met with property rights stakeholder group and developers stakeholder group. They walked away with homework and they will be meeting next week where hopefully people will bring their homework back and they will move forward.

Review Draft of Steering Committee Report:

- David will have a preliminary draft that he will present at the January 22nd meeting. This issue was deferred until then.

Call to the Public: None.

Meeting with Legislators and other Policy makers

Due to the many time constraints and conflicts with the Steering Committee and legislators, David suggested that the Steering defer the face-to-face until after the recommendations. Come to agreement on the issues on which a great deal of work has already been done and send that in letter on behalf of the Steering Committee to the Board of Supervisors asking them to include that in their legislative agenda.

Approve agenda/date:

David put together an agenda based upon the discussions the Steering Committee had in November. The proposed agenda consists of introductory comments, overview and background of the Sonoran Desert Conservation Plan, stakeholder views, business and development interests, environmental and neighborhood interests, and ranching interests, the three broader categories would do the presentations, then a Q & A with a larger panel. There would be a presentation of issues, if the Steering Committee were able to decide on specific issues to present to the legislators. Followed by an additional question and answer period, a call to the public, then an adjournment, then an opportunity for informal discussion.

- Some members requested a format so that the meeting moved at a more swift and organized pace.
- Other members recommended fixed time slots so that there would be sufficient time allotted for questions and answers.

Issues to raise with Legislators

The Steering Committee discussed and voted on the approved language of each issue. The presentation was on David's laptop and he was making changes as the Steering Committee suggested them.

Heritage Fund—Lisa Stage:

Motion: Approve language.

Despite the current budget crisis, the parks and preserves that protect our unique natural cultural heritage still require management and federal law regarding the protection of endangered species and protection of endangered species must still be observed. We therefore respectfully request the legislature abide by the will of the voters when it established the Heritage Fund in 1990, A.R.S. 5-22, and maintain the Heritage Fund as dedicated funding for the purposes for which it was established.

Action: Passed.

Arizona Preserve Initiative—Gayle Hartmann

Motion: Approve language.

The Steering Committee recommends that legislators work with the state land department so that Arizona Preserve Initiative funds conservation efforts in Pima County.

Action: Passed.

Transfer of Development Rights—Christine McVie:

Motion: Approve language.

The legislation should also permit transfer of development rights across jurisdictional boundaries mutually acceptable to the respective jurisdictions.

Action: Passed

Conservation Easements—Debbie Hecht:

Motion: Approve language.

The Steering Committee supports legislation for clear and simple guidelines that gives incentives to property owners who want to use conservation easements to protect and preserve their properties. These incentives could include reductions in the property taxes. Any law should be consistent with the federal tax guidelines for conservation easements. These incentives should include a method to reduce their property tax rate.

Action: Passed.

Lottery—Doug McVie:

Motion: Approve language.

Recommends that legislation be sought to establish county-by-county lotteries, the proceeds for which will be spent in the county in which the tickets are sold. 50% of it will go to fund Arizona Preserve Initiatives in the respective county. Other revenues generated by these games would go for the purchase of development rights Heritage Fund and education.

Action: Passed.

Private Property Rights—Michael Zimet:

At the December 11th meeting Michael Zimet and Bruce Gungle had agreed to meet with David and write a discussion paper on areas of agreement regarding property rights within the context of the SDCP. This item was deferred to the January 22nd meeting.

Call to the Public: None

New Business:

Steering Committee Draft Statement of Agreement:

The Issues Matrix was created in order to identify the areas of agreement between the various stakeholder groups within the Steering Committee. David wrote a list of the areas of agreement drawing from the Issues Matrix and made changes as the Steering Committee dictated the changes in wording.

- The Steering Committee went item by item making corrections, additions and deletions until general consensus was reached by item.

- The wording of the items would be changed and presented for review by the Steering Committee at the January 22nd meeting.
- The item regarding funding came under question and the wording was put to vote.

Motion:

All those in favor of adding the last sentence to that bullet which says: We request that the Board of Supervisors authorize a bond election for 2003.

Action: Passed

Present: 40

Yes: 33

No: 5

Abstain: 2

Listing Key Steering Committee Decisions, Pima County:

Maeveen: I think I have 8 handouts for you today, and two of them are disks and so 11 new studies. One of them is an update of the list of studies, and I think the two that I would hope you would read in particular is riparian priorities, if you take a look at that because I think you'll see the wish list of some of the science community and county staff for what might be included in MSCP. Some of the least expensive highest biological value land. And then you'll see study 138, multi-species plan comparison, this is a hard copy of it. Paul Former wrote this and he wanted to give his insights as the author of some of the biggest plans, how they compare and how Pima County compares to them. And so you have that on disk too. That's a real thoughtful piece. I also brought the scope of work for the economic study for you, and if you turn to the last page, you can see the timeline for it. Twelve weeks. What you'll see from the economic consultant, when you'll see it by the scope of work timeline. In 6 weeks they'll have sort of the original mapping and the background work done, and they want to come and talk to you on February 1st, describe the project, and then come back within 2 weeks and show you the first deliverables. And at the same time, they're getting together program costs, almost a separate study, and funding options, another separate study, and that will all be delivered to you, three major deliverables in 12 weeks. So pretty fast timeline, but you'll see the pieces of it all along. Couple weeks ago, or maybe even a couple months ago I was here and a question came up about responses that I had written to Jonathan and Cindy long ago. These are old pieces of mail. But I read them directly back to them. They wrote and copied a lot of people, out of just, I don't know, politeness, I just wrote back to them, but there was a request from the committee that I distribute that to everyone, so you'll see those. And then I have my final two handouts are 2 summary documents and it's, I guess, the subject today that I'm here to talk about. When I spoke last time, I said I thought you might be making things a little too hard for yourself by not knowing what goes into a Section 10 permit application. So these 2 documents are the finest summary I could find. I thought, if I write something down, then you're going to worry about it and struggle with that. So instead I just go to the source, and this first document that says, "Habitat Conservation Plan Outline", I got this from a training manual that Fish & Wildlife uses in their own national training for Fish & Wildlife employees. They, I think once a year, Sherry, I'm not sure what it is, but they train people to go work with people like us to create HCP's. And in that document there's a summary, an outline of how to create a Habitat Conservation Plan. And I read through this and it has all the parts and you can almost go through this and see what questions need to be answered, and I thought I would go through some of this and tell you what we at the county would really like to hear from the community. So that's one document I brought. Then the very last one is some excerpts from the Habitat Conservation Plan handbook, Fish & Wildlife, that just gives greater explanation. So if you want to take up any of these topics as a Steering Committee and give your recommendation on them, here's more background to figure out how to think about that and what Fish & Wildlife says about it. So that's what I brought you, today's reading. And I'm going to work from this document that says "Habitat Conservation Plan Outline" and just to show you. If you read any of the major regional HCP's, they really boil down to this. This is the table of contents. And you lose sight of this because sometimes they go on for 400 pages on one of the topics, but this is what it boils down to. I thought I would go through and say, here's the part that really needs the community to weigh in, and here's the part that's just a set of facts that get plugged in. And see if that leaves you with any more clarification about how to organize your discussions from her. The first section, "Overview and Background", they recommend that you define, as author of an MSCP, what the terms should be. We've suggested 20 years, following EPA's letter to us, EPA thinks we can't predict growth impacts past 20 years, and so they're recommending a 20 year permit. Twenty years is short, that's very short, and so if you spend 5 years planning for a 20 year permit, some people would think that was a big investment. I know most regional HCP's spend 10 years planning and then they want a permit that lasts 30, 50, 100 years. So 20 years is short, and that's I think a discussion that we could value your opinion about that. So that's what you generally find in the overview background section. We'll move down

to 1.3, "Plan Area", "identify the boundaries covered by the plan". We've never talked about western Pima County but we have all the data, we have everything that we need to include western Pima County and we can do that. So it's a recommendation we'd like, what you want the boundaries of the plan area to be, eastern Pima County, western Pima County, and when you read the HCP handbook you'll see they say if you're doing a regional planning your county usually just use the county line. But it's a discussion point. One point four (1.4), "Species to be Covered by the Permit". And this is a live topic in the Steering Committee. Do you want listed species only? Do you want the priority vulnerable species? How do you want to cast that? I would add that there's a section I'll call your attention to in the larger handout that describes basing your take permit on habitat and not on species. And that, you can do that or you can do a hybrid, part species, part habitat. And there's a benefit to doing that way which you might want to discuss as part of filling in the blank on section 1.4. If you go to the next page, "Environmental Setting Biological Resources". This is really for the science team. Climate, topology, geology, vegetation, wildlife. Two point oh (2.0). And so you see these sections and MSCP's, it's really pretty rote what goes in there particular to the area and we can fill that in from the technical side. Three point oh (3.0), "Project Description", this is all yours. And if you turn to the next page, "The Activities to be Covered by the Permit". What do you want covered? Do you want county projects, permitting programs? What do you want the scope of the permit to be? What is not described in the permit is not covered. If you look at Clark County's MSCP, they have a long, long list of every department in Clark County government that's covered, every project, it's very specific. And so that's a decision point and a recommendation that we'd like from the Steering Committee. Four point one (4.1), "Potential Biological Impacts", once you've answered some of these earlier questions you can get, you can fit the science that's been gathered to complete this section. But I wanted to call your attention to 4.1.1, "Anticipated take, wildlife species". And it goes along with what I was saying earlier. The description here is, "Quantify the level of take anticipated for each covered species. Take could be expressed as a number of individual animals or habitat acres." When people do small HCP's, there's real species specifics. So if you look at the Habitat Conservation Plan for one development project, they'll count the number of owls, they'll count the number of pineapple cactus. Now when you move from 10 acres to two and a half million, you're not going to be able to do that kind of count. And I guess what I'm suggesting is, we have this quantified in terms of habitat. That's really the direction of the science team; quantify the level of take anticipated for covered species. It says, "Take could be expressed as a number of individual animals, as habitat acres or other appropriate measures". So there's different ways to express take. Here's my understanding of it, and maybe Sherry can weigh in a little bit. But we've talked about this among ourselves and I've always worried about having a list of 55 species and having all those covered. And people will debate how much that you know about each one of them and whether you know enough. And then you get your permit in the end and then something completely off the list becomes endangered. And everyone feels betrayed, it happened in San Diego, because you focused on these 55 and then some butterfly shows up and all bets are off for the MSCP and you're stuck with the single species listing again. I have always thought that one of the ways to avoid that dilemma was to have a hybrid approach where you talk about species, you covered your compliance issues, you dealt with the ones that are difficult issues in the community for us, pygmy owl, pineapple cactus. And then you capture so much habitat with, another part of the permit is described in terms of habitat so that it's almost like a trapdoor. The habitat covers more than the individual species you've listed. And so if you cover a sufficient amount of all the different types of habitat and something, number 56, number 57, right, something you never thought of as listed, you can look to the habitat aspect of your MSCP and find, I hope, that you're covered. So I think that's the art of drafting the MSCP, that we anticipate that we don't know everything today and that there's ways within the way the Fish & Wildlife can structure a permit that will cover us. So we're not just set up for some disappointment like I think other communities have experienced. That's what I'm getting at, that's what I'm getting at. And I know that Fish & Wildlife will say, we have to monitor in terms of individual species, but you can cast your permit in terms of habitat. So I think to deal with both at the same time might be helpful. Now I'm going to let Sherry talk.

Sherry Barrette, US Fish and Wildlife: Just to clarify. When we do the permit, we do have to list all the species that are covered on the permit, so it's not an open-ended thing. But what Maeveen said is correct that if another species is listed that we didn't consider, we would look first to what efforts have already been done and if there is substantial amount of conservation in particular for that species already being accommodated, we can amend the permit, and that's the key step. Because amendment still requires additional, an application and going through the NEPA(?) process and everything to make sure that it's fully assessed. So what we plan at the landscape level, look at habitat. In the end we still analyze at the species level to make sure everybody's covered. Now those can be groups of species even in the monitoring, there can be some species simply on a

habitat basis. Some species will need to be monitored on an individual basis, but we can look at it from the habitat perspective in that regard.

Maeveen: All right, and in the larger document I gave you, there's a description of the different burden that attaches to types of amendments. And I would want to be very cognizant of that as we finalize our MSCP and implementing agreement so that we have built in to the agreement the most streamlined version of amendment possible. And that's what I'm after. That's why I keep suggesting it's the habitat also, and not to lose sight of that. I haven't seen, frankly I haven't seen a lot of habitat based conservation plans. San Diego I think kind of gave lip service to that, but I believe we could develop something that would be a little bit smarter than HCP's that have gone before. So that's what I'm after with that suggestion. Then on section 5, "Conservation Strategy: Measures to Minimize and Mitigate Take", there's two discussion points here. One has to do with avoiding and minimizing. This is program suggestions and the programs will have a price tag attached to them. And we would love to hear from you, you don't want to see or you do want to see education programs, more or less surveys, relocation, timing restrictions, prohibition on ??, this kind of think, these program aspects. And that gets into a level of detail that might bother some county staff but it doesn't bother me because I would like for you to have thought about this and also considered that if the county's going to take on a new program, there's a cost attached to it and we should talk about that up front. So that's what I see in 5.1. I just don't want anyone to be surprised. And I tell you what happens is every time the county makes a decision to open up a conservation bank or buy a ranch or something like that, the cost falls on a county department and so people don't talk about that or they don't realize what that is necessarily at the time of the decision, but that's something I would like to talk about up front as we discuss these program elements. Five point two (5.2), "Measures to Mitigate Unavoidable Impact", so this has more to do with development. Do you want the MSCP to take the shape of a reserve, a habitat bank, you know, like we see now with the county has a bank, Altar Valley now has a bank. Do you want to set up a lot of little banks and do it that way or do you want to take a broader approach, enhancement. So there's options there. Then 6, "Funding". There's a whole discussion to be had there and I just want to emphasize what it says in this document, "note that funding must be guaranteed". And there's different ways to guarantee funding as part of an MSCP. One is to have the mitigation take place before the impact. That's the developer's least favorite or the project proponents, the public entity's least favorite because you have to achieve the conservation goal before you get to go forward, so there's the bottleneck there. And that has happened in some projects. Do you want to phase it in so there's some goes forward or they go forward together, the conservation commitment and the impact? I can tell you that's the way Clark County's designed. The incentives are aligned where there's an impact fee attached to conversion of acres and so there's the only impediment on development is the \$550 impact fee but that has been deemed to be sufficient to achieve what they want in conservation. So that the incentives are aligned.

Question: If we're going to do an economic analysis, why should any of these things come as a surprise? Why aren't they all in the economic appraisal of what the cost is for the MSCP?

Maeveen: And they are. All I'm suggesting is that when you make your preferred recommendation, this is a decision point. It would be nice if you made a recommendation and here are some of the ways different jurisdictions have decided. Some have decided, if I can finish, some have decided you pay for the conservation up front, some have decided you pay for it along the way, and some have decided don't put the cost on the development community, just generalize the cost to the community, float a bond, or they suggest have an endowment or a trust fund. Those are just different mechanisms. If you go to the next page, "A Plan Implementation", I've heard that people want to have a discussion about what is your future. Do you become an oversight committee? Do you become an implementation group? Do you forget this forever? And that's really, within the outline, here's a suggestion about how to talk about that in the place that is normal to see this in MSCP's. So what kind of public participation and oversight should the conservation program have in the future. And that's really your recommendation. There's been no recommendation from the county on that, we're waiting to hear from you as to what you want.

Unforeseen Circumstances", I wanted to emphasize this because there's already been a disagreement in the community about what people call unforeseen circumstances or "no surprises clause". And we've had one HCP go through with a no surprises clause attached to it which means if something comes up that's outside the boundary of the written document, the landowner is not going to be liable. Deal's a deal is the way Interior described it. And that bothers some people in the conservation community. There were disagreements about that clause. And I don't want, I want that discussion to be up front for us and I want all interests to weigh into it so that that is fully developed and we hear from you as to what your recommendation is. So that's it, that's the

outline for an MSCP. The other documents that ride along with that are the implementing agreement. That's the contract between Pima County and Fish & Wildlife. It looks like a contract and it includes the terms of the MSCP. Another one is the EIS and a lot of your discussions about, well what would be the effect on affordable housing and what would be the effect on all these other interests, mining and the economy, the place where that discussion shows up in a document is the EIS. So those are the 3 major documents, the MSCP, the Implementing Agreement and the EIS. And the EIS belongs to Fish & Wildlife, they have federal responsibility for that. So this larger document that I have, this gives you a way to think about these decision points. And so I'm not going to walk you through it or read it to you or anything like, but if you like the idea of sort of filling in the blanks on an outline like this or even just voting on some of these items and adding whatever you want, you can find more detail about how to think about those issues in this larger document. So my feeling is that we need to hear from you on these items and anything else you want, but certainly on that much. And I think it's, if you do that much, you will have done what every other MSCP has done. I want to call your attention to one section in this larger document, and this is my own hope, that we'll be able to have either separately or as part of the conservation plan a safe harbor agreement. . "Safe Harbor Policy: Linking Safe Harbor Assurances to Habitat Conservation Plans". Michael Bean says don't link them. He doesn't like to see that. I'm not sure what Fish & Wildlife's policy is on that right now, but whether it's linked or separate, I would like to think about a safe harbor for the county and a safe harbor that allows landowners to opt into it so that the ranch community can have some assurances and changes the incentive system and they might want to get involved in protecting leopard frogs or other species. So if you have any recommendations about that, I'd appreciate it, too. And that's all, that's all I have.

Question: You skipped over alternatives in the short document and I wonder if you can give us some advice about alternatives and maybe there's a purpose for why you skipped over it. Should we be thinking about alternatives?

Maeveen: Sure. We have alternatives framed as part of the economic analysis. And I think this section, it's not parallel to the other sections. This section can be written once decisions are made in the other, you know, if you have the project description, you've made a decision on your alternative. You're either going to do nothing or you're going to include, the alternatives happen to be, you know, no action, include just projects, include permitting, you know. So the alternatives, the answer to section 7 shows up in other aspects of this outline and it just is not parallel, it's a faulty parallelism in the way they set up this table of contents. So that's why I skipped over it, because it's just duplicative.

Bruce Gungle: I just wanted to bring people's attention. You look at the Habitat Conservation Plan outline that Maeveen just ran through, the shorter version, and just ask that people take that and compare that to the presentation that the Coalition did with the Sonoran Desert Museum and The Nature Conservancy and others, because that presentation was very much tiered to many of these specifics. So that might make that presentation make more sense. If you go back and look at the slides that were presented then, many of the things that were offered, the ideas that came out of that presentation were tiered to these HCP requirements.

Question: I thought there were 4 amendments to the comp plan having to do with the conservation plan.

Maeveen: Only one of them was policy related. So there's parcel specific decisions and then there's policy issues, and the one policy issue that I know of was the conservation land system. And there's a request that the current guidelines which suggest that 75% of the area, this isn't inconsistent with the zoning, but that the Board think about having 75% of the area in certain parts of the conservation land system stay open and site projects around the resource and that kind of thing. And there was a request for that to be raised, the percent of that to be raised. So that's what's been referred back.

Question: . I just had a quick question back to the economic analysis. You have the timeline. What's week one? Did they start January 1st, is that week one?

Maeveen: Our kickoff meeting was yesterday, but they have, they can use coverages, so last week we sent them what their initial request was and all the hard copy documents, and when we met they realized that we have much data then they imagined, so they made a second request and they have all that now, too. For those of you who want to see what they're doing, just go to our website and go to the page that says FTP site and follow the path and you'll see what's listed, the coverages that are listed on the FTP site and that's what they're dealing with. It's very public, very public study.

Question: That study that you mentioned at the very beginning, is that on one of these disks?

Maeveen: It is, it is, yeah. It's modeled after that cost model and what we were trying to suggest there in broad terms that there's tradeoffs. That if you focus on riparian or ranchland for acquisition, you might find a larger unfragmented blocks with high resource value and a lower dollar amount. And that changes when you focus on mountain parks or you focus on developing areas. But the calculus is that the constituent support and neighborhood support shows up in the most expensive areas. And that's another discussion for this committee, how you balance that. I want to make one suggestion to you. I was just thinking, how can you make your life easier, you know. You can think this through, start to finish, through a table of contents, and I want to suggest one more way to think this through. And that is to say if we had a hundred million dollars from a bond initiative, or if we had fifty million or if we had two hundred million or pick any number. Think about what could you buy and what, your question reminded me of this, what would the tradeoffs be? How many acres of ranchland and riparian could you get for fifty million. If you combine that with more expensive land, how much acreage would you use. And you can think backwards like that and it will really, it takes you to the conclusion of this, it just takes you to the conclusion. So you can think about what the community's tolerance is for bonding, is one way of thinking about the ultimate cost of this and the short term acquisition strategies and work backwards from there and combine different types of land, park land, land on the northwest side, riparian and ranch. You can put different combinations of it together and see what looks good to you at that point. You might be really surprised what the tradeoffs are.

Question: What is the status of the booklets or pamphlets on the disks? I mean, are they approved by the Board of Supervisors or what are they?

Maeveen: No, no. They're not adopted documents by the Board. They're just draft documents out for comment to facilitate discussion leading towards documents that are adopted. So if you're saying, I'm a member of the community and I want to know when to worry. The time to worry is when a recommendation comes from this body to the Board and they turn around and act on it. That's the adopted decision of the Board. Until then, it's 225 drafts.

Question: 1.2, "Regulatory Legal Framework for the Plan", that's optional. That's not really something we need to worry about, is it?

Maeveen: Right, it's standard, it shows up the same way in every plan.

David: "Species to be Covered by the Permit", this is that discussion that we had some time ago, 8 or 55, that we've deferred, that I think we need to probably think about getting that up again.

Maeveen: The Economic Consultant is pricing out the options on those

David: Okay, then that's maybe something that we think about dealing with them and we come up on February 1st, when they come here on February 1st. So we can't make a decision on that essentially until we get some results back from the economic consultants, is that what, the options?

Question: Has Pima County made a commitment to 55 species?

Maeveen: in the comprehensive plan, the conservation land system is based on the 55 species. Which really, that's just a proxy for the natural system, okay? So in the local plan that has been adopted, and that is the SDCP and a subset of that is the MSCP, and so the outstanding question is how much regulatory relief do you want, how big an insurance policy do you want to buy? That's the question that's left. And there's another question which is how much enforcement power goes along with that because the local plan is just guidelines and they're always subject to the next decision by the Board. Might be protective, might not be protective.

- It was clarified that the issue of 55 species was voted on and defeated, however as a legislative body the Steering Committee could revisit this issue if it felt it necessary. David pointed out that the Steering Committee has not picked a number of species and although the number of species is a determinant the Steering Committee still has to come back and pick a number. If it's not 55 the Steering Committee has to make a recommendation or find out if there's a consensus position on that, to include plant species as well.
- Sherry Barrett addressed the issue of CIP's--Capital Improvement Projects. She noted that the SDCP is a regional plan, therefore there would be a need to discuss area, general location, and acreage. Two

key elements would be, 1) what types of habitat species will be impacted by the CIP and 2) need to analyze the amount of take or loss of habitat versus the amount of conservation. US Fish and Wildlife needs to know generally where impact is going to be and where conservation is going to be.

Question: How do we go about identifying specific tracts of land or portions of land within the overall preserve over which there are issues that we may want to address?

Coordinating Steering Committee work with Economics Consultant:

The economics consultant was not able to attend this meeting therefore this issue was deferred until the February 1st meeting when the Economics Consultant would be able to attend.

Issues for future meeting agendas:

- The January 22nd meeting should either be earlier or shorter.
- The Steering Committee requested to hear from the Recreational Technical Advisory Team. The Recreation Technical Advisory Team would like to present their final report at one of the meetings in February.
- The time period for the Sonoran Desert Conservation Plan needs to be revisited.
- What species should be included also needs to be reopened.
- There has not been an amicable date for the attorneys to address the Steering Committee.
- A few members wanted to see the following on a future agenda: the time period for the plan and what species should be included.
- Propose February 26th as a study session.
- March 5th should be the meeting for final adoption of our recommendations.

Call to the Public: None.

Adjourned 9:00pm

SDCP - Steering Committee

Pima County Public Works Bldg. Rm 'C'

6:00pm to 9:00pm

Wednesday, January 22, 2003

Meeting Notes

Participants: David Steele. See attached sign in sheet.

Documents made available to the Steering Committee members at the meeting:

- Agendas
- Presentation by Steve Betts
- Bios on Steve Betts, Frank Bangs and Marc Ebbin

Meeting Commenced at 6:00pm

Meeting commenced with 22 Steering Committee members and 15 members of the general public. **David Steele** opened by introducing himself, reviewing the ground rules and reviewing the agenda.

Logistics for the next meeting:

Saturday, February 1, 2003

8:30 am to 11:30 am

Pima County Public Works Bldg. Rm 'C'

201 North Stone

Logistics for the next Ad-Hoc Subcommittee meeting:

Monday, January 24, 2003

9:30am to 11:30am

Red Sky Conference Room

1661 N. Swan Road

Suite 118

Panel Discussion—Private Property Rights in the Context of the Desert Conservation Plan

Introductory Comments:

David Steele: Steve Betts is a partner in the firm of Gallagher & Kennedy and practices primarily in the area of state and local government affairs including land use, zoning and real estate. He's been very active in a number of the policy making endeavors that the state has been involved with, including the Growing Smarter, he's on the Growing Smarter commission. He received his undergraduate degree from Augustana College in Rock Island, Illinois and is from De Paul and got his law degree in De Paul University.

Frank Bangs is a partner in the law firm of Lewis & Roca and has been very much involved in the planning and development and growth issues in this community. Prior to entering private practice, he was also Assistant City Attorney in the city attorney's office in Tucson. He holds a law degree from Washington University in St. Louis and has his B.A. degree from the University of Kansas in Lawrence, Kansas.

Mark Ebbin is a principal in the firm of Ebbin, Moser & Skaggs in San Francisco and specializes in the legal and policy matters involving state and federal environmental and natural resource regulation. He has extensive background in these matters including serving nearly 6 years as Special Assistant to Secretary Bruce Babbitt of the U.S. Department of Interior. He has a national reputation of his work and developing innovative approaches and strategies to addressing a wide range of environmental challenges such as conserving rare and endangered species, wetlands and watershed. Mark received his law degree from the University of Wisconsin and he graduated from Hamilton College.

Stakeholder views on private property rights: The Steering Committee had asked Mike Zimet and Bruce Gungl to get together and frame the issue of Private Property Rights and how they'll be addressed in the plan for the whole Steering Committee. What resulted after some dialogue is a draft discussion paper. David sent it to the panelists for their review. Some areas of apparent consensus were identified as well as areas that need further work.

The areas of apparent consensus:

- Rights of a property owner to build their own domicile. The property owner should have a right to build a domicile on their property, while there may be some set of circumstances where that may not be appropriate, those have yet to be defined.
- When a property is rendered 100% non-buildable as a result of actions taken under the SDCP, compensation would be appropriate in this case as well.
- Information clearinghouse: a central location where potential buyers can find out impending or existing regulatory regimes or possibly impending regulatory regimes. That way there can be a little more confidence in the “buyer beware” process.
- Alternative dispute resolution. Where an alternative dispute resolution short of going to the court system should be considered.

Issues that need more discussion, because of a lack of consensus.

- There was no consensus on what level of diminishment of value would be eligible for compensation.
- The issue of where the legal standing is vis-à-vis partial takings.
- The establishment of property right or vesting.
- There was no agreement among this group when a property right is created. One point of view felt that a property right was established upon purchase of the property. The other said that the value of the property is established when the use has been identified.

Bruce Gungle was not present. David reiterated that this was not an official Steering Committee position, but rather an identification of the issues.

Panel Discussion:

Participants: Frank Bangs, Lewis and Roca
 Steve Betts, Gallagher and Kennedy
 Marc Ebbin, Esq. (via telephone)

Steve Betts: This actually I think will work out well and appropriate because I am a land use lawyer, I spend a lot of time on these issues, but Frank is far more the expert in the land use litigation area. And so what I'd like to do, if this is okay with you, Frank, is maybe I'll just take 10 minutes, kind of go over the overview, walk them through the materials I... (Sorry, I will put this closer to my mouth.) Walk them through the materials that I've handed out and then allow you to get into some of the more detailed questions like the *Palazzolo* case and partial takings and things like that. Does that make some sense? Great. The materials I handed out, hopefully everyone has a copy of this now, it has Gallagher & Kennedy across the top. I'm going to walk you through it very quickly and I'm sorry that you didn't get it early enough to spend a little time reading it ahead of time, but that was kind of my intent. I didn't want you to actually catch my spelling errors and things like that ahead of time. But I'm going to take just 10 minutes, do a brief overview on regulatory takings and takings law in general. In general I gave you both the U.S. Constitutional provisions and the Arizona Supreme Court provisions on the right for compensation if your property is taken for government use. And so I won't go into those a great deal further. But there's no question that if government takes your property, if government says, okay, sorry, you can no longer have this piece of property, we need it for a road or we need it for a sewer plant, that under the constitution, under both the federal and state constitutions, you get compensated for that. The government can't take your property without compensating you for it. So that's kind of a good general rule of law. Where it really comes into play as interesting is the difference between, what if government doesn't intend to actually take your property from you, take it and put it to some government use like a freeway or a sewage treatment plant, but they want to regulate your property in a way that they think is fair, is subject to sort of police powers of the local government. So they're not intending to actually take the property from you, but they have the effect of affecting the use of that property and the property owner claims that you've taken my property values from me. So that's what the second part of the outline really goes into. And I gave you a nice quote from Justice Holmes, the *Pennsylvania Coal* case, which is the seminal quote that's used in a lot of cases. “While property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking.” Of course, Justice Holmes is one of the real scholars and started a lot of this takings case law. Government must pay for property that is taken for public use, eminent domain. Again, the taking for a sewage treatment plant or a road. Government does not need to pay for mere regulation of property. Zoning is the best example of that.

That local governments have police powers to zone your property. So they can tell people what they can and can't do with a property and they don't have to compensate if government is using those police powers. And that's what the paragraph below sort of gets into more detail about.

So, flipping to the top of the second page. "Denial of All Economic Value". If a regulation, if a government puts a regulation in place that takes all economically viable use of that property away from that property owner, that is deemed to be a taking. And that's a pretty easy case. The best example I can give you is this *Lucas v. South Carolina* case that I quote on the top of page 2. Let me give you just quick facts about this. I think it helps you to kind of understand these principles when you understand a little bit of the factual basis of the case. In the *Lucas* case, Mr. Lucas actually owned a couple of beachfront lots. The state of South Carolina decided that they wanted to protect the shoreline in this particular area and put in place a regulation to attempt to protect the shoreline from increased commercial development or residential development along that. And as part of that regulation, the two lots that Mr. Lucas had acquired could no longer be built on. He couldn't build a permanent structure, a house, a beach house, which is what was his intent in acquiring those two beachfront lots. The State of Carolina defended themselves by saying, we're not saying that you can't use your property. You can put a picnic bench on it, you can camp on it, you can entertain guests on it. You can do a lot of things, we just don't want you to put a physical improvement such a house on that property. And amazingly that case went all the way up to the U.S. Supreme Court before the U.S. Supreme Court said, No, that's a taking of that person's property rights. There's no economically viable use of that property. Therefore, Mr. Lucas, you get compensated for your beachfront lots. So that's the easier case, the denial of all economic.

"Denial of Nearly All Economic Value", that's the tougher case and that's the case that I'm going to punt to Frank to spend a little more time on. But I will give you the rules of the game. And I quoted them for you there. The *Pennsylvania Coal* case really is the, again, seminal U.S. Supreme Court case on it. And what they basically said is, if a regulation so decreases the value of property that there is very little economic value, the court will do a balancing test and they'll balance really three factors. "The social goals to be promoted." So what is the goal of government in that regulation? And how important is that societal goal? Second is diminution in value to the property owner. How diminished was the property? And then third was the owner's reasonable expectation regarding the use of the property. Again, reasonable expectation. That doesn't necessarily mean putting a high rise office building in the middle of a residential community. So, I gave you sort of the general rule, again from the *Pennsylvania Coal* case. Generally a regulation will be found to be a taking only if it unjustly reduces the economic value of the property, i.e., if it either greatly reduces the value and only slightly promotes some public welfare. Okay? So that's the general balancing test that is applied in all the cases that then follow *Pennsylvania Coal*, and that is going to be what I'm going to punt over to Frank to spend a little more time on. Okay, if it's a taking, if it's deemed, if the regulation is deemed by a court to be a taking, what happens? Well, you get just compensation for that. What does that mean, what is just compensation? Interesting enough, the Arizona Constitution is actually a little different on this point than the U.S. Constitution. (Sorry, I will put it closer again.) The Arizona Constitution actually refers to monetary compensation. And this came up in a case just 10 years or so ago, the *Corrigan v. City of Scottsdale* case, where the city of Scottsdale tried to put in place something called ESLO, the Environmentally Sensitive Land Ordinance. Actually it was the predecessor to it now which was actually a hillside ordinance at the time. And on that hillside ordinance that they adopted, they said okay, Mrs. Corrigan, you and your family own the side of the McDowell Mountains and all the way up onto the top of the McDowell Mountains. We're going to push you down. We're going to say under our hillside slope ordinance, you can't develop up above a certain slope. But that's okay because as compensation to you, we're going to push the density down onto your lower flatter lands that you hold down in the foothills of the McDowell Mountains in Scottsdale. And the court said, no, sorry, that under our Arizona Constitution, density transfer or giving increased density rights in certain areas is not sufficient just compensation. It might be under the U.S. Constitution, I'd be interested in Frank's view of that, but under the state constitution, because our language is a little bit different and it refers to monetary compensation, that's the kind of compensation that needs to then go to the property owner. So that's the bottom of page 2.

Top of page 3, I gave you the two most recent takings cases. The *Palazzolo* case was an interesting case where the fact that the person acquired the property after the ordinance went into effect, that Rhode Island used as their defense. That this person bought knowing that this regulation was going to apply to the property and you wouldn't be able to build on the property the way that you thought you could build on it. And the court said, no, sorry, that the petitioner's claim for taking is not barred by the fact that title was acquired afterwards. But the facts of that case are very interesting. I'm going to leave this one to Frank also because it has to do with this idea of being able to split a parcel. What happens if you've got a large parcel, you can develop on part of it but

government says you can't develop on other parts of that land and what does that mean. I think Frank will spend a little time on the *Palazzolo* case there.

The final more recent case I gave you is the *Tahoe-Sierra Preservation Council*, the Lake Tahoe case where there was a moratorium in place for 32 months and the property owner said, look, if you put a moratorium on my ability to build a house for that long a period of time, surely that's got to be a taking. If I can't use my property for that long a period of time. And the court said, no, we're not willing to say what the time period is. Yeah, maybe at some point a moratorium becomes a taking, but in this case they found that not to be a taking in the Lake Tahoe case. Footnote to that, we do have in Arizona actually a moratorium statute that the legislature put in place 6 years ago that regulates the ability to put into place planning moratoriums and infrastructure moratoriums, and so we actually have statutory law that would override this case anyway.

Okay, the next, that Roman numeral V, "Unconstitutional Exactions and Conditions". This is a situation where government isn't putting a regulation in place saying you can't use your property in a particular way, but this situation is government is saying, okay, I'm giving you a permit, I'm giving you a plat approval or I'm giving you zoning approval, but as part of that I want to take something from you, property owner. I want you to dedicate something to us. And the best example is you've got a subdivision and the local city says, yes, I'll approve your subdivision plat but I want a 40 acre regional park to be dedicated as part of the subdivision. The property owner says, wait a minute, that's unfair, that's far more than I should have to give than the property. There are two seminal cases that go to this. One is the *Nolan v. California Coastal Commission* and the second is the *Dolan* case. And the basic rule is something that frankly we've had in place in Arizona for almost 25 years now, under the *Transamerica v. City of Tucson* case, it's actually a case that came out of the city of Tucson from 25 years ago and it's a pretty simple rule. There has to be a nexus between what government is asking for and the burdens put on government by the project that they're approving. So there has to be some connection. In other words, if the government is saying to the property owner, dedicate this road improvement, that's okay because the development project is going to serve that road. The development project is going to dump traffic onto that road. And so there's a nexus between what the government is asking you to give and the development project. But then secondly it has to be roughly in proportion to the impact of that project. There has to be some proportionality there. And that's where that 40 acre regional park comes in. If it's a several thousand acre master planned community and government is saying, give up a 40 acre regional park, you know, that's probably proportional. If it's a little 40 acre subdivision plat and government is saying, give up a 10 acre park for that that's going to serve a much larger area, that may not be in proportion. So that's the rules of exaction in Arizona.

Final is "Vested Rights". And I saw this from your materials that people were questioning, you know, when do you actually have a right to the zoning that you have in place. That is the vested rights rules. There's actually although a lot of similarity between takings law and vested rights law, they're really a different line of cases to the courts. Arizona, like most western states, has a pretty tough vesting law in Arizona. It's fairly "draconian", I like to say where it's pretty tough to show that you have a vested right in your zoning. The rule of law is that you have to have gone out and received some kind of building permit, some kind of approval. It might be a building permit, it might be a subdivision plat, it could be a special permit which is the Paradise Valley situation. But you've received some approval of government to take some action and then you've actually taken action in reliance on that permit. You've actually gone out and started to grade the property. Or you've put down a foundation for the structure that you're going to build. Once you've done that, once you've gotten your permit, once you've acted in reliance on that permit in good faith, meaning that you haven't done this in sort of the night where you're trying to avoid some other government regulation you know is coming down, if you have done those things in good faith, then you have vested your zoning. You have a right to finish that project that you've started. It's kind of an equitable principle and it does make sense. If someone buys a piece of land, gets it zoned, goes to government and gets a permit, spends a bunch of money then in reliance on that permit and then government tries to change the rules of the game or pull the rug out from under that developer or that property owner, at that point the court will say, no, you're vested and you have a vested right to finish that project. Where it intersects with takings law is, if you do have that vested right and then government still applies the regulation, stops the project, stops your ability to put it to that economic use, then that will in fact create a taking of that person's property rights and that person then gets due compensation or just compensation. So that's the common law of vested rights.

I did give you, on the final page of the outline there are two additional ways of establishing a protected development right or vested right. Of course first is common law as I mentioned, the spending substantial sums of money in reliance on a permit. But the second is a development agreement. That under Arizona law for the last 12 years we've had a statute in Arizona that allows a property owner to sit down across the table with a

local governmental entity and negotiate a development agreement. There's got to be good faith bargaining across the table. The developer or the property owner needs to be giving something to local government that local government wouldn't otherwise be receiving. It might be completion of additional infrastructure items, dedication of additional improvements, building things ahead of schedule, building things and over-sizing improvements for the local government that they would like to see happen. And then in exchange for that, the local government can give back to the developer a contractual vested right or a contractual property right. As long as, again, it's enunciated in that development agreement.

And then the third way of establishing a vested right that could come into play as you're discussing this plan in Pima County is a statutory protected development right. Again, the Arizona legislature several years ago, I guess it was 6, 7 years ago now, recognized that under common law it's rather difficult to establish a vested right and in not every case do you want to sit down and negotiate a development agreement and so there ought to be an opportunity for local government to give a statutory protected development right. And there's actually a statute in Arizona that does that, it requires the local government to adopt an ordinance to give these protected development rights. They are only for a fairly short period of time. The intent of the legislature was to give a developer 3 years or 5 years or a relatively short window of time to get the project up and going where they can go out and finish their design work, go out and get their financing from their lender, from the financial institution, and get the project in the ground without fear of the rug being pulled out from under them or the rules of the game being changed. And so for those short periods of time local government can give this protected development right to the developer.

So that's my overview of takings law and vested rights law and I will at this point punt it to Frank and then of course I will be enjoying hopefully the questions and answers that we'll have as we get further into the dialogue.

Frank Bangs: Two general comments about the handouts. Steve has provided you with an excellent summary of the issues that David identified as of interest to the Steering Committee. I provided what might be called the illustrated "cheat sheet" to go along with it, that's the one page little chart. And what it does is illustrate the federal takings law principles that Steve so well described in his written handout. And you'll see the basic federal rules as expressed in the *Agins* and *Penn Central* decisions. And then the more recent pronouncements by the U.S. Supreme Court in *Loretto* and *Lucas* about what are called categorical or per se takings. And then what I really, Steve, think of as sort of a special subset of takings law, the rules that deal with exactions. Special subset because on their face, exactions would be a taking. So we have to create a rationale to protect them. I wanted to talk about two decisions which in my mind raise questions that are unanswered because in both of these cases, as so often is the case with takings litigation, in both of these cases they were ultimately settled by the governmental and private parties. And so we don't really have a final trial court ?? of what occurred. But the first case Steve referred to is the *Corrigan* case, the Scottsdale hillsides takings case. And in it we have an expression of one of the most important questions in takings law: What is the property that we're focusing on for purposes of the takings determination? And in *Corrigan*, the Court of Appeals was looking at 5,000 acres in the McDowell Mountains. The City of Scottsdale had zoned a portion of that 5,000 acres, a relatively small portion, to no development at all. For Pima County folks it would be the equivalent of the Peaks and Ridges provision in our HDZ regulations. And the court looked at that and they said, well, gee, we see two zones. We see something which Scottsdale sadly in hindsight called the "no development zone", which was the Peaks and Ridges areas. And you don't allow anything to happen there. And then we had this other zone where some development can occur depending a number of factors. But we're going to choose the focus just on the "no development zone" and that looks like a taking to us. And so the property that the court focused on for the determination was this relatively small portion of 5,000 acres. If you looked at the property as a whole, if you looked at all of the DC Ranch, the City argued and the trial judge accepted as a matter of law that the property was more valuable after the application of the city's density transfer mechanism from the "no development zone" to the balance of the property than it was before, and found that there was no taking. So this is one of the key issues in the takings determination. What is the property? Are we going to do as I believe federal case law and the *Palazzolo* case that Steve referred to earlier requires that we look at the property as a whole rather than focusing on discrete parts of it?

The second Arizona case is *Ranch 57 v. The City and County of Yuma*. That's an airport approach zone takings case and the plaintiff in that case had purchased some existing orange groves for future industrial development. At the time of purchase it was zoned industrial and the plaintiff, the owner, paid the going market price for industrially zoned property. Subsequently the City of Yuma imposed airport regulations and this land, unfortunately for Ranch 57, was in effectively a clear zone. And the regulation said, well, you can continue to grow orange trees on this property, but you can't build anything on it. The case went up to the Court of Appeals

and they went through essentially the *Penn Central* balancing test that you have on the cheat sheet. And they focused on the economic impact of the action and the notion of interference with investment-backed expectations. And the court in *Ranch 57* says, well, when we're talking about the denial of all viable economic use, we think that should be tied to the question of whether or not the owner has been able to achieve a reasonable economic return on its investment. Now remember, *Ranch 57*, they weren't in the fortuitous position of having been an orange, you know, farmer and then as city of Yuma grew around them their land suddenly became more valuable for industrial purposes. Instead, *Ranch 57*'s investment-backed expectation was industrial use. *Ranch 57* was subsequently settled, as was court between the local government and the property owner. We don't know what would have happened in those instances. But I just make those notes about the Arizona case law that aren't fully explored in Steve's terrific overview.

Second general point I'd like to make, and that is the distinction between legislation and litigation. Steve and I have been talking about court-made rules applying the U.S. and state constitutions to local regulations. But in the SDCP and what this Steering Committee does, this is legislating. And although the court-made rules can provide some guidance about what the minimum constitutional standards are going to be, they're not straight-jackets, they're not limiting factors in what the local government may choose to do. And Steve has provided us with some perfect examples of this, as he pointed out in both the vestings area and in the moratorium, where through legislation the State of Arizona has gone beyond the minimum standards that the courts, the constitutional standards of the courts. I'm not personally advocating that one way or another. I'm just saying as the Steering Committee, David, goes forward in its deliberation, remember that you are standing in for a local governing body and you have a broad range of choices that are available to you in how you solve problems. Particularly the issue that I see David raised by your, under the partial takings, the pro/con where you say, "the beneficiaries of regulatory action that increase value should be required to pay for that increased value". Steve may want to comment on this. A lot of my municipal clients have said, well, gee, Frank, doesn't *Corrigan* tell us that we can't use TDR's, that they're constitutionally suspect? And even before the legislature affirmed that as part of Growing Smarter and other legislation that they can be used, my advice to them was, "no". Because I think the Court of Appeals in *Corrigan* was thinking about the, if you will, below the bottom line. You've got two questions in any takings case. One, is there a regulatory taking? And then, since *Corrigan* in Arizona and the federal decisions, well then what's the remedy, which is just compensation for a partial taking. But above the line, I think TDR's must be taken into consideration in determining whether or not there's a taking in the first place. So that if the property owner has a mechanism to ameliorate the impact of the regulation, if the legislation provides that. My opinion is that that's going to have, that should be taken into consideration in the takings determination.

Mark Ebbin: Well, Frank and Steve, that was very helpful to me. I really enjoyed the talk and a great overview, I think, of the 5th Amendment takings laws both at state and federal level. It's funny because as I advise a number of these processes, these exact same issues come up repeatedly, as everyone can imagine. And I think this discussion that you're having is exceedingly important in terms of starting to think about what the parameters are that you're going to be working within in terms of trying to structure a plan that not only meets the regulatory requirements but does so in a manner that's equitable and fair to the property owners who are affected by the plan. And I think that what I have found, and again one of the dangers, of course, of stepping in cold to a discussion such as this one is that you don't quite know where the debate has been so far and where it's going and where things have been settled and where things haven't been. But it's interesting to sort of hear through my discussions with David and others some of the issues that you are grappling with and how similar they are to what's been thought through and talked about and discussed in a number of these regional HCP processes.

One of the things that, and again, I can sort of move in a couple different directions here. I can sort of pick up where Frank left off in terms of cases that have involved the ESA and talk a little bit about that. But frankly I think what may be more helpful and of perhaps greater interest to the group, but tell me if I'm wrong, is to talk a little bit about how the 5th Amendment issues have actually interfaced with ESA HCP processes. Particularly at the regional level which is where I think it's most valuable to kind of discuss in that context. One of the things that I've found through watching these debates sort of play out is that ultimately it becomes fairly apparent that trying to find the line as to what is a takings and what isn't, which activities or which approaches within a regional plan are likely to trigger takings conflicts and those that aren't, starts after awhile to look like the debate and the discussions that have taken place for the last hundred years on this issue. The evolution of thinking within the courts has been very interesting, as you probably are starting to gather from the discussion that Frank and Steve had with you. And you can see that the lines have started to go off in different directions. Factors

have played in and out of the debate. And there is a healthy discussion that continues on to today, particularly within the academic community, as to what all these cases really mean and where are the courts going and what standards have now been discarded and which standards are surviving. And what I've found to be valuable is that once these issues are sort of put on the table, rather than trying to find the line and structure your HCP to precisely follow those lines, where more I think constructive outcome has been is where a common sense approach to handling these issues kind of replaces that discussion with some basic parameters and some broad policy goals that everyone can agree with.

For instance, what typically happens is that most folks who are involved in these processes start to recognize that really what you're trying to do here is create a fair and equitable process, that where no one landowner or no one class of landowner starts to take on a much bigger burden than everybody else. And typically the class of landowners who are most vulnerable to being, and it's inadvertent in most cases, but inadvertently put in a position of shouldering sort of an inequitable burden through these processes are the small guys. Are the guys who have, you know, small parcels, don't necessarily have grand plans in terms of what they want to do with those particular parcels but end up being sort of caught in the gears of a much larger process. And you know, in some of the cases I've been involved in, those guys sort of get labeled the "poor schmuck" class. And we kind of want to help the guy who gets ground up inadvertently through larger processes, ends up with very few opportunities on the land and then really starts to be put in a position where his only recourse is to start to think about challenging the program based on 5th Amendment jurisprudence.

So what we have found is that there are a range of different approaches that have been integrated and incorporated into these planning efforts that have pretty much successfully dealt with these issues and have put these HCP's on pretty solid footing legally. Let me just say, first of all, just by the nature of how these processes ultimately are permitted, you very rarely see an HCP that ultimately doesn't get permitted. And what that translates into is that accommodation usually rules the day. Where it may be accommodation that comes after a long hard discussion with the regulatory agencies but ultimately comes to the point where some kind of outcome is acceptable from both standpoints and a permit is issued. And consequently what you see is almost no successful takings challenges related to ESA compliance. I'm sure there's a lot of views about why that's the case, but I think that it can't be ignored that one of the likely factors for that is that accommodation ultimately is reached.

When you put this in the context of a regional planning effort where you have far more room for flexibility, far more room for creativity to think about these issues up front, the prospects for successful challenge of these HCP's is reduced even more so. And I don't know of a single instance where a regional HCP has been successfully challenged based on, you know, a 5th Amendment claim. And so we're really, and again I think that one of the reasons for this is not only the ultimately permitting of these HCP's, but in the regional context again the thoughtfulness that has gone into the development of the plan based on the kind of discussions that you're having here today.

What we have seen is, for instance, when you look at the regional context, that there are enormous possibilities in terms of structuring the plans to again anticipate these kinds of issues, particularly as they may affect small landowners. For instance, in some cases you may have an acquisition fund that's been created to provide compensation to landowners who you just can't find any particular way under the plan to allow for some use of that property. So these small landowner funds have been very effective in terms of addressing very rare and unusual circumstance that may arise in a regional context. There is, in some plans, variance processes that look very similar to the variance process that local governments typically use in the context of local land use planning whereby there's a defined set of circumstances that if a particular landowner meets those circumstances, there is accommodation for particular uses as are anticipated as part of the overall plan. There are plans that have tried to address these issues by creating a class of landowners. And again, usually very small landowners, say less than 5 acres or less than 10 acres, where outright exemptions have been given or at least some kind of reduced obligation where again, in the context of a region, the effect of creating that class can be analyzed from the standpoint of the conservation goals of the program.

There are other techniques, such as creating preserves, regional preserves for the multiple species that are covered by the plan that are not preserves that envision absolutely no impacts. But rather are preserves that are designed to allow for some level of impact to occur. What that provides is the flexibility for those landowners who again are caught in awkward positions under the plan to carry out certain activities that otherwise might not be allowable.

There was a discussion earlier about vested rights and what that means. In certain HCP's the context of vested rights as it's defined within the state is applied to projects that end up in a category that are treated differently than projects that do not have vested rights or are not pipeline projects. So that projects that again have gone

down the path far enough that there is a decision made in the context of the plan to allow for those projects to either proceed outright or under a set of requirements that are different from requirements that might be imposed on projects that haven't received those levels of entitlements. In California here there is a degree of a safety net involved in those particular class of projects because of the California Environmental Quality Act which each of those projects will have already gone through, already provides for some level of protection and conservation measures for the species that are being covered in the context of the regional plan. So there's again a bit of a cushion to allow for a different treatment of vested projects than those that aren't vested. In other plans there has been focus on what the effect of regional plans may be on limiting the ability for property owners to engage in agricultural activities or to convert their lands into agricultural activities. And what we have seen is in some places there are thresholds that have been, and again this can apply beyond ag, but I've seen it in agricultural context where threshold levels have been established that allow for, you know, a certain amount of conversion to take place that is anticipated over a certain period of time that provides some level of comfort that most agricultural activities will be able to proceed unimpeded. And again, another technique has been to put in place abbreviated procedures that allow for small property owners to at least move through the process in a faster timeframe and again oftentimes with reduced obligations or exemptions outright. So again I put these out there to illustrate that, you know, there are mechanisms that have been thought through that can affect the design of your HCP that anticipate a lot of the issues that are being bandied about in the court cases that Frank and Steve laid out for you. In the context of the ESA, the cases that are out there again are not focused on what issues arise in the context of regional planning. They typically are focused on issues that arise where the Fish & Wildlife Service and the landowner have been unable to reach the accommodation that I started out talking about where the landowner's been not satisfied with the demands of the Service, or in the case where the Service has not been willing to agree to permit a particular activity. And in those circumstances the courts have analyzed these cases in the exact same way as the analysis plays out in the context of a whole bunch of other land use decisions that local, state and federal governments made. So again I just wanted to create a landscape here of how some of these issues have been dealt with elsewhere, where the flexibility might reside in terms of avoiding these conflicts in the first place.

Questions from the Steering Committee

Question: What does the "or damaged" clause in the Arizona Constitution mean and how does it make our provisions different from the federal 5th Amendment?

Frank: . Let's suppose that government is constructing a roadway and it intersects an existing drainage way watercourse. They need some additional land for the abutments for this culvert or bridge on which they're going to build part of their drainage structure. They decide that they actually must physically acquire private land in order to construct that facility. That's clearly a taking. We're going to transfer title from the owner to the government in order to construct a public facility. Same fact situation, the culvert is built but it turns out that its design was faulty. As a result the water dams up behind the culvert and the roadway doesn't function properly and the upstream property owners' field, cotton field, a quarter of it becomes unusable, at least during the wet times of the year, for the growing of crops. Well, government hasn't physically come in and acquired the land for some public use, but the landowner can argue that its actions in constructing of a public facility on its own right of way have damaged the adjoining property and they ought to be entitled to compensation. And the classic way of doing that was through an inverse condemnation method.

Question: Why am I entitled to compensation under the constitution if principles of vested rights say that I don't have a vested right unless I have a permit?

Frank: **For purposes of the 5th Amendment taking clause and its Arizona Constitutional equivalent, we may be able to make a claim that a regulation has affected a regulatory taking even though we don't have a present permit to develop under the existing zoning. Just as in a converse situation, if government took our land under its ability of eminent domain power and was paying us money, the zoning and its future use would be taken into consideration in determining the value of the property taken. The vested rights situation is a different principle. It says basically are there situations in which we will disregard as a legal matter the fact that a regulation has changed. Day One I could do "X". Day Two, a new law has come into effect and I cannot. And all the vested rights are is a sort of a principle of fair dealing in the courts that say there are fact situations in which we're going to say on Day Two you can proceed with your development plans because otherwise it would be grossly unfair in a legal sense to do so. Steve, I'm going to let you take the Growing Smarter question.**

Steve: . I like to look at the difference between vesting and takings analysis as to the remedy. In a taking scenario where government says you can't build a house there at all, you have no economically viable, you get compensation. You get some monetary damages given to you. You get money, yeah, basically. Under vesting analysis the remedy is grandfathering. You're grandfathered from the effect of that ordinance. Government doesn't have to pay any money. It's just that you get the right to finish the project, to go ahead and build the house that you started or the commercial project that you invested in in property. So I like to view it a little bit as to what is it that you're looking for or what is it that government's willing to give you. Are they willing to grandfather you, say you have a vested right therefore you're grandfathered from the effect of this. Or are they willing to say, stop, no, you can't finish the project, you can't do anything there, but we'll compensate you instead, we'll give you money, is the difference.

Marc: : I think it's important to recognize that there is a difference between how the state would treat vested rights, of course, and how federal regulation might address vested rights. And under the federal takings jurisprudence, there is flexibility on the part of the federal government to impose additional regulatory requirements that might conflict with the vested rights that are obtained locally. And so it's that particular intersect where there's not quite the level of certainty for the landowner that they might otherwise have in dealing directly and only with the local government.

Question: Under Growing Smarter there's a provision that says something to the effect of if county government creates an open space zoning category or an agricultural category zoning and they put my property in that, that they have to leave me a residual one-home-per-acre density. Is that a zoning, is that a vested right? Am I entitled to that under the state statute?

Steve: The Growing Smarter provision you're referring to I refer to as the "Rusty Bowers Clause". Senator Rusty Bowers, who was majority leader of the Senate at the time Growing Smarter Plus was going to the legislature in the 2000 session, it was Senator Bowers who negotiated to put that provision in that you're referring to. He noted at the time to Governor Hull and to her advisors that what we had done in Growing Smarter, what we were proposing to do in the Growing Smarter Plus, is to take our general plans and comprehensive plans of cities and counties and put in place a strict conformity requirement. You had to strictly conform to that plan. So if the plan shows residential and you want to put something commercial there, sorry, you can't do it unless you go in and amend the plan. Because these plans were going to mean something for once and for all.

His point was that under Growing Smarter Plus, we were going to ask local governments to add into their general plans and add into their comprehensive plans open space plans. Identify areas where you would like to set aside open space. And Senator Bowers pointed out what could happen when you apply those two ideas together. That local government could designate an area as open space. There may be private lands in there and that private landowner then has no use of the land other than open space and that would be a takings under all the principles that we've been talking about. And Senator Bowers said we have to prevent that scenario where local government, in creating their open space plans within their general plan or comprehensive plan, that they designate someone's private property as open space, permanent open space. Or he added agriculture to it too because of the *Ranch 57* case and some of the other cases he was familiar with where he didn't believe that agriculture was a legitimate economically viable use in Arizona given the marketplace.

And so his remedy was to say, okay, local government, if you're going to designate someone's private property as open space on your plan, you have a choice. You can either go get the permission of that property owner. If the property owner wants to allow their land to be designated as open space, that's fine. Or if you can't get the permission of the property owner then you have to give them what he referred to as a default zoning or default designation on the plan. Something that they can fall back on if they can't get the permission of the property owner. In his mind, the default zone was R-43, basically one acre per lot zoning was in his mind the default. The baseline zone that someone should be able to get. And he was told by his advisers, some of the lawyers in the Senate at the time, that most communities, most cities recognized R-43, one acre zoning, as their holding zone or their default zone. Now he was wrong about that, as we know, there's 5 acre zoning designations all around the state also, but he chose that one unit per acre zoning designation. So the way that clause currently reads is that if a local government, in their comprehensive plan if you're a county or general plan if you're a city, if you designate someone's private property as open space, you'd either have to get the permission of that property owner or you have to give them an alternative land use category of one unit per acre. That's the so-called "Rusty Bowers Clause".

Question: In the context of the 5th Amendment, what constitutes legitimate public use, and conversely, what is not legitimate public use?

Frank: Actually, that question, what is legitimate public use, raises something which I had written some notes to myself during the questioning to bring up and you allow me to raise it. You'll note in both the *Agins* test and in the *Penn Central* test, the first issue is whether or not the regulation is, it was described in *Agins*, "substantially advance(s) a legitimate state interest", and then in *Penn Central*, what's the character of the governmental action? It's my experience, and I welcome Steve and Mark's thoughts about this. It's my experience that the closer the government is to traditional health, safety and welfare objectives, the more likely the regulation is to be upheld against a taking challenge. Now the example, Steve, I would point to in Arizona is, I never can remember, it's like Catalina Savings & Loan, Phoenix Savings & Loan, Court of Appeals case. The City of Phoenix had a provision in its building codes which most cities, I think Tucson has one too, that said that not only are we going to require sprinkler systems in high rise buildings prospectively, the traditional way in which police power regulations are applied, but also as to preexisting buildings, we want you to bring them into conformity with our sprinkler system law and we'll give you some time to do so but eventually we want all high rise buildings in downtown Phoenix to be sprinklered. And the owners of a building in Phoenix challenged it on 5th Amendment Arizona Constitutional basis, and they said, you know, we can't do this. The cost of sprinklering this building that was built in the 20's or 30's or whatever the heck it was would be so astronomical given the market rent that we can expect to receive the property, we'll never get a return on it. We might as well tear the building down, it no longer has any value to us. And the court responded and said, you know, this isn't the regulatory, I mean, it was, but they said, we don't see this as like that *Corrigan* case and those other traditional, this is a traditional health, safety, welfare regulation, we're protecting people from burning up in high rise buildings. And so they just tossed it out. There wasn't any question of compensate, we're not going to do this, we're not going to reach number 2, the economic impact of the action or interference with investment-backed expectations. We're not even going to reach that.

And so to turn it back over to the area that is more closer to the SDCP and the thing here, I mean, floodplain regulations typically have a provision that describes the "flood way zone", sometimes it describes, where no development is permitted. This is where the bulk of the waters go during the 100 year event. So you could theoretically have a property owner, all of his land lay within the flood way zone, who had no development query. Well, isn't that a *Lucas*, aren't we in a per se taking? Wouldn't you be, yeah, a "purse church" (?) kind of situation? And I'd be, having now laid out those facts in that question, I'm going to turn it over to Steve and Mark who can respond to it. But generally speaking for the audience, the closer you are, the more that you have those traditional health, safety and welfare objectives, the more likely you are to have your regulation pass certainly the first test and I think then in the courts' minds survive the takings challenge on the second, the other parts of it.

Steve: Yeah, I don't think I've ever seen a case where it was thrown out on the basis that what the government was trying to do was illegitimate. I've never seen a case where they've defended ?? But it's a sliding scale. As I said on the second page of the outline, they take the 3, under the *Penn Central* case, they take those 3 standards and they balance them against each other. So if the government regulation has a very strong societal goal, and the exact example, I was going to use the same one Frank gave which was the floodplain. A societal goal of keeping people from getting washed out and killed in a flood scenario, then they don't need as much to look at the latter two. But where the first, where the societal goal is aesthetics, for instance, then they're going to look a little harder at the diminution in value and the reasonable expectation that the property owner had. So I don't know that I can think of an illegitimate public use, but how strong that societal goal is will impact how much the court will look at the next two prongs of the test.

Mark: I think Steve is exactly right. I haven't seen an illegitimate public use as well. In fact, when you look at decisions out of the 9th Circuit, they've got a very broad idea of what health, safety and welfare is as well as most other Circuits. And I have, I agree that I think where it really ends up coming into play is on the balancing test. And really, in a very unscientific manner, sort of moves the courts, where there is questionable legitimacy, moves the courts to focus more on the other factors.

Steve: **Actually I apologize, I just thought of one, and Frank, you'll laugh at this one, too. It's up before the Arizona Appellate Courts as we speak. A group called the Institute for Justice, which is sort of a conservative legal organization, has challenged Mesa's taking of someone's property to give it to another developer. It's a redevelopment area and Mesa wants to redevelop a portion of their downtown area. Mesa has proposed to condemn, to take, a gas station repair shop owner his property, take it**

away from him to give it to another developer to develop a better project. And in that case, that's exactly what they're arguing, they're arguing that's not a legitimate function of government to take someone's property just to give it to somebody else to develop something else. And that's being argued today.

Question: Has there been any case law where someone has said they expected to develop a property or have a certain economic use and then something like a HCP came up or a hillside ordinance and their return was diminished supposedly because of that, that they've gotten damages?

Steve: Most of these, rarely do actually damages get awarded. Rarely do you see the situation where you take a takings case all the way through the process and in the end, you know, city "X", you pay \$2 million. What normally happens is as you take it through the court process, if the local government finds out that they're going to get hit with damages, then they settle it. And they settle it by usually giving them either some kind of grandfathered right or giving them some other kind of development compensation. As Frank indicated in the *Corrigan/Marley(?)* case, DC Ranch is the result of that, that the City of Scottsdale ended up negotiating a development agreement with the Corrigan family that allowed them to develop the DC Ranch project as compensation for the fact that they had won the takings case. You see that happen and *Ranch 57* was settled similarly. So you oftentimes see government coming to some kind of accommodation.

Question: Under the *Corrigan* case, why was the property more valuable after the no build zone than before?

Frank: Because at the time the hillside regulations were imposed on the 5,000 acre DC Ranch, it was uniformly, if you can imagine, one acre zoning over the entire property. Some portions of it, the mountains, the cost of developing that area would have been tremendous. To put roads and infrastructure up into these sometimes sheer mountain precipices. Other portions of the property that lent themselves physically to development, the lower flatter areas, could be serviced by and the densities increased over the one acre zoning easily. So by allowing that owner to transfer the unusable density from the peaks and ridges to the lower areas where it could actually return on the investment made the property, the court felt, even more valuable after the regulation than before the regulation. In other words, the TDR, the transferable development right concept, actually created value for the property owner and it compensated for the no development imposition on the peaks and ridges.

Question: Under this HCP, would all projects that I do as my ranching operation have a federal nexus on them? So that when I put a pipeline in or when I do any fencing or anything like that, am I now under federal regulation?

Marc: It's a good question. And I think the way that it helps to look at it is that there are, there's this law out there that already exists of which species are protected under the law by being put on a list. And in a case here you have one or more species that are now protected by the federal Endangered Species Act. And the idea behind the HCP is to provide a mechanism by which activities, whether they are ranching activities or development activities or other agricultural activities, municipal activities, can proceed without violating the law. And the HCP process is generally a process by which activities are considered and analyzed in the context of what their effect may be on these species and an outcome is reached by which those activities can continue to proceed be it with some terms and conditions and that the conservation requirements for the species can still be met. So the goal of the HCP is to allow for you to continue on with those activities with some certainty that you are not running up against a federal regulation and that you have certainty knowing that you can proceed with these activities for the life of the permit that you have in hand. So the HCP doesn't federalize your activities or create a new federal nexus that doesn't already exist. It merely provides a way for you to be able to continue on with the assurance that these activities are going to be in compliance with this federal regulation.

Question: The Sonoran Desert Conservation Plan goes beyond a Section 10. A Section 10 I can understand. But they have gone beyond that and made designations of biological cores and preserves and things of that nature, and that's all part of this HCP. And they don't necessarily have anything to do with an endangered species.

Mark: Well, that's a piece of this process that I'm not familiar with, so I can't really comment on it. But again, what is oftentimes the goal of these regional plans is to afford landowners protections for not only species that are currently listed or protected, but those that are likely to be listed in the future, and to give, in a sense, an insurance policy such that the landowners do not have to confront these issues again in the future as species are added to the list over time. Again, I don't know the specifics of your circumstances, but again, from a

broader perspective, the goal is to be able to provide you with a means to carry on with your activities in compliance with ESA, not only as it affects species that again are currently protected, but ones that are likely to ultimately receive the protection of the Act.

Frank: This question raises a thought that Steve and I had and we don't know the answer of and we're going to pass it on to Mark. Mark, under current Arizona enabling law for counties, certain activities are exempt from zoning, from county zoning, including agricultural, mining, metallurgic and anyway, agricultural uses are currently exempt. Can the adoption of an HCP vest the county with more authority than it already has under state law? Maybe that was part of the question, is my property to become federalized, as I understood that question.

Marc: You know, that issue has come up in California and other places that I've worked, including Colorado. And I think the short answer is no, that to the extent that an HCP in a regional context involves issuing a permit to a local government who then bestows the entitlements under the permit to landowners by, in a sense, implementing the terms and conditions of the plan through a local land use planning process. Under that scenario, it would be very difficult to afford the local government the Section 10 permit to cover activities that are not within their local land use planning control or authority. So I think that from a structural standpoint, the scenario you described would be very, very difficult to figure out a way to accommodate, given the limitations on the land use planning authority. What would be an alternative strategy under such a scenario would be to structure a plan such that Section 10 permits are available to each and every landowner that participates, such that landowners who are involved in activities that are not subject to the control of the local governments would still have the option to benefit from those permits by being a permittee themselves. And there are various ways of structuring that. There are ways to do it where there is very little additional onus on the individual landowner to go through a process of obtaining those permits. The local governments can oftentimes act as a facilitator of issuing those types of permits, even for the activities that you described.

AT THIS POINT IN TIME DAVID STEELE NOTED THAT THE MEETING HAD REACHED THE TIME FOR ADJOURNMENT STATED ON THE AGENDA. THE STEERING COMMITTEE OPTED TO CONTINUE WITH THE STUDY SESSION.

Question: Please address incorporation of voluntary alternate dispute mechanisms within the Sonoran Desert Conservation Plan Steering Committee.

Steve: I wanted to point to something that's actually in state law that may work to your benefit on this and I'm not sure you're aware of it. It's a little known provision in the Growing Smarter Plus Act from the 2000 legislative session that's called the "takings appeals" statute that went into effect. What the takings appeals statute said, the governor and again her advisors as she was helping to put together this Growing Smarter Act said, you know, we don't want to have to have people going to court all the time, spending hundreds of thousands of dollars on lawyers, which Frank and I don't mind much but it isn't good for profits. We don't want people spending a hundred thousand dollars and years. And oftentimes it'll take you a couple of years to get through a takings process through a court scenario. And so she asked to have put into the Growing Smarter Plus Act this takings appeal statute. What it allows a property owner to do is, if a property owner thinks that a new regulation, and this regulation would apply under that act, a new regulation has the effect of creating a takings of that person's property right, the property owner has the right to appeal to a hearing officer. The hearing officer is designated by the local government. Oftentimes what most cities and counties do is end up designating one of their city attorneys or county attorneys to act as hearing officer. It provides, it sort of puts the burden of proof (inaudible). The local government has the burden of demonstrating that in fact the regulation doesn't have the effect of creating a taking. So again they look at the same 3 tests that we laid out for *Penn Central*, you know, is there a legitimate societal goal, was there an investment-backed expectation, what's the diminution in value, that kind of thing is what the takings hearing officer would in fact look at based on a report that's provided to the hearing officer from the city or county staff official. And then the hearing officer makes a decision. And that decision then... And it's a very quick process, a 30 day window sort of process, which is great. But then that's appealable to court on a *de novo* basis, so that you get a fresh trial. But on an expedited basis to Superior Court, which means you get a faster hearing before then the Superior Court on it.

The intent of that provision was to essentially force that kind of mediation that, how Mark referred to the fact that oftentimes on these takings cases you end up with an accommodation anyway? Well, instead of spending a year and hundreds of thousands of dollars to only get to that accommodation, let's push the process faster to the front end and let's have a hearing officer. You know, some property owner says, we were putting that through, said, oh, well, that's a biased hearing officer, it's a hearing officer appointed by the local government

and so I'm not going to get a fair hearing. Yeah, no. I mean you get the chance, and we've done this in a few cases already, you get the chance to present your case, essentially, to a city attorney or a county attorney and that city attorney or county attorney has the opportunity to look at it and go, eeh, you know what, I'm not liking the looks of this when it goes to court, you know? I'm going to advise my client to figure out some accommodation, either grandfather the project from the effect of the regulation or give them some other kind of relief.

Marc: I like the idea of these plans incorporating some kind of process by which landowners in a sense seek an appeal informally of the local government or the county or whoever's administering the program. If we're talking about kind of relationships between the jurisdictional permittee and the landowners that are within their control and having some kind of process by which there can be a back and forth, I think that's a good idea. From the standpoint of the Fish & Wildlife Service, as long as at the end of the day you have an outcome that is commensurate with the outcome that's set forth in the plan, how you get there is really up to you. And I think I mentioned this earlier. I mean, having some kind of hardship exemption or some kind of hardship case process that allows landowners to feel like they have an opportunity to gain an exception for circumstances that are unfair or burdensome I think goes a long way in terms of reinforcing the plan and building a level of comfort among its participants. You know, I think again it helps a good deal to build into these plans some principles at least, not sort of a much more refined process, some principles that define what equity and fairness is supposed to be under the program. And in the case that there may be an inequitable situation, how that landowner can seek some redress. That, I think, is a very useful thing to have built into the plan.

Question: Would the takings appeal process under Growing Smarter automatically apply to our plan, or should we or could we or need we take some action under the plan itself in order to make this process available?

Steve: The takings appeal statute is on the books today, it's state law. It does apply to any local government regulation that applies to your property. And so, yes, it does automatically apply. But as Frank indicated earlier, and he's right about this, it sets a floor. That's not to say that you as part of this plan can't enhance that. But that at least is an arrow in your quiver that can be used for dispute resolution. You might decide to add to that state law some other methodologies and/or you might decide a little bit of flesh to those bones. That statute is fairly bare-boned in terms of the hearing officer and the process and all that. You may decide to go in and supplement that statute in your plan.

Question: Please clarify regulations and overlay zones and how this affects a landowner's vested rights.

Steve: Certainly if you deny all economic use of the property, yeah, that's a taking. As I said, in the second part then, if you deny nearly all or you have a substantial impact on value, then it's a balancing test. And so we do know those two things are givens in the law. As, and it's really the second one that I'm guessing is really going to be more a subject of your discussion in this plan, where it's more of a balancing test. As to vested rights, again, the law is that if you receive some kind of government permission or approval at the start. It could be a plat, it could be a building permit. It doesn't have to be too far down the road, but it has to be some kind of... And then you've acted in reliance on that, that may establish a vested right where then you're grandfathered or exempt from that particular ordinance. If you don't have that, if you have zoning but you've never acted to vest the zoning with a building permit or with your acting in reliance on that building permit, that doesn't mean that you're home free, that government can take away all use of that property. It just means that then you fall back to the takings principles.

Question: There was state legislation last year that said if a county by a planning or zoning designation diminished 10% or more of your property value, then a property owner is entitled to compensation. I understand that that's coming back and it might move up to 25%. In denial of nearly all economic value 10% or 25% doesn't get anywhere near that threshold. Would a state law like that be thrown out?

Steve: No, unfortunately, I think this one goes back to Frank's point earlier. That the Constitution sets certain minimal sort of thresholds. A legislature can go above that and there actually are 3 states, I know Oklahoma, South Dakota and I can't remember now off the top of my head what the third is, that have adopted diminution in value statutes. Where they say, where the legislature in those states have said, I know the constitutional case law says it has to be a substantial reduction, but we as a state legislature have decided that if you reduce the value by "X", whatever that number is, that we've decided that's a statutory taking, that you get compensation. So to the extent, and you're right, the legislature has, gee I want to say every year for the last 5 years has looked at this issue of diminution in value takings statute. Would that statute be constitutional? Yes, it would,

but it hasn't passed, it's failed each of the last 4 or 5 years. And a lot of it has to do with how narrow that threshold is.

Question: If the courts were challenged on this would they stand?

Steve: Yeah, I think Frank indicated earlier it would stand because the courts, the constitution doesn't say that local governments can't give or state government can't set a higher standard than what they're setting. They're setting a minimal floor and yeah, that kind of a law would be upheld.

Question: Contrary to federal law?

Frank: I agree with Steve and I had mentioned earlier that the Constitution establishes minimum protections for property rights and there's nothing to stop the legislature from granting more. It's conceivable that in doing so the legislature might run afoul of some other constitutional principle. And we said an example with that recently in the anti-down-zoning without the consent of the property owner. The counter-veiling or the constitutional principle there was that government, the legislature, cannot delegate its governmental authority to individual citizens that ain't been elected. I suppose, Steve, this is playing the "what if" game, you could imagine some arguments, Carolyn, like the Arizona Constitution, I can't remember the provision, basically says you can't give away the public fisc(?). You can't give public money to private individuals. If you lower the threshold for a, you know, for a "statutory taking" so low that it amounted to the fact that government was either (a) preventing any kind of police power regulation at all statewide, or (b) giving away money to private property owners, would that run afoul of that other constitutional provision? Possibly. Who knows? I mean, I don't know. But it depends. I guess I'm just saying is there are always going to be extreme limits where you're going to have some kind of, something that's going to swing it back into balance if it reaches too far.

Question: Is it a correct statement that there has been no successful takings legislation through MSHCP processes?

Mark: There has been no HCP that I'm aware of that has been challenged on takings grounds. Certainly not, I know for sure not in the regional context. Where there have been, where the takings issues have arisen naturally is where you have an inability for a landowner and the wildlife agency to reach some kind of agreement or accommodation on the activities proposed by the landowner and the landowner has concluded that property has been taken as a result. That's where the cases reside. And in most of those cases the courts have ruled in favor of the Service, although there are, there is at least one case I know in the context of water where the courts have ruled against the Service on 5th Amendment grounds. But at least in terms of the ?? cases in the last 5, 6 years, the vast majority of them have ruled against the landowner claim. And again, that's primarily because the Service almost never ultimately refuses to permit an activity. That there may be quite a bit of very tough negotiation and the outcome may be not entirely applauded by the landowner, but ultimately there is a resolution of the issue.

Steve: Marc? It goes back to your word "accommodation" again. What I've seen, in the past, it goes to that alternative dispute resolution provision. If you've got some good alternative dispute resolutions and to the extent that you have an opportunity to lay out the takings case then it typically doesn't create a case because the local government or whatever body is helping to administer the plan usually comes to some accommodation to avoid the takings case.

Question: Assuming that the Steering Committee will come to some consensus to the effect that landowners should be compensated for something less than a constitutional taking. What kind of provision, what kind of language, where should it be inserted, do we want that will either effectively vest existing zoning or assure reasonable compensation for diminution that is short of a taking? Can it be done? If so, how? If not, what are the alternatives?

Marc: One of the challenges of, well, the challenge of putting together one of these plans is reaching some kind of agreement with the Fish & Wildlife Service that the plan is going to adequately address the needs of the species that you want coverage for. When you're putting together plans like this, you ultimately want to have some degree of certainty that you're going to be able to implement the plan as you have agreed with the Service to do, so that you can insure that the permits that you've received are protected, they're not vulnerable to suspension or revocation, that you are positioned to carry out and implement the terms of the agreement, and that the number of moving parts that you're responsible for are somewhat minimized. And so my reaction to that question is that if in fact you were to put such a provision or agreement into the plan, what you've created is an uncertainty about whether the plan could actually be implemented in a manner that your permit requires. If you create new funding requirements that you can't necessarily anticipate or calculate, you do run the risk, unless you do have sort of unlimited resources, of breaking the bank on the plan. And then of course putting the

permit into jeopardy. And I think that that is a direction that most folks who go through a 4 or 5, 6, 7 year process, you know, many, many meetings like the one you're having tonight, and finally get to a point of resolution and acceptability from the standpoint of all the stakeholders as well as the wildlife agencies, then I think you want to again minimize any opportunities to risk the validity of the permit and to maximize the opportunities for people to feel like they've got certainty and assurance in the piece of paper that they've gotten from the Fish & Wildlife Service.

Question: Is your advice that if we do insert such a provision that we be careful not to make it essentially an unfunded mandate, that we show the Service that we can actually perform on it?

Marc: You will need to, as a condition of being permitted, you will need to demonstrate that you have adequate funding to do the things that you say you're going to do. And whether those are, you know, management costs or monitoring costs or land acquisition costs or public education costs, they are going to amount to something and you will need to demonstrate that those things, those implementation costs will be fundable. If you add a wildcard into the implementation stage of the HCP, then (1) it becomes more difficult to demonstrate that you have the funding to implement the program, and (2) you may be putting yourselves in a position where the costs start to mount to a level where the program just simply can't be implemented just because of the sheer costs of providing compensation to landowners for something less than the taking. Again, one of the valuable benefits I think of spelling out up front in the plan what your sort of principles of equity and fairness are going to be is to then think through what mechanisms, again, you could put in place to avoid these discussions altogether, where you're in a sense taking anticipatory steps against circumstances that could otherwise arise that would trigger all this kind of stuff. And if you put these kinds of mechanisms into a plan early on, you ultimately really do avoid most circumstances that again trigger these discussions.

Steve: Off the top of my head, dealing with Mark's issue and I think he's absolutely right about that, that what you might look at is elevating the standard, but where you've elevated the standard above the constitutional protection, then you put in place different remedies, non-monetary remedies.

Marc: Exactly, that's just what I was going to say. Where, you know, some of the things that I had just rattled off earlier about different mechanisms and approaches that have been used in the past, none of them other than sort of the acquisition fund involve monetary compensation. And you know, I hesitate to say that an acquisition fund is really designed to provide monetary compensation. It really is designed to purchase properties that are valuable biologically and add to the plan. And that's how I would characterize them, where the priority for that for the funding of those acquisitions might go to landowners who are burdened to a higher level than would be appropriate. But again, if you have lands that are not biologically important, there would be no reason to buy them and there'd be no reason to worry about the other activities that might occur on them. So I think again the justifications for those kinds of acquisitions can be based on biology as opposed to based on sort of the need to avoid a takings lawsuit. And I think the same is true with all the other mechanisms that I mentioned, which is to say, look, we're going to look across a broad landscape to develop a plan that meets the needs of species. And there's a lot of different ways we can do this. And one of the ways we're going to do it is to provide for greater flexibility for those folks who are likely to be unfairly burdened by the process. Let's identify who they are, let's identify how often these circumstances are likely to arise, and let's identify some of the ways we might be able to again cut off at the pass any particular approach that might put somebody in a difficult position in the first place by providing them with either greater opportunities to do the things that they want to do on the land or to exempt them altogether from obligations if they meet certain conditions and so on and so forth. So I like the way whoever was just characterizing it. I like the approach which is sort of to look at this not from the standpoint of monetary compensation but from the standpoint of greater flexibility to carry out certain activities in certain cases.

Question: What about the possibility of inserting a provision that would effectively vest existing zoning?

Steve: Again, legally the answer is yes and the Arizona legislature did that with the protected development rights act and you could do that in your plan. The county could make that decision. And so you're right, I suppose theoretically you could say as part of this plan, to avoid takings litigation, to avoid vested rights claims, that as part of this plan we're going to grandfather existing zoned property or existing platted properties and provide some level of protection even if they haven't under common law taken some action to vest that, that would be a possibility.

Marc: I think that's right. I mean, I think that that's a flexibility that you have to have in terms of how you want to develop your plan so long as you analyze that in the context of being able to meet ultimately your biological goals and objectives for the program.

Question: **What kinds of protections do I as a landowner have against future zone changes or development?**

Frank: **To me this is in the realm of politics, not law that we're talking about. I guess to turn your question back around, for years and years, ever since, well, 1920, I guess in the city of Tucson when they first had zoning, to the present time, we have been saying that it's socially acceptable for some owners to bear some incremental burden. That is, we give some people the right to have a high rise building like the one we're in and we limit some other people to one acre zoning because we say, without compensation, because we say the total benefit of society, we all share in that benefit. I guess I'd have to then, with that preface, ask the question, if we've been telling people in airport approach zones and floodplains and historic district overlay zones and the whole host of other situations in which we as a society have deemed there is some reason for limiting development potential, why shouldn't they be in the same position, that goes to what's now. You then said, well, gee, I want to protect against changes in the future. And then I guess I'd have to ask you back, you know, I'd love to know that when I bought my home that there was never going to be anything happen during the expected period of, you know, my life residency there that would destroy my expectations about it's future value. But we don't have that kind of guarantee. Yeah, and that too. The comment was, "and the stock market, too", amen. And so while it's very attractive, particularly in a situation where the social values we're seeking to prevent are ones that we've never identified previously as having the same value as for example saving people from being burned up in high rise buildings, where do we say we're going to compensate people in those situations and not in all of the others. So I guess I don't have an answer for you except to turn it back and say what is the box we open if we do that?**

Question: **Does the balance clause about either the compensation or the one acre hold up in light of the recent court decisions on the down-zoning?**

Steve: **Well, let's go ahead and take that first. And Frank was saying he's not sure he understood the question. And I think I do and it's an interesting one I hadn't thought of before. Remember that under the so-called Rusty Bowers Clause, if you designate someone's private property as open space on your comprehensive plan, what happens? And under that clause you either get the permission of the property owner to do that or you provide the one acre minimum zoning to that person or the land use designation. And the question is, Frank, does that violate the court's ruling in the county down-zoning statute where the court said, just to give you that case real quickly, the legislature several years ago, 3, 4, 5 years ago said counties can't down-zone property on their own initiative without getting the permission of the property owner. And the Court of Appeals recently held, no, that would be an illegal delegation. You're delegating the authority to the property owner to say whether they can rezone the property or not. I don't know whether that would, how the Rusty Bowers Clause would be viewed under that because it wasn't just get the permission, it's either get the permission or give this other category. And I don't know whether because of that conjunctive, giving the opportunity to do one or the other, whether that would save it under that court case. What do you think?**

Frank: **Thank you, Steve. I didn't catch the Rusty Bowers word in the question, so I didn't understand. I'm not sure either. I mean, I think, off the top of my head I think it probably would. I don't see the court extending the principle in that case dramatically beyond that fact situation, but who knows? It's an excellent question.**

Question: **Regarding TDR's as compensation; wasn't there a court case where a landowner sued and it was determined that the TDR was not compensation unless the cash had changed hands?**

Frank: **The answer is yes and that's the *Corrigan* case that I referred to. My response to that, and I mentioned this earlier, is two-fold. First of all, subsequently we had legislation in Arizona which in effect legitimizes TDR's as a planning mechanism. As part of the Growing Smarter Plus legislation. And that permits a local government to use it as a means of just avoiding the question of it. In other words, at the first level, is it a regulatory taking, then you can use that as a way of avoiding a determination that it is. And so then you wouldn't get into the second level question about the compensation, the remedy for a regulatory taking where the court said well it's got to be in cash money, can't be in this script you called TDR's. You just don't even reach that point. It's not a taking and so the question of compensation doesn't arise.**

Steve: And because of that, going back to an earlier question, that's why I think that there can be non-monetary relief given. It might be things like waivers, grandfathering, things like that. But it might be things like TDR, like transferable development rights might be part of what's given to avoid it becoming a taking. And I think the state legislation helps that. I'm hoping that it does. That's why we put it in Growing Smarter Plus.

Question: Have conservation easements been used as a method of compensation.

Steve: I've not seen it as a method of compensation, but they use it as an inducement, as Frank says, and I think he's right about that. And you can get a tax advantage from that. And so oftentimes when several of my clients use conservation easements, it's to get the tax advantage at the same time giving the local government the open space lands.

Questions from the Public:

Gordon Harnack: My question involves rights. In Pima County there are probably somewhere in the neighborhood of 2,500 mining claims. Many of them are small mining claims. There are two types. One are patent mining claims which are vested rights given by the federal government in which a person owns the land and the minerals. The other is a vested right issued by a government in which you don't own the land but you own the right to obtain the minerals. And those kind of claims, as patent mining claims, are property in that they can be bought and sold, but you don't own the land. My question is, does the Growing Smarter legislation apply and does the vested rights apply? Your expectation being that, mining claim owner is you're going to get the mineral value there, you're going to put some dollars in it. So I'd like those two issues discussed. Thank you.:

Frank: I guess your question is, Is this "property" that's protected by the 5th Amendment of the Constitution and the Arizona equivalent?

My guess is that it is. I mean I don't see any reason why it isn't. We have recognized divisible interests in property for purposes of compensation in eminent domain. Leasehold interests, for example. I don't see why, if the mineral estate has been severed from the fee, that that's any less compensable or less protected under the 5th Amendment than the fee itself. So that's my answer to the Property 101/Con Law 101 question.

Vested rights is two different animals and it's explained on his little summary. One is the common law principles of equitable estoppels. You've got to go to a judge to get a determination that they exist in the first place and it's based on a fact situation and rules which in Arizona require a valid permit, some actions taken in reliance and good faith on the part of the person seeking that relief. The other animal, the other pigeonhole, is the statutory vesting provision which in effect creates a lower threshold for obtaining gr... But we're just talking about then protecting people against a change in the rules. And the point to be made here is simply that the legislature, whether it's the state or Pima County, for that example, for that matter, is in a position to create vesting rules to promote, presumably, fairness in the application of new regulations.

Steve is pointing out, what about the county restrictions on regulating mining and agriculture? And I guess that's really, I mean, we don't get to whether there's a constitutional protection or an issue of vested rights unless we have a regulation in the first place that these remedies would be sought for and if we can't regulate mining, we can't regulate mining.

Mark: I just want to echo what I said before which is that the relationship between the federal regulation and a vested right really depends upon whether it's a vested right that is granted under state law or whether it's a vested right as recognized, you know, under federal law. From the standpoint of a state vested right, the federal regulation would not necessarily recognize the vested right as it would be recognized at the state level. If it's a federal vested right, then it's a different outcome where the right is recognized as a full property right as it relates to the application of another federal regulation.

Dennis Melin: My question basically goes to private property. We talk only about real property and only specifically about undeveloped vacant land. I have a cat, that's private property, I have a dog, I have a house, I have a car, I have all kinds of things that are private property, and they are not subject to government taking or partial taking without compensation. Can you please discuss the difference between private property and undeveloped vacant land, real property? Thank you.

Frank: Again, Con Law 101. Steve and Mark, please jump in if you think I'm going too far astray here. The 5th Amendment that Steve quoted says, "not shall property" be taken by... I don't think there's any distinction there between real and other forms of property recognized at law. So if government seized your cat for some public purpose and you can establish that it had some kind of value, I think you could, you know, you could at least make a claim. I don't know if it'd be recognized or not, but you could make a claim. So no, I don't think, just as to the answer to the question about mineral rights in land, in other words, sub-estates in land, I don't think there's any distinction at least fundamentally in federal or state law as to other forms of property like personal.

Pete Tescione: Yeah, maybe I can close this on a real off the wall note. There's one thing I don't understand. Arguably the largest property owner in Pima County is the State of Arizona who have been singularly uncooperative about the SDCP. I'm wondering, because property taxes are the county's primary source of revenue, why doesn't the state pay at least minimum property tax on all that state land?

Steve: Wow, you're right, nice off the wall question to finish. You know, keep in mind that state trust lands aren't actually owned by the state. And I think all of you know this, that they are actually held in trust by the state for certain beneficiaries of those trusts. They were given by the federal government for certain beneficiaries. Most of them, 87% of the beneficiaries are the K through 12 schools. So the school system technically owns, the trust owns it but they're the beneficiaries of that land. So to the extent that you made those lands subject to taxation, essentially it would come out of the beneficiaries, it'd come out of the K through 12 schools and the mental hospital and the others. Because I know the legislature wouldn't pay the Pima County tax. What they do is they just say, okay, beneficiary. So the trust fund that's been set up would end up paying the taxes, which means basically it ends up coming out of education in the end.

Pete Tescione: Is there any legislation or anything in the Constitution that exempts those state trust lands from taxations?

Steve: Oh, yeah, they are exempt right now from taxation, yes. So if you were to, and yeah I guess, I suppose theoretically, thinking outside the box as Larry puts it, you know, if we passed, if we put on the ballot a constitutional amendment saying state trust lands should be subject to taxation, what would happen is that the legislature would say we'd take those funds out of the trust for education.

Frank: For everybody's benefit, the concept of the question is not so far fetched. I mean, we have many examples of one government, let's say the federal or state, paying another level of government, usually local government, some amounts in lieu of taxes that would otherwise have been paid. You know, the typical example is where lands are taken over for like a military base or something--CAP, other examples like that where it can have a dramatic impact, usually on the public school tax base. And so recognizing the inequity of that, all of us taxpayers in the state imposing an inordinate burden on those of a small school district, for example, they have legislated some mechanism to achieve a compensation.

Review of New Stakeholder Agreements/Resolutions

This issue was deferred.

Discussion of Key Decisions and Schedule for their consideration

This issue was deferred.

Sherry Barrett announced that there would be hearings on the pygmy owl critical habitat. Thursday, January 23rd at the Leo Rich Theater. Question and Answers from 4:30 to 5:30 followed by a brief presentation by Scott Richardson on the owl and the critical habitat and by the economists. 6:30 to 9 is the hearing where no questions, only testimony.

Adjourn: 7:30pm

SDCP - Steering Committee

Pima County Public Works Bldg. Rm 'C'

8:30am to 11:30am

Saturday, February 1, 2003

Meeting Notes

Participants: Maeveen Beham, David Steele. See attached sign in sheet.

Speakers: Ms. Judie Scalise, Principal, ESI Corp.; Brian Moore, Economist, ESI Corp.; Mr. Mike List, GIS Coordinator, SWCA Environmental Consultants, Inc.; Dr. Kenneth Kingsley, Senior Scientist, SWCA Environmental Consultants, Inc.

Documents made available to the Steering Committee members at the meeting:

- Agendas
- Key Decisions, Power Point Presentation
- Motion by Group 'X'

Meeting Commenced at 8:30 am

Meeting commenced with 35 Steering Committee members and 5 members of the general public. By 9:20 there were 49 Steering Committee members and 12 members of the general public. **David Steele** opened by introducing himself, reviewing the ground rules and reviewing the agenda.

Logistics for the next Steering Committee Meeting:

Saturday, February 15, 2003

8:30 am to 11:30 am

Pima County Public Works Bldg. Rm. 'C'

201 N. Stone

Logistics for the next Ad-Hoc Subcommittee meeting:

Wednesday, February 5, 2003

3:00pm to 5:00 pm

Red Sky Café Conference Rm

1661 N. Swan Road

Suite 118

Administrative Matters:

GIS Information/Request to County:

Based upon some conversations that the Steering Committee had about mapping and potential conflicts at the January 22nd meeting David Steele asked the county to put together maps, which show private property ownership in 3 categories: less than 10 acres, 10 to 100 acres, and more than 100 acres. The county provided acetate overlays on base maps, which are the Conservation Land System, the Comprehensive Plan and Pygmy owl habitat and recovery areas.

Old Business:

Approve meeting notes from January 8, 2003 meeting:

- While the original verbatim transcripts cannot be changed, Lucy Vitale wants the meeting notes changed to read: Lucy Vitale requested that all individuals be identified by their first and last names when referenced for the first time in any written reports and meeting minutes.
- **The following is inconsistent with the verbatim transcripts: Lucy Vitale wants the meeting notes to read that she said, "...include the numbers of "yes" votes, comma, the number of "no" votes, comma, and the total number of attendees. "**
- Lucy Vitale wants all members that are asking questions to be noted by their first and last name or not identified.

- Lucy Vitale noted that the spelling is incorrect of Sherry Barrett's name and Maeveen Behan's name.
- The meeting notes were approved with the noted changes.

Membership Issues –

Member Resignations:

- Member Tim Terrill resigned, as he no longer lives in Arizona.
- Member Nancy Laney resigned, as she is no longer employed with the Sonoran Desert Museum. As the County Board of Supervisors wanted the Sonoran Desert Museum to be represented on the Sonoran Desert Conservation Plan Steering Committee, a new designee will be appointed.

Member Absences:

- Some members requested that the names of the members that have not attended any meetings to be brought to the attention of the Board of Supervisors so those members could be removed from the Steering Committee.
- While some members felt that no more members should be removed and consideration should be given to those members that live in far rural areas of Pima County and cannot attend week day meetings, other members felt that no one person on the Steering Committee was making more of a sacrifice than any other and therefore the attendance policy agreed to should be followed.
- David reiterated that the Sign-In attendance lists are forwarded to the Clerk of the Board. He noted that any Steering Committee member could approach the Board of Supervisors with the request to remove members that have not attended any Steering Committee meetings.

Call to the Public:

Pete Tesicone: Yeah, I don't know what the status of this stakeholder agreement thing is, but I'm not going to be able to talk when you guys talk about it so I wanted to just inform you that I've been trying to make a comparison between the maps for the 55 species or the 8 species. I've been more or less snowed under for the last couple months, but if this stakeholder thing addresses something like that, I would like at some future point, maybe within the next month, make some kind of presentation about the comparison between the maps for the 55 and 8 species alternatives. Thank you.

List of Key Decisions and Schedule for their consideration:

- At the January 8th meeting, Maeveen Behan brought an outline of a habitat conservation plan outline. Many of the Steering Committee members had questions regarding some of the issues.
- The Steering Committee directed David Steele to meet with Maeveen and Sherry Barrett to identify key decisions that the county said that they would like to have specifically from the Steering Committee by March 1st
- The county would like to have the Steering Committee address the following two issues: Duration and Species Covered.
- While the Steering Committee has had some discussion on duration, they have not resolved this issue.
- The Steering Committee had some discussion on species covered, but as yet have not come to a decision.
- The County would also like some recommendations regarding the implementation of the Conservation Plan.
- Maeveen and Sherry both said that it would be helpful if the Steering Committee could provide some criteria on how lands would be acquired, relative priority of lands within the basic core areas.
- The county feels it would be helpful to them for the Steering Committee to provide specific recommendations regarding mitigation ratios.
- Other issues that the Steering Committee has discussed are:
 1. Private property rights issues.
 2. Regulatory streamlining, one of the benefits to the business community is in areas where they can move forward with a project with some dispatch.
 3. There are a number of area specific issues that have been identified from the stakeholders.

Status of Stakeholder discussions:

Review of new Stakeholder Agreements/Resolutions:

- The Steering Committee recommended that David Steele write a letter to the Board of Supervisors on behalf of the Steering Committee saying that a vote was taken on January 8th regarding support of an open space bond in 2003. It was also recommended that the number of the Steering Committee members present and how they voted be noted in the letter.
- **Some members suggested that when the cost analysis was being done that the fact that properties in some areas are going to be enhanced in value in terms of their designation as suitable for the uses that the owners have decided to use them for, other properties in other places have been placed under greater restrictions and limitations of use. These members felt that a very much greater burden is placed on some people while a benefit is accrued to other people in order to benefit the community as a whole by preserving the environment. However, these members felt that if preserving the environment costs some people a great deal and costs others not only nothing but enhances their property value, then the differential impact needed to be re-examined more closely.**
- **One other factor that was brought up for consideration was mining for rock products, sand and gravel. The transport distance, hence the cost would be effected as would the riparian areas where most of this material is mined.**

Development of Steering Committee Recommendations

Scope of Section 10 Permit Application:

Permit Duration:

While some members wanted the 10 year term recommendation to be eliminated because they felt it would be 'a useless timeframe', other members wanted the 10 year term to be included because this would not tie the community to something that was not working.

Number of Species to be covered: Paul Fromer, RECON Consultants joined via teleconference to answer any questions that arose. Sherry Barrett, US Fish and Wildlife Service was present to address any issues and questions from the Steering Committee. Steering Committee member, Larry Berlin made this presentation on behalf of a group that has been meeting for the past month and a half. The group is comprised of Bill Arnold, Carolyn Campbell, Michael Zimet, Patty Richardson, Rob Marshall, Gayle Hartmann, Chris McVie, Jonathan DuHamel, David Hogan, Ernie Cohen and Larry Berlin. Their meetings also included input from Paul Fromer and Sherry Barrett.

Larry Berlin: On behalf of the integrated group of Steering Committee members and stakeholders just described, I move the adoption of the following four-part resolution to several SDCP issues. First, with respect to adopting the ecosystem approach. Obviously we spent time both with Paul Fromer and with Sherry Barrett about this and there was what for me was a surprising degree of consensus. Although Paul and Sherry can't really be said to be on the same page with this completely, they do appear to me to be on separate parts of the same page. And what we are proposing here is completely consistent with what we heard from both of them. We were pleasantly surprised to hear that the ecosystem approach, because it has a more robust effect and because it captures more species, is also likely to provide us, and by us I guess I'm not talking about the county, with a little more flexibility and ability to negotiate and to work with Fish & Wildlife Service. Recognizing that the Service is going to evaluate the proposal on a species by species basis, to the extent that there are issues in that respect, the Service will do some weeding out for us. But the approach, everybody tends to agree, is sound. We have one dissenter in our group, and even he is not yet committed to an opposite approach but is wavering and still open-mindedly considering this position. It's also important to point out in this respect that the ecosystem approach provides more of an insurance policy effect, and think that this was meaningful to a number of the members in the "X Group".

The next bullet goes to the length of the permit going to 20 to 50 years. There was pretty much consensus within the group in that nobody advocates for any less than 20 years. Nobody. There is strong

sentiment that the longer the better. But there is a dilemma. And that dilemma is the tension between the desire for greater certainty for a longer time and the risks of unforeseeable changes in circumstances or evolution in the science (no pun intended). You will notice that the next bullet is indented under the 20 to 50 year duration proposal, and that is because we believe that the success of the plan over any period of time is really dependent on the quality of the structure of the plan in terms of setting benchmarks and in terms of the strength of our adaptive management program. Adaptive management is the 4th bullet and we think that they actually go pretty, get tied pretty closely together. This is how we address the problem of not wanting to be stuck with our mistakes for too long. This is how we build a certain level of flexibility and adaptability, 'amendability', if you will, into the plan. It's not that we won't have to jump through almost the same series of hoops again if indeed we go for an amendment. But well conceived benchmarks and a well conceived program of adaptive management opens the door and sort of "greases the skids" if changes are needed. It also provides for pacing in the implementation here. We need to understand that both the implementation, the acquisition of the conservation...of the acres to be conserved, and the build out for development happen gradually over the life of the permit. And so the benchmarks that we're talking about have the effect of phasing in the permit. We get to take sort of a step by step approach, with a good strong plan in advance of where those steps should lead us. And as we hit each benchmark, the doors remain open to head to the next.

It's important to recognize in this respect that the areas of conservation have to be aligned with the acres of development. And that the ability to fund our plan can also pace its implementation. The benchmarks, as noted on here, need to be thought of primarily in terms of acres not in terms of years. When we hit our acreage targets, we move on. It's also important to recognize that the earlier we take conservation measures, the sooner we get the acres, the more economical it is. And so we believe, that is one of the reasons that we believe there should be a particular emphasis on the first 5 years' benchmarks. Let's get this plan off to a good, solid, sound start. One last note with respect to the last bullet, an "adaptive management", that is a broad term and how it's defined for our purposes depends on how we structure the permit. Again, the byplay between the adaptive management system and the scheme of benchmarks can provide us with a great deal of safeguards for all of the interests around this table.

With that, unless anybody in this "X Group" thinks I'm missing something, I'll throw it open to questions and discussion. The way I think that we're going to try to proceed here is to recognize that what I have presented, as much as I have been able to, has been an objective presentation of the work of the group rather than my own opinions. To the extent that my own opinions snuck in there, I apologize. I will try to field questions on that basis. But recognize that we are a diverse group and a number of the members of this group may also chime in here with answers that may be a little different from mine, representing their own positions. The way we'd like to proceed on this is to move the motion as a whole, all four elements. If it passes, we're done with it. If it doesn't, we'd like to come back and move the elements one at a time. And see what works and what doesn't.

Questions from Steering Committee members:

Question: Are you saying that the group couldn't decide within that range? Or are you asking the Fish & Wildlife Service to give a permit that would be of that range?

Larry: Not quite either. We're saying that the group decided that it's premature to make a decision within that range at this time. We need to have a better sense of what the structure of benchmarks is going to be and what the outline of the adaptive management program is going to be. In order to get a sense of, frankly, how much at risk or on the other hand how safe we feel with the longer period of time. The more safeguards that are built in, the safer we feel carrying it out further. It's a delaying tact.

Question: Do you have any estimates of the difference in costs of monitoring and surveying the 55 species versus the 8?

Larry: Larry: No specific estimates on those costs that we considered here. What we did consider, though, was the general positions that we understood both from Paul and from Sherry to the effect that we actually, somewhat counter-intuitively, build in a greater ability to maneuver within the plan. These are my words, not theirs. Because of the more robust and more inclusive nature of the ecosystem approach. And you may notice that although the ecosystem approach and what we've put in this motion does reference the 55 priority vulnerable species, we're really more focused on it as an approach, as an ecosystem approach to the plan. And again, Fish & Wildlife will filter out those species for which we haven't made a case.

Paul Fromer: Yeah, I think actually Larry just characterized it, the discussions, very well and very fairly in terms of what we presented along the way. I do think that, just to answer the question more specifically, the concern with an 8 species plan focused on individual species, versus the 55 species plan focused on ecosystems, might in fact result in increased species focused survey work for those 8 species. Because the fundamental difference between those plans really is that the 8 species plan would be superimposing 8 single species conservation plans. And so we really have to make sure, for the Service, that we take care of each one of those species, more or less to the exclusion of other biological interests, if that's the focus of the plan. Whereas with the ecosystem based plan, we would be looking more at the general ecosystem characteristics, the habitat characteristics that support not only our covered species, the 55 covered species, but the rest of the biodiversity in the area. And from that is where the additional flexibility in decision making, and I think ultimately in management, will come. So I wouldn't even venture to guess the difference between the costs for implementing and surveying and monitoring and managing 8 versus 55. But I think that, this is just sort of a pragmatic response to that, I think that in the end, a lot of that comes down to how much money is made available through the process and how much benefit is accruing. I would say also, just as another comment on the term of the permit. That's an issue that every regional skill plan has grappled with and I think that your track of thinking is also correct on that. We may be premature to come to that conclusion and a lot of that will fall out as to how the structure and implementation of the plan unfolds. But the longer plan gives more assurances, but our ability to predict farther out into the future is much less able. So I think that there's a lot of discussion that we can have on that that will help to clarify that a little bit later on when we're a little bit farther down the way

Larry: Cindy, responding maybe even a little bit more directly to what I think is the point of your question. Some of the flexibility that we're talking about makes it reasonable to hope, without any guarantees, that it will actually be a more economical implementation. Because it gives us a little bit more room to work with Fish & Wildlife in terms of mitigation ratios, whether the same acreage can be used to mitigate for more than one species in certain limited circumstances for a wide number of variables that can come into play. In the interest of balance, I want to suggest, and I hope, Sherry, I'm not putting you on the spot, if you don't mind. If I'm out to lunch here or overstating things, this is probably a good time to straighten it out.

Sherry Barrett: I do want to express my, how impressed I am with Larry's ability to so accurately portray issues. It seems, Larry, you have a great ability to synthesize information and no, I think that what you've portrayed is accurate from what we discussed.

Question: A few of us that got together and suggested that we should go for 8 species, and if there were some other species that could get folded into that type of range and habitat, we could look at that. But that would be our position is to go for 8 species because it seemed like that would be the way to go for the Section 10, under the current guidelines of what we've heard about.

Larry: As I mentioned, I was actually pleasantly surprised to hear that Paul and Sherry were, again, not completely overlapping but pretty much on the same page with this. And to hear that from both standpoints, the ecosystem approach does hold out greater hope for greater flexibility and in the long run greater efficiency and to be more economical. Again, there's no guarantees on it. There's, you know, "the devil is in the details" and this is only one of a number of steps that we're all taking to start to move from the general to the specific.

Question: Why is it more economical or why do we have a reasonable hope that it will be more economical to implement an ecosystem approach?

Paul: Well, I think from that standpoint, and this would clearly be the hope and it's clearly the way I think that the biological community would prefer to see things done. If we focus on the 8 species as individual species, then for the most part I think we would really need to monitor and measure their habitat requirements and their status and trends individually. As compared with an ecosystem based approach where we would be more flexible probably in being able to look at other indicators in the environment which are habitat or ecosystem indicators that might cover one or more species. And those kinds of measurements are traditionally and, as we find out more and more, usually much less expensive and can be broader in their scope of coverage. So rather than have 8 individual species monitoring programs, which can be very costly, we would have a program which looked at a variety of different measures and as time develops through adaptive management and under the real theory and philosophy of adaptive management, we would be looking for the most appropriate measures in the environment that measure overall ecosystem health and well being. And the goal of that would be to make it as economical as possible. So I think that we have the hope of that economy of actually looking for economy in the future and that as time goes on that we would refine that. And we wouldn't be tied to specifically monitoring little detail ?? for 8 individual species or however many was covered by that individual species ?? plan.

Larry: To tease out one illustration, would it be fair to say that with an ecosystem approach we are more likely to be able to use, to negotiate with the Service to use one unit of a mitigation bank to mitigate for multiple species than we are if we take a species by species approach to the plan?

Paul: Yes, and I think that's the hope that we would be looking at. How the reserve and managed area system looks as a whole and how it deals with all of the species as a whole, and we would be able to make some tradeoffs in, not species versus species, but in overall benefit to the reserve system, as opposed to overall benefit to each individual species looked at separately and then adding one on top of the other.

Question: In conversations with Fish & Wildlife whenever topic arose regarding habitat conservation plan per species, the information has been that in order to get a protection for each of the species, whether it's 8 or 55, you have to look at each species individually. Could you address this?

Paul: Well, I'll answer that from the standpoint of a plan 'preparer', and this was clearly the issue in Clark County where we were trying to develop an ecosystem based plan. But what you're referring to is exactly correct. The Service has to take a look in the approval process for the plan as to how the implementation of the plan would result in take. That's in the NEPA analysis, the EIS portion and the biological opinions of service issues on the issuance of the permit. So they must evaluate within that context how the implementation of the plan would affect listed species. But that doesn't carry on necessarily into the implementation of the plan. They just have to evaluate it from that perspective to make sure that under their roles and responsibilities for being guardians of the listed species, that they don't do harm to those species. That's their mission. But that doesn't necessarily control the implementation of the plan and doesn't make it the focus of the plan.

Sherry: I agree with what Paul said. When you get to the implementation we have to have a monitoring program that ensures that these different species are, that they're doing fine. A lot of those species, however, can be looked at in a monitored approach from the habitat ecosystem standpoint. So we have to make sure each one is somehow encompassed into a monitoring scheme. But it may not be on an individual species by species basis. It may be that if you have the, a lot of species we know that if the community is there and it's functioning appropriately, we can be pretty sure that the species is doing fine.

Question: What kind of habitat are you describing for these 55 species?

Larry: For my purposes, and speaking more I think for myself at this point than for the group, that is an issue that goes to the question of how we're going to set up well reasoned and wise benchmarks and how we're going to link that to a strong adaptive management program. All of the acres don't get conserved at once. And all of the acres to be developed don't get developed at once. We get to set a pace and to hit certain targets. And so with respect to different levels of conservation, if you will, and the various habitats to be addressed, I think that's a matter of taste, timing and adaptability.

David Hogan: Just a point of clarification if you go and you look at the priority vulnerable species document, for example. All of those maps are the occupied habitat, potential habitats, those different layers you're talking about. I believe, from my perspective, and maybe, Paul, you can clarify this if it's different, that the Conservation Land System map refined that into the biological core which has the highest potential for all of those species, be it occupied or not occupied. And then it goes down from there, biological core, recovery management areas, multiple use areas and areas outside the CLS. So that's why I look at this as it's written as actually addressing that concern because the Conservation Land System map is that summary.

Question: Are we treading legally uncharted ground by pursuing 55 species with this conservation plan that ignores or trades the habitat of the 8 listed species? And is there something that can be done to prepare for the legal challenges that are sure to arise?

Sherry: This is not uncharted waters. This is the same concept that has been implemented throughout southern California and in Clark County, Nevada, with regard to the multiple species concept, in addition to listed species. So that element is way out there and it would have been challenged already by the many, many lawyers that exist in southern California. With regard to the listed species and the unlisted species, we have to analyze each and every one in the NEPA document and in our biological opinion that we prepare on the issuance of the permit. And in that analysis we have to make sure that the conservation for each species is to measure it with the impact that would occur based on what the proposed action is. So that would address that challenge and that's part of our administrative record that goes into any court challenge, is our very detailed analysis. And Paul Fromer will be very involved in that analysis, even within the development of the Habitat Conservation Plan for each alternative.

Paul: That's exactly what I would have said. Hopefully even better stated. But I would like to reiterate that this clearly is not new ground that we are breaking with this plan. In fact, I think that we are much more conservative in what we are doing and in our approach than are some of the other plans that actually have been approved and haven't been challenged on that basis. So I think we're on very safe territory.

Question: Please address the following concerns—1) for every species you include in the habitat conservation plan, they will treat it as an endangered species. 2) According to the Fish & Wildlife Service website, there are actually 23 species listed as endangered, threatened or candidates species in the county, only 11 of which of those are in the 55 species. So as far as the insurance aspect of this, your plain risk, it depends on whether a new listed species is within the 55 or 11 or 8. 3) Perhaps an ecosystem approach will be more economical to the county, but because of the additional species, it would have a greater impact and a deleterious impact on individual property owners.

Larry: The other side of treating each species as endangered now is that first of all, again, it funnels through Fish & Wildlife Service and so if indeed we are not in a position to treat it that way now, it's likely to be filtered out. I think more important is that if we get that treatment now as part of this process that we're all paying for, one way or another, then when those species do become endangered, the property owners who are affected by that don't have to go through it and incur that significant expense again. That's the insurance aspect.

Paul: When you said that these species will be treated as if they are endangered, what that means is that the Fish & Wildlife Service must look at the plan and how it affects those species and look at each species that is proposed for coverage as if it were covered already. And that is in terms of the expected impacts of the plan and then the mitigation that is being proposed in the plan. But it does not affect how those species are treated from a Section 9 violation or constraints perspective. It only has to do with the analysis the Fish & Wildlife Service is making of how the plan affects those species. Nothing in terms of subsequent implementation or constraints on land where those species occur. They're not treated as if they were listed species on the ground. There are quite a few species that were not included in our list because for the most part they occur only in parts of the county that are not in our plan area or are completely on federal land. For example, species that occur only on the Nation were not included, and species that occur only within the boundaries of National Park Service lands or Forest Service lands. So that's why the list is shorter in that respect.

Question: Why should I as an individual property owner, vote to saddle myself with 55 species when only 11 really are listed?

Sherry: It's a risk analysis. And what you need to look at is the possibility that those species may become listed in the future. It will be cheaper to conserve today under one plan than to have to reopen that plan in the future to incorporate those listed species and to incorporate the conservation for those species. So it really does come down to a risk analysis on the part of the plan.

Paul: The ecosystem based approach and putting together some sort of management program that covers the areas or something similar to the areas that are in the Conservation Land System in reality covers most of the habitat that would be important for not just those 55 species, but a much longer list of species. So were species that we don't have on our list to become a topic of concern and a candidate for listing, it's most likely that we've already covered most of its habitat within our plan because we tried to encompass the full range of biodiversity within the county.

Question: If Fish & Wildlife were to agree to a plan with 55 species, I understand that they would be treated as species that would get full coverage under the ESA. Does that mean that all of these 55 species would have critical habitat assigned to them?

Sherry: No, that does not. What it means is that if we address those species as if they were listed, the day upon which they become listed, they are automatically amended and into the permit. So that's what it means is that the day that they're listed, they are on the permit. Because we've already addressed them as if they were listed. The whole question of whether or not those species will have critical habitat is a separate legal decision that would be made after they're listed determining, under the critical habitat rules.

Paul: And I would add to that that from a practical standpoint, a functioning HCP that's in place would, in fact, supercede critical habitat, and the rules that are embodied in the terms and conditions of the

permit would in fact have more force than critical habitat would have. So as a practical matter, you are establishing critical habitat. Unless there is some significant change in the information or understanding.

Question: **What about the 12 additional or the 11 additional. Does that have critical habitat assigned to it?**

Sherry: **Some of those species do. A couple of the ?? of those species are, just a second. The species that were not included on the priority vulnerable species list include the Sonoran Pronghorn. That species does not have critical habitat. It includes the Mexican Spotted Owl. That species does have critical habitat. But those, like Paul said, are species that are not expected to occur within the area of Pima County development.**

Question: **If we take this opportunity to list the 55 species, there will be significant additional costs to the people who are asking for permits and so forth, and that's why I have so far asked that we're really doing an appraisal for the Sonoran Desert Conservation Plan.**

David Hogan: **I think for clarification, this motion isn't about adopting 55 species as the covered species. This motion's about adopting the ecosystem approach using the map so that we can maximize the opportunity to go with 55 species. And say that because Fish & Wildlife Service hasn't done their species by species analysis based on the conservation conditions that are included in the plan. We don't know if it will be 55. It could be, for example, I don't remember if the Mexican Spotted Owl was a priority vulnerable species. It might be. But if it's not, there may be species that are so totally out of the range of unincorporated Pima County jurisdiction that it wouldn't make any sense to have them on the covered species list.**

Larry: **I'd like one of the property rights activists on the group that's bringing this motion to respond.**

Mike Zimet: **I'm very concerned with the cost to the individual property owners, dealing with 55 species versus 8. Seemed reasonable to me initially that the smaller number of species we had to deal with, the less costs and concerns for property owners. Now my understanding is simply that if there is going to be surveys necessary to create this ecosystem plan, that cost is not going to be borne by the property owner. It's going to be borne by the community. And if that's not the case, then I'm back to the 8 species, as others might be.**

Question: **Can somebody refresh our memory on the location of the Conservation Land System under the ecosystem approach versus the 8 species approach? Particularly with respect to kind of the proximity of urban development and projected urban growth?**

Paul: **If you'll look down in the Tucson basin, down to the south and to the east, the difference between the two plans and where they cover is primarily in that area, in the southeast. The 8 species plan encompasses a lot of the lower, flatter lands down in that area, whereas the 55 species plan doesn't cover that area.**

Question: **What about land with respect to future projected growth?**

Paul: **Clearly, future projected growth, clearly a large part of that is in the southeastern portion of the basin, which is in the boundaries of the 8 species plan but not in the 55.**

Question: **What's being covered under the Section 10?**

Larry: **I believe the answer is that under this proposal the application would be based on the ecosystem approach that includes all of the biological core, the multiple use and recovery management areas.**

Question: **What exactly is "a strong program of adaptive management"? What is the definition of that?**

Larry: **That is a great question and that is one that I hope that this Steering Committee and the various subgroups will spend a good deal of time on. For the moment, the answer that I'm going to give you comes primarily from our group's conversations with Sherry, to some extent with Paul. It's a broad term. And what it means depends on how we structure the permit. And depending on how it's structured in that respect and in conjunction with the benchmarks that we should set up, it could also trigger or open the door to amend the processes when and as we need them.**

Sherry Barrett: **Adaptive management has been used widely in many different contexts, and I'll tell you that there's two main areas of adaptive management. One is the program adaptive management, which**

means that you, in this, how the permit is implemented may be able to change over time with new information. The other element of adaptive management is actually on the ground, how you're managing the land for the species. And in that case that ties it to the biological monitoring system. Which shows that if a species is declining, that you do something different to try and reverse that decline on the ground. So I think it's important in this regard that everybody kind of keeps those two separate because they're going to be developed separately.

Question: So it's not land use regulation or 80/20's or 70/30's or anything like that?

Sherry: Not usually, no. Not in this sense. It could be possibly the way you develop it, but there isn't something on paper right now on how this adaptive management would occur. But it's basically, with new information you change what you're doing.

Question: What are the regulatory consequences, what constraints, what requirements will I incur as the property owner if there are species on my land that become listed in the habitat conservation plan?

Sherry: The way this permit would operate is that we would grant a permit to the county and they would need to impose whatever constraints or whatever they have developed, that this group has developed, for those species when you go forth to develop your land. And by doing so, if they include, if we've included unlisted species, they're going to need to address them as if they were listed.

David Hogan: From our perspective, there will be more regulations because they would be covered under the HCP. However, I think the chances are that there would be far less and far less rigorous per species and more focused on ecosystem protections than if they were listed. And I believe that the HCP will provide those assurances for minimizing those regulations. It's the insurance policy and it is a game of risk, but traditionally there are far less rigorous rules and regulations around how to implement the HCP than when they are listed.

Question: On the 8 species map versus the 55 species map, I know that the 8 species map is smaller as far as growth acres. But I was wondering if Paul could clarify how that breaks down to private lands versus public lands on the 55 versus the 8.

Paul: In terms of the numbers, I don't know the specific numbers, I haven't looked at that, the report that we did for awhile. There is a substantial amount. It's probably on the order of 10,000 acres additional that are in private lands, I believe.

Question: Could the same 1.2 million acres presently in the federal land system be used for the SDCP when the 55 species are designated or does this land have to be within the county?

Sherry: It needs to be within, that the mitigation for the pygmy owl, according to the draft recovery plan, needs to be within the recovery unit for that species. And you need to increase the baseline. You can't take lands that already have some conservation. For mitigation you have to increase the baseline because it's already declining.

Comments from the Steering Committee members:

- I would like to make an amendment that you wait on this until the economic study has come through.
- Regarding the emphasis on the first 5 years and how that was somehow not a good thing to do. Now is the time that we can move cheaply. The more we do in 5 years, the cheaper it is for everybody. If we look at a bond issue, which is what we, this group has proposed and what we hope the county will move with, if that passes in a year or so, that will be our first pot of money to help implement this plan. And we need to look at other pots as well, but that's where we start. Doing it now is a lot cheaper than putting it off. Secondly, I feel like it is definitely the time to move on this motion. These are concepts. They are not mitigation ratios, they're not much more specific things that still need to be done. But they lead us in the direction we need to go. They don't preclude changes, but they address the major issues that allow us to then deal the 80/20 or other kinds of smaller scale issues we will have to address. We can't get to those if we don't adopt something like this. From what all I have been able to determine, and I have to tell you when I went into this I did not understand the difference between 8 and 55. I thought 8

sounded better as well. It's counter-intuitive that 55 actually makes more sense or an ecosystem approach makes more sense.

- The members of the Ranching community feel they have been ignored in this motion. Those species aren't uniformly in need of that whole area and they aren't uniformly endangered or uniformly present. We are saying, give us all the constraints of the Endangered Species Act on a species by species basis, but really we're looking at this on an ecosystem basis. The problem is that this motion is full of hooks that we cannot be the least bit certain what they mean except that they mean, take it from the folks in the Altar Valley and solve the problems in the urban area.
- We're getting a permit for the entire unincorporated Pima County. The reason that we are focusing on this CLS map was twofold. One is that those green areas and the blue areas are the places that we would like to see some kind of conservation occur, which the conservation community has not put those details together yet.

Summation by Larry Berlin:

What we're voting on is the ecosystem approach that has resulted in the 55 species map. With the understanding that as it goes through the balance of the process that it will be, there will be some filtering, particularly at Fish & Wildlife. It's the approach that we're buying into at this point. We're not at that level of detail where we address the restrictions that go with each area. If these decisions are made today, then we break that cycle that we have come to refer to as the chicken and egg cycle. We inform and to some extent even instruct the work of the economists. We don't hold it up, we get something that's more directed from them. Similarly, we inform the work that we're to do here, determining who to pay, who's going to pay for this, how to allocate the costs, etc., etc. If as we go down the road, dealing with these issues, fleshing out the details. Fleshing the devil out of the details. If we find the pieces of this aren't going to work and it needs to be revisited. If we experience some buyer's remorse, we can revisit it. as you get to where Paul Fromer and Sherry Barrett are pretty close to each other on the page and an integrated working group that has complied with both the letter and the spirit of this committee's adopted procedures, including property rights folks, two realtors, a half a dozen assorted environmentalists, a homeowner and tenants guy, and even a free agent, tell you that this is the best approach to get us rolling here, and even economically it's most likely to be the most feasible and affordable, folks, we invite you all to jump on board.

David Steele: The proponents of the motion have asked that the elements of this motion be voted en block, all in its entirety.

Motion: To adopt the following four-part resolution en block:

- ***Adopt the 'ecosystem' approach that has resulted in a Conservation Land System map that protects the habitat of 55 'priority vulnerable species.'***
- ***Be permitted for 20-50 years, with the decision on the exact duration of the permit to be made after other details of the application are completed.***
- ***Recognize that the successful implementation of the Plan over any extended period of years requires the inclusion of reasonable 'benchmarks':***
 - Identify 'benchmarks' primarily in terms of acres to be conserved.***
 - Place special emphasis on the 'benchmark(s)' to be reached in the first five years.***
- ***Include a strong program of 'adaptive management.'***

Action: Passed.

Present: 45

Yes votes: 33

No votes: 12

New Business:

Coordinating Steering Committee Work with Economics Consultant

Speakers: Judie Scalise, Principal, ESI; Brian Moore, Economist, ESI; Dr. Ken Kingsley, Environmental Scientist, SWCA; Mike List, Associate, SWCA.

Judie Scalise: I'm happy to have the opportunity to be down here with you this morning to talk to you a little bit about who we are. I want to introduce you to some of the members of the project team and then just very briefly go through the scope of work that we're going to be undertaking. We just started work a couple of weeks ago so we don't have any of the findings or anything in a preliminary nature to present to you this morning, but look forward to the opportunity of coming back here and doing that at one of your next meetings.

ESI Corporation, we founded the firm in 1990, we've been around for 12 years. We work in two specific areas. We do a lot of strategic planning work for economic development organizations. And we also do predevelopment planning work for communities, non-profit corporations, private developers and so forth. And the nature of the work that we do as it relates to predevelopment planning includes market analysis and feasibility, economic and physical impact assessments and the like. With me today is our sub-consultant, SWCA. As we reviewed the RFP that came out, it became very clear to us that while we're economics and specialists on economic consulting, we're not specialists when it comes to the Endangered Species Act. And so we teamed up with SWCA who obviously has that experience on that side. I'd like to take a moment and introduce to you my associate, Brian Moore. Brian is an economist on staff and will be one of the principal economists researching and preparing this report. With here this morning also is Dr. Ken Kingsley, which I'm sure many of you know. He is very involved in helping us on the biological aspects of the proposal. And then his associate, Mike List. Mike is going to be working with us in preparing the GIS suitability analysis. Just to let you know that my firm also has GIS enhanced capabilities, so we're working very closely with Mike in putting that together and so we feel there's a lot of compatibilities between what we're doing and what they're doing and how we're operating.

What I'd like to do now, unless Ken you have something you want to get up and say? What I'd like to do now is introduce you again to Brian Moore and Brian will tell you briefly what it is that we're going to do. And then at some point I'm sure you're going to have some questions, so I don't want to belabor my getting up here and talking. We'll get to your questions as well.

Brian Moore, Economist, EIS: We're working on the economic analysis of the pursuit of the Section 10 permit. And what that's going to entail is documenting adaptive management, program costs that can be expected, examining fiscally advantageous phasing, as it was called. Identifying when and where and how the county should acquire land, in pursuit of the Section 10 permit or after it is adopted. And the way we will get there is by doing economic projections for three different scenarios. The first of which is a status quo where the county does not pursue the Section 10 permit and what are the implications to development in Pima County. Then the second scenario will be if Pima County does pursue and get the Section 10 permit and the implications there to different types of development under existing zoning constraints still. And then the third scenario is, the county gets the Section 10 permit and zoning constraints are lifted, for our model, and the implications there to economic development. The way those, those 3 scenarios also will work with the possibilities of the endangered species only alternative or also the preferred biological alternative, which you all are familiar with, and the different interactions that will occur because of that activity. And there are some other ?? things going into different levels of mitigation ratios, so there's some more details in each scenario. And for each scenario we'll also document the impacts to different constituency groups, Pima County government, the other jurisdictions, the ranching community, to name a few. The way this will all work is with a GIS suitability model that we will cast our development projections on. And I'm going to let Mike talk about that.

Mike List, Associate, SWCA: Hi. We're meeting with the county a week from Tuesday in 10 days to really flesh out some of our assumptions and methods in terms of the GIS analysis. But I can say now that the county's been very cooperative in providing us with any of the data that we've asked for. John provided a list of 600 potential coverages that we could use. We grabbed about 150 of them. And in terms of our suitability analysis, I think we've identified about 20 or 25 that will serve as factors or constraints that might influence development in eastern Pima County. The way we weight those and treat them and skill them, and I don't want to go into too much detail, technical detail, will be resolved at that meeting on February 11th hopefully. Our firm has made, I know a problem when this exercise was tried about a year and a half ago was (inaudible)...economic analysis we're only going to deal with the GIS data. Our firm has made a profound investment in staff and hardware and software and we're really excited to get started on this project. John has

done all the heavy duty work in terms of database construction and maintenance, so it's up to us to really run with it and perform a defensible analysis. With that, I'll hand it back to Judie.

Judie Scalise: Just to kind of give you a time horizon here in terms of the completion of our project. As Mike mentioned, our next step is to have a meeting on February 11th with the county staff, and again it's to present to them the assumptions that are going to be made for the suitability analysis. It's important that everybody get on the same page to agree with those assumptions before we take it to the next step, which is essentially do the economic modeling. It's simulating the development of Tucson for over 3 time horizons, 10 years, 20 years and then build-out. And we don't want to do that until we are all on the same page relative to the suitability analysis for the GIS component of this. And then we will be having a series of meetings with the county after that. We hope to have our work wrapped up the end of March. I understand that there is work that this committee is doing and we seem to be on parallel paths with what we're doing. I think that hopefully that at the end of everything that we can all come together and get our arms around that.

Questions from Steering Committee members:

Question: to what extent you are going to be looking at the economic consequences depending on the length and duration of the permit application?

Judie: We have 3 time horizons that we will be looking at. And the first one is the 10-year time horizon, and again it's the 3 scenarios that Brian articulated. Status quo, no Section 10 permit applied for. Section 10 permit applied for, zoning stays the same. And then the 3rd scenario is Section 10 permit applied for and zoning is allowed to be lifted, you can rezone and so forth. So we're looking at that at 10 years, we're looking at that again at 20 years, and then what is determined to be build-out. So I don't know how long it's going to take you to get your Section 10 permit. I don't know if it's going to take you 4 years, 3 years, 5 years, 10 years, but those are the time horizons that were scoped out and that we were asked to do our analysis based on.

Question: What do you mean by build-up, build-out? San Diego, for example, applied for a 50-year permit, Section 10 permit. I don't know what we're going to apply for and I don't know what you mean by build-out and I don't know whether what you're doing is going to be useful to us if we don't address those timelines.

Judie: Okay, in terms of what we mean by build-out, obviously that's a very elusive scenario. And it looks at what your population projections are and the maximum ceiling that we've given, which is definitely a ceiling in terms of any build-out population, is the amount of water that would be available for any population for residential, commercial, industrial uses. So that presents that artificial ceiling for us to look at. Based on the land that's available today, based on the projected growth that is through the population projections that we were using from PAG and then spinning the type of activity that would result as a result of the population growth and then looking at the amount of water that would be available to support those uses. That becomes what build-out would be. I can't tell you what point in time that is and I don't think anybody can.

Question: It was my understanding that the Steering Committee was going to be able to present to the economic consultants its ideas of what it would like to see, what the Committee would like to see the report take. It sounds to me that if you and the county are going to be agreeing on these alternatives on February 11th, I beg your pardon, assumptions on February 11th, that the Steering Committee is going to be basically foreclosed from bringing that kind of input to you. And in my understanding of your methods of reaching your stated goals, those assumptions are critical. I think that it would be important that the Steering Committee have input as to those assumptions.

Judie: and there are actually two sets of assumptions. There are the assumptions that go into the suitability GIS model, and then there are also assumptions that need to be made that go into the economic model. And is there a problem with providing them with a copy of those assumptions as we go forward? And so we would be able to provide that to you. In terms of the, I mean, the difficulty is that you have, what? Monthly meetings? You know, we're on a pretty fast track to move this forward. So perhaps after our meeting on the 11th is that we could provide you with that information and then you can have the opportunity at your meeting on the 15th to provide us with some feedback. So I think there is opportunity here. We're not suggesting that the Steering Committee doesn't have the opportunity to

provide us with your input along the way. We definitely are here and we're very open and want to get that from you as well.

Question: In regards to the water, are you making provision for conversion of, for instance, agricultural or mining water rights to residential rights? Is that flexibility built into the term build-out?

Judie: I couldn't answer the question at this point in time because we haven't gotten to that level of our analysis yet.

Question: I want to know if you're prosecuting a study that will do an economic appraisal of the Section 10 permit or if your study is more ambitious than that and will be an economic appraisal of the impact of the Sonoran Desert Conservation Plan. I see those as two very different things.

Judie: They are two very different things. We were charged with the task of pursuing the study under the Section 10 permit.

Question: How are you going to quantify the benefits of open space and biological diversity?

Judie: Ken Kingsley is working on that piece of the project.

Ken Kingsley, Environmental Scientist, SWCA: The actual quantification of biological diversity and open space, as I'm sure most of you are well aware, is a very, very challenging and difficult thing to do. And I, right now at this stage, have no answers, but I'm certainly open to input from you and anyone else on the committee. We have available to us, and are carefully considering, the documents that were prepared that had to do with that that were handed out at one of these meetings about 5 or 6 months ago. And the standard literature on such a thing. There is some literature available. But it is a very challenging and difficult thing to do, so please give us your input if you have specific input on that.

David Steele: The Coalition had hired an economist from up in the northwest and he did that economic analysis that the Coalition gave out 4 or 5 months ago. So we'd most likely be able to give you him if you would like to talk to him.

Ken: That would be wonderful, thank you. And you know how to get a hold of me. Please do. The other part that I'm doing, two other parts that I'm doing, one is attempting to put a cost value on the adaptive management program and all of its bits and pieces. That includes what does it cost to go out and do surveys for the various species that we're concerned about. And what would it cost to adapt to the presence of such creatures, as we're concerned about. Also, the other role I've had is to be involved in bringing the staff of ESI up to speed on what's been going on here and giving them the support of my experience and knowledge of the biological issues in this area.

Question: One gentleman mentioned 25 development factors that had been identified. I'd like to know what they are and how you identify them.

Judie: The suitability analysis and the 25 factors, Mike can read you the whole list but in part it has to do with, you know, floodplains as a factor, slope, cultural resources, archeological resources, endangered species, infrastructure. Mike, if there are some others, maybe you can go through your list? I mean, not to be vague about it at all, but these are pretty much the layers that we have received from the county. So when you start to build the community through this GIS database, our starting point, obviously we have to look, okay, one, if this land is even developable. What can you develop, what do you eliminate right off the bat. So looking at this screening, using this as a screening method.

Mike List: Well, we're dividing the GIS layers that input into the analysis into two types: factors and constraints. Constraints are absolute impediments to development, they'll mask out geographic portions of the analysis. When I go down this list of factors and constraints, you won't hear 25 total factors and constraints. Keep in mind that some of these factors and constraints are amalgams of multiple layers. In terms of constraints, the first thing we're not going to consider is the existing built environment, for obvious reasons. We're looking at vacant land and land to be developed. Another constraint would be existing preserves, proposed preserves, 100-year flood events, areas of 100-year flood events, landfills. Again, that's an amalgam of various coverages. Mine footprints and then Indian lands within the geographic scope of analysis.

Now the factors are still a little bit up in the air, both internally and we haven't talked with the county staff yet, but we're talking about looking at transportation in a number of ways. We want to construct a street network cost surface, and the easiest way to explain that is we're going to use the county's street

network GIS layer as well as a layer which is a subset of that which functionally classifies streets, and model ease and hardship of movement from the built environment to target parcels based upon whether a street is a major arterial or a rural built road and everything in between. We're looking at proximity to existing sewer infrastructure. Slope gradient, program CIP's transportation, program CIP's wastewater management, proximity to the built environment with regard to vacant land considerations. And we're still wrestling with how we're going to model water service. And we're going to model suitability based upon 6 kind of amalgamated land uses.

An important thing to note in terms of our analysis is that we are going to be modeling development suitability differently in terms of 6 condensed land uses: low density residential, high density residential, commercial retail, industrial, urban open space, parks and golf courses, and possibly agricultural, another thing we really need to talk with county staff about. So development suitability will be modeled for each of those 6 kind of amalgamated land uses. For low density residential, we have an additional factor, which is proximity to preserves, or basically proximity to constraints. The idea that low density residential, it would be nice to be backed up against a park or against a floodplain where you don't have any neighbors is the motivation. And all of these factors are weighted. So some are more important than the other in terms of constructing the maps.

Question: Will your work include projecting the effects of the plan on land and property values and projecting the effects of the plan on the county's revenues and expenses?

Judie: Yes, we are doing a cost benefit analysis and looking at the projected benefits as it relates to the economy and as it filters throughout the economy, that includes the property values.

Question: Whether the permit is for 50 years, 40 years, 30 years or 10 years, the important thing is that we provide Fish & Wildlife with an assured funding source. And to that end, my question to you is, will your report continue the costs of the plan as it progresses through its stages?

Judie: Yeah, at the end of the day, what we come back with definitely is that whole financing mechanism. What is it going to cost? And recommendations perhaps going forward on what the funding sources will be. We've been looking at under the laws in Arizona, what is allowed here. We'll be looking at other areas to see what other areas have done that perhaps might be introduced as a potential way to finance. And certainly under the scenario, whether you're phasing this acquisition or if you're able to purchase all at once, we don't know. Because we don't know what the number is at this point in time. But to answer your question, yes, we will be looking at that.

Question: In terms of your inventory of available land, how are you treating the state lands?

Judie: The state lands, the grid is placed on all of the land in Pima, you know, eastern Pima County. The state lands in terms of mitigation is not a part of this project. They would be responsible, as well the unincorporated communities. So they would be responsible for doing their own mitigation. We're not doing any cost analysis on that.

Question: are you including state land as available land for development or is that out of the analysis?

Judie: No, that is included as available land for development.

Question: How do you do that? It's not available.

Judie: The state land department has conceptual land use plans on some of the state lands that they have south of the city and their planning horizon could be 10, 20, 50 years out as well. So we have to make some assumptions as to when that land will come on the market and at what point in time will the state land department have a disposition of those parcels. Again, it's going back to some of the assumptions that we have to make as it pertains to the economic model.

Question: Are you doing a cost analysis on the local community? Or are you only doing it from Pima County's point of view?

Judie: What we're looking at, again it was mentioned on the vacant land. So it's a county-wide plan. I mean, we're looking at the entire eastern Pima County including the communities as part of this analysis in the GIS and the grid system that we're creating. But the cost for the, looking at the

endangered species permit, Section 10 permit, is for the county. And the costs for what the county would have to do.

Question: I'm from rural Pima County and we have a little school district out there and you do not look at what removing some private land will do to the ability of that school to stay open?

Judie: What we're not doing is looking at individual parcels and saying, okay, this parcel, you know, is a parcel for mitigation, this parcel is not. We're not doing that level of analysis. It's not on a parcel basis like that.

Ken Kingsley: Several of the questions I've been hearing have, specifically we are following a scope of services that the county asked us to propose on and agree to. And it's a matter of public record and if you have more detailed questions than you have time for this morning, please get a copy of that scope of services and read it. And then if you see something that should have been in that scope of services or something that you believe that our team should take a look at, please make comment to the county. Part of the contract calls for additional services as needed. But we are committed to a very specific scope of services that unfortunately your question and some of the other questions were not included in that scope of services. We'd be happy, I think, to take a look at some of those things.

Question: The county identified growth areas where money, development funds, etc. could be focused for infill and accounting for larger population groups. It's counter productive to exclude those because those growth areas are areas where redevelopment funds, shared funding sources, etc. can be utilized where infrastructure already exists and where I think the community is looking to see further enhanced development where services don't cost more to provide, where they're already existent. The counter approach to that is basically a model for sprawl which says that you're going to take up all the vacant land and sprawl out to it and gauge the cost of those services. And I'd like to include in your model not the exclusion of the built environment but the potential for the built environment to handle these designated growth areas and infill. Because that's going to be a far more cost effective than the sprawl model. And it sounds like you're looking at a sprawl model.

Mike List: Okay. Well, I have a couple ideas. There's two things about your comment, and thank you, I think it's a good one. One is that a sprawl model, as you called it, is conservative in the sense that it is identifying the highest possible cost to all groups of this process. So we're setting the upper bound for the costs using that. And the other thing is that we are able to constrain our projections. We're doing a projection of overall new population, overall new jobs and the land that they need to absorb. We can certainly constrain those to say, gee, make assumptions that some of them wind up in the built environment. But at that point we don't need to know where, just as long as that land is available. So our model is looking at can be constrained in that way.

Question: When you said Pima County, that was incorporated and unincorporated Pima County?

Judie: Eastern incorporated and unincorporated Pima County.

Question: To what extent you're taking into account the PAG maps of future road development plans over extended periods of time?

Brian: We've been provided by Pima County with a series of coverages for 5 year capital improvements regarding transportation for Pima County and all the jurisdictions. But that we will compare those? Okay, we will contact PAG and we would like to have those. So that will be one of the first things we do on Monday is contact PAG for sure.

Questions from members of the public:

Harold Barnett: Clearly the cost of the program's going to include the cost of acquiring land for conservation. It's going to include the cost of acquiring development rights through TDR. There's also going to be a cost, though, to the extent that the county restricts development relative to existing zoning on vacant land. And it's either going to be a cost to the landowner or a cost to the county if the county compensates. Are you going to include that in your cost estimate regardless of whom the cost burden falls on?

Judie: You know, until we get to that point, we don't know what the magnitude of that scenario would be on what we're doing. If that's, I mean, at this point in time we can't even begin to answer how we're going to address the cost portion of this because we haven't gotten far enough along in our study process. But certainly I take your comments and we will look at that as we get to that point in time.

Pete Tescione: Oh, yeah, there we go. Your predecessors I think were on the job for 8 months or more and they were just at the preliminary stages of evolving their analysis. You mentioned at the top of your presentation, today's February 1st, you expect to be done by March 31st or whatever. You just in answering Mr. Barnett's questions said that we don't know where we're going with this yet, we're just getting started, there's a lot we have to find out. Do you realistically expect that you're going to have this done by the 31st, with all these variables and contingencies and do you expect that this is just going to be going through the motions, like a rudimentary or perfunctory kind of analysis? How can you possibly do this in less than 60 days?

Judie: I can't speak to what our, what the Morrison Institute did, I don't know what their scope of work was and what they were contracted to do. We certainly have the benefits of the report that they prepared and they've taken us up to the point where our piece of it essentially is the modeling. And we are well underway with creating the suitability model and getting some agreement on what the assumptions will be is February 11th. Now in terms of us being done by March 31st, that is definitely our goal. I will say to you that depending on how much review process there is in between, how much additional discussion at the Steering Committee level that there might be and discussions about assumptions, that certainly could delay the completion of this project. So if we didn't have anybody's input I'm sure we could be done by the end of the month, not the end of March. But I'm a realist, so that is our goal and we will work very hard to try to meet that goal. Because we know that you've been at this a long time and it's time to move on. And, you know, we're here and we're ready to help you move on. But we certainly respect the opportunity that you need in order to provide us with the input and we will allocate that into the timeframe that we have. And if we reach a point where it's being delayed, certainly we will sit down and talk to Maeveen and we'll go from there.

David Steele: If anyone has any further questions for Dr. Kingsley, Judie or their team, you can send them to me and I will pass them along to the correct person.

Future meeting schedules and issues for future meeting agendas and new business

The Steering Committee discussed keeping to a March deadline and the addition of more meetings and study sessions.

- **Motion: Add a Study Session on Wednesday, February 26.**
Action: Study Session -- Wednesday, February 26th from 6:00pm to 9:00pm
Motion Passed Unanimously.

- **Motion: Add two more meetings:**
Meeting – Saturday, March 1st from 8:30am to 11:30am and if necessary, Wednesday, March 5th from 6:00pm to 9:00pm
Action: Motion Passed
Members present: 45 Yes votes: 27 No votes: 18

The Steering Committee decided to discuss, consider and take action at its February 1, 2003 meeting on the following issues:

Conservation Land System Acquisition Criteria

- Some stakeholder groups have been working on criteria that would be used in the acquisition of the core area. Discussion and action will take place at the February 15th meeting and the Steering Committee will make a decision on the 15th.

Mitigation Ratios

- Sherry Barrett, Field Supervisor with the US Fish and Wildlife Service will be addressing this issue at the February 15th meeting.

Private Property Rights Issues

- This issue needs to be discussed at greater length in order to arrive at consensus by March 1st.

Regulatory Streamlining

- This issue will be discussed at the February 26th Study Session and voted on at the March 1st meeting.

Adaptive Management

- This issue will be discussed at the February 26th Study Session and voted on at the March 1st meeting.

Area Specific Issues

- Any other issues that the Steering Committee brings up will be discussed at the February 26th Study Session and voted on at the March 1st meeting.

Call to the Public: None.

Adjourn:

Adjourned 11:30 am

SDCP - Steering Committee

Pima County Public Works Bldg. Rm 'C'

8:30am to 11:30am

Saturday, February 15, 2003

Meeting Notes

Participants: Maeveen Beham, David Steele. See attached sign in sheet.

Guest Speakers: Don McGann, Chair RecTAT; Sherry Barrett, Field Supervisor, US Fish & Wildlife Service; Mike List, GIS Coordinator, SWCA Environmental Consultants.

Documents made available to the Steering Committee members at the meeting:

- Agendas
- Frank Bangs Assertion Regarding Mining
- SDCP Issue Clarification
- Mitigation PowerPoint Presentation by Sherry Barrett
- RecTAT PowerPoint Presentation by Don McGann
- CD from Pima County –SDCP Reports on Recreation
- Relationship Between Critical Habitat and Habitat Conservation Plans, by Alan Lurie, Steering Committee member, Executive Vice-President, SAHBA

Meeting Commenced at 8:35 am

Meeting commenced with 40 Steering Committee members and 9 members of the general public. By 9:05am there were 48 Steering Committee members and 11 members of the general public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda.

Logistics for the next Steering Committee Meeting:

Wednesday, February 26, 2003

6:00 pm to 9:00 pm

Sheraton Four Points

1900 E. Speedway Blvd.

Logistics for the next Ad-Hoc Subcommittee meeting:

Wednesday, February 19, 2003

9:30 am to 11:30 am

AZ Builder's Alliance Conference Rm

1661 N. Swan Road

Suite 144

Administrative Matters:

Membership Issues –

Member Resignations: The following members resigned from the Steering Committee:

Stan Abrams, Donald Honnas, Caroline Honnas, John Martin, Dick Walbert and Mike Grassinger.

The number of Steering Committee members is now 68 and a quorum is 35 members.

GIS Information Requests— Pima County GIS department provided base maps that show the zoning and the Conservation Land System with acetate overlays. A sign up sheet was circulated so that the County could provide maps to these individuals.

Old Business:

Approve minutes from 2/1/03 meeting:

This item was deferred to the March 1st meeting.

Assumptions used in Economics Analysis – Mike List, GIS Coordinator, SWCA Environmental Consultants.

Mike List: Good morning. First of all, I want to apologize. I didn't bring any handouts, being a little unfamiliar with this process. I came with a map I've proposed, but what I can do is put together a communication and get it to Maeveen in the early part of this week outlining some of the things I'm going to talk about today and then that can be distributed to the committee. I'm here today to talk about just the GIS methods and assumptions in our analysis. There are 2 elements of the overall economic analysis that work in concert.

My big role is to construct a GIS model, which measures the likelihood or suitability of the non-built lands in eastern Pima County to be developed. While I'm doing that, ESI, the economists, are taking PAG population projections and running them through their proprietary land absorption model and feeding me area calculations for the amount of land that is predicted to be absorbed by land use. I then take those area calculations, and feed them into the GIS and based upon my suitability model which says this parcel of land is more likely to be developed for this land use than that one, the GIS has the ability to allocate those land absorption area calculations. We met with the county for nearly 3 hours on Tuesday and talked about the GIS methods in detail. At a level of detail that we were unable to provide in our scope of work when we responded to the RFP. There are basically 3 sets of assumptions that we spoke about and I'll talk about today, but I want to back up and just tell you what I mean when I use the word "GIS model". I want you to think of it as a methodical overlay of these map layers, these digital map layers. And that's all I mean by the GIS model. And we have the ability with the computer just to, and I'm sure some of you are familiar with this; it's very similar to what RECON did in modeling potential habitat. We have the ability to stick a toothpick through all these map layers and make some judgments about which parcel of land might be more suitable for development than another by land use.

The first and perhaps the most important assumption in my end of the analysis is delineating the current built environment. The model proceeds through time and builds on what we define as the current built environment. I looked at a number of ways to do this. Right off the bat I thought, let's take a satellite image and look at it, either through human interpretation or some sort of computer algorithm, demarcate the natural landscape and the hardscape, buildings, parking lots, facilities of any sort. That works really well in some parts of the world. Unfortunately, it doesn't work in arid environments, particularly the desert southwest for the simple reason that to a satellite that's 40, 60, 200 miles above the earth, desert hardpan and exposed rock outcrops look quite similar to roofs and parking lots. Working with John Regan we then looked at another remote sensing approach, another approach using satellite imagery. He had a coverage, and I'm not sure of the source of this data, which delineated the urban lights at night. I believe it was a picture taken from the space shuttle. But we both decided that there were some flaws in that approach, too, and that data layer that was provided to us from the federal government. I then engaged in some rigorous and torturous manipulations and queries of the parcel base, there's 350-some-odd thousand parcels in that GIS layer, and made some progress but was unhappy with the results. I also looked at a coverage from the Pima County Development Services department which mapped land uses, but staff indicated that they had some serious questions about the validity of that coverage, so we threw that approach out.

What I have settled upon is a combination of two things. Our base is the sewer service area as the built environment. And to that I'm using, I'm reversing an analysis that John Regan performed when he mapped vacant parcels outside the Conservation Land System. I've inverted that analysis to map built areas, both inside and outside the Conservation Land System. So those two things, and I know you can't see the detail of this map, please come up during the break or afterwards to take a look. We are defining the built environment as the sewer service area, plus all parcels outside the sewer service area that are occupied, or if unoccupied, have improvements greater than \$10,000. The second set of assumptions involves settling upon what GIS layers would go into this model, the layers that would be overlaying in a methodical fashion to create this suitability analysis. I rifled through those last time and since then we have settled upon... Oh, let me back up in terms of built environment. There was a question last time about how are we going to address infill. There is a large opportunity for infill within the sewer service area. We will quantify that opportunity but in terms of the modeling, we are going to move outwards from the sewer service area. That will make our analysis conservative in terms of the cost estimates, and secondly it's in step with the cost model report that we were given from Pima County that serves as guidance and a baseline for our work. In terms of the coverages, the GIS layers that are going to go into our model, last time I used the words "factors" and "constraints". When I use the word "factor", I want everybody to think of a GIS layer which can influence the model positively or negatively. And a "constraint" is a barrier, an absolute impediment to the model.

We will be looking at a manipulation of the street network which measures the ease or hardship of movement based upon the functional classification of a street, the notion there being it's easier to get from point A to point B on an interstate than on a rural collector. We're also going to look at the proximity of a target parcel to the

existing sewer infrastructure. We'll be looking at slope gradient and we're working with the planning department right now to reflect the HDR in this influence, this factor. We're looking at proximity to the 5-year program to transportation capital improvement and the 5-year program sewer capital improvement. And there was a question last time, came from this side of the room, about using or going to PAG and getting a hold of their long range transportation plan and incorporating that in our model. We did in fact communicate or talk to PAG. Brian, my colleague at ESI, called up Andy Gunning over there. And based upon that discussion, Brian was, and Brian and Judy at ESI were fairly adamant, very adamant in fact, about not including that in our approach. They did not have enough faith in that, not that it's not, that the people at PAG aren't capable, but in terms of what their model requires, they did not feel comfortable using the long-range transportation plan. And to further complicate things, PAG does not maintain the plan in a GIS format.

In terms of influences to the model, the proximity to the existing water service area. The proximity only in terms of low density residential, when we try to cite that proximity to the existing preserve, the notion there is on low density residential there might be the appetite to, you know, back your house up to an open space so that you can enjoy that. And a final influence in our model is kind of a combination of a couple coverages, a couple GIS layers. And that measures proximity to the existing built environment with regard to the continuity of vacant land. So if you had, say, 100 acres of vacant land that were 10 miles from the existing built environment, that might be scored higher than 90 acres of vacant land that is 9 miles from the existing built environment.

In terms of barriers to our model, and these really haven't changed, there's the existing preserve which you are all familiar with, the proposed preserve, county and municipal parks, the footprint for the mines and landfills in eastern Pima County. An important point, we are not using the 100-year flood plain as an absolute constraint to the citing or to the absorption of land in our model. That was a point several people have raised. We are however using the actual channel delineation of the major rivers and washes in eastern Pima County. Tribal lands are excluded. The built environment itself is a barrier to the model because we are going to extend outwards from what we have delineated to be the built environment. And for some of our scenarios, non-conforming zoning is a constraint on the model. We're looking at zoning staying the same and zoning allowed to change. That's more of a nuance that a question should be directed towards ESI on. The third set of assumptions we're looking at are wa?? some of these influences relative to each other. So that proximity to sewer is regarded in the model as more important perhaps than proximity to the water service area. We have developed a system of weights that will, for the model. But we will also be conducting map based and statistical analysis to compare the use of those weights with leaving everything equal, the use of no weights in the model. So those are basically the 3 sets of assumptions. How we delineated the built environment, our use of a weighting system, and the decision on which GIS layers from the Pima County database to include in the model. And these are all reflected on the map here.

- Maeveen Behan noted that it would be in the best interest of the Steering Committee to go back and review the RFP or the scope of work, in case this discussion raised additional issues the Steering Committee would like the economics consultants to consider. If the issues were sent to David, he could get them to the County and the consultants so they could be included in the final report as part of the appendix with a response from the economics consultants.

Questions from the Steering Committee

Question: How are septic tanks included in this analysis?

Mike: They would, well; first of all probably show up in those occupied parcels outside of the sewer system that we are including in the built environment. If you are talking about **those** people on septic tanks within the sewer service area, we were going to quantify vacant lands within the sewer service area and note that as an infill possibility, but we're not going to count the number of residents within the sewer service area who are off the sewer grid. Our analysis is conservative in the sense that whether or not they're on the sewer system or on a septic and whether or not there's vacant land inside this boundary, the sewer system boundary, the sewer system service area, we're assuming that it's all built out, at least in terms of one element of the model.

Question: Did you imply that sewer was a more important consideration than water?

Mike: No, I didn't. I might have said that as an example of how these layers can be weighted, but I'm not sure how it's played out. I have this list of weights here and I can, and there are a number of weights by land use and I can put that in that communication I'm going to put together.

I wasn't even looking at my notes when I used that comparison. I was just picking two of the influences out and saying this could be twice as important as that.

Question: Are we going to have a presentation by the economists?

Mike: Yeah, they're going to come back in two weeks. And there are a set of assumptions that deal with their land absorption model and the way that they manipulate the population projections that they're going to speak about at the next meeting.

Status of Stakeholder discussions:

- The ranching community was not ready to present at this meeting, but would have something to present at the February 26th study session.
- Alan Lurie asked to make a presentation to the Steering Committee regarding a memo he received from Norm James of Fennemore Craig, titled: Relationship Between Critical Habitat and Habitat Conservation Plans:

Alan Lurie: It was my recollection that if a species had been listed and critical habitat has been designated for that species and that it subsequently went into a Multi Species Habitat Conservation Plan area, that the critical habitat would still be in effect even though there was an overlying Habitat Conservation Plan. To test my recollection of that, I went to Mr. Norm James with Fennemore Craig to ask him that specific question. His reply was yes, that's true, if the species has been listed and critical habitat designed prior to the Multi Species Habitat Conservation Plan, that the critical habitat would stay in place. Now the point I'm making here or the appeal that I'm making is that when we had a vote last week on the 55 species versus the 8, there were comments made that under the CLS and the eco-plan that there would be a lessening of the impact on the entire habitat conservation area. And I would suggest that that's not correct. And because of that I would like, with new information, hopefully with new logic, that we go back and consider that 55 species vote. Whether it's yes or no, at least we'll be doing it with better information. And I would recommend to you that what we'd better do now is get one of the county's maps and on the area of the Sonoran Desert Conservation Plan, we put 1.204 millions of acres underlying that Multi Species Habitat Conservation Plan and then find out what flexibility you really have as we do our MSHCP. I think that's important information. I think it's valuable information and I think it'll give you a better look at what we're really about.

What I'm trying to do is bring some additional information to the group so that they understand that if the 1.204 millions of acres of land under the redesignated critical habitat for the pygmy owl is passed, in fact, that that will be done prior to the MSHCP and will be in effect if the habitat conservation plan is passed, and that this freedom of motion, the ability that the CLS would give us, is hampered by 1.204 millions of acres.

Sherry Barrett: When we issue a permit, we have to analyze the effects of the permit on the species. And part of that analysis and our Section 7 consultation on the issuance of that permit would address critical habitat. So regardless of whether or not the critical habitat is in place at the time that we look at this permit, we would address the effects of that permit issuance on the critical habitat and at that point it would therefore be put to rest. So that whatever action that you have that comes under the county's purview that may affect critical habitat, it's already been addressed through this regional conservation plan. We would analyze the impacts of the issuance of the permit on in particular the pygmy owl's critical habitat so that it would probably remain in place, but all the effects to it have been fully addressed in the NEPA document and in our Section 7 consultation on our issuance of the permit.

- While some members felt that this information was valuable and wanted the County to provide more map overlays in order to better understand this issue, other members felt the purpose of submitting this memorandum from Norm James was so that the Steering Committee could consider whether or not they wanted to reconsider the vote they took at the last meeting.
- Other members felt that this issue could not be revisited without knowing the following two assumptions:
 1. That by following the habitat approach and the CLS map for 55 species that the county would wind up with greater rather than lesser predictability for landowners.
 2. That the county would wind up with greater protection of endangered species.
- After much discussion the Steering Committee decided to discuss the interaction between the habitat conservation plan and the critical habitat. Then discuss the 8 versus 55 at the February 26th Study Session. Paul Fromer and Pima county staff will be asked to be present.

Allan: I think the reason I brought this up, well I know the reason I brought it up was that I thought that the Steering Committee was being given some information that was inaccurate. And that was that with the passage of a habitat conservation plan and using this CLS, that everything would be treated in the same way and it would be a smoother and more simplified version of a region wide critical habitat. And I know that not to be true because of the fact that previously listed critical habitat is not impacted by the Multi Species Habitat Conservation Plan. So that the footprint is different and the impacts are different. I thought if we got maps and put that impact on the map, have the critical habitat for the pygmy owl and then the Multi Species Habitat Conservation Plan overlaid on that, I think what you would see would be the area of land mass that you really had no control over when developing the CLS program. Because it had already been listed. And for the Pima pineapple cactus and any of the other species that are already listed and have critical habitat. So it really is a very different picture.

Sherry: Just for clarification, the Pima pineapple cactus does not have critical habitat. But what I'm trying to say is even if the critical habitat is put in place today and we do the habitat conservation plan tomorrow and you propose development on critical habitat, we would address that. And if it's found not to adversely modify that critical habitat, it would be permitted. And so there, I agree with what Jenny said, that we would have to address the impact of any proposed development on critical habitat. If it's found to be acceptable based on mitigation and other avoidance mechanisms that are put in place, you would move forward and critical habitat would have no further impact on private development. It would continue to have impacts on other federal activities outside the purview of this county process. For example, federal highways would not be able to now look at some area of the preserve and say, that's the best place to shoot a brand new 8-lane highway through. They would have to still address the impacts to critical habitat with the Fish & Wildlife Service. It would continue to affect large power lines that would want to shoot through the middle of a preserve area. And we would still work with the Border Patrol activities, for examples. So it would still address and pertain to federal activities.

- Lucy Vitale motion was deferred for lack of quorum and an expiration of meeting time.

Review of new Stakeholder Agreements/Resolutions: This item was deferred.

Development of Steering Committee Recommendations: This item was deferred.

Mitigation Ratios—Sherry Barrett, Field Supervisor, US Fish and Wildlife Sherry Barrett, Field Supervisor, US Fish & Wildlife:

Sherry Barrett: I'm going to talk to you about mitigation, give you some definitions and kind of go through some concepts. I'm not here to give you any answers about what the mitigation ratios should be. This is, that's something that you all need to develop as the proposal. But I hope to give you some thoughts on what to consider as you're developing those proposals.

First I'm going to go through the definition of mitigation. And this is in our regulations. Mitigation means to moderate, reduce or alleviate the impacts of a proposed activity and includes an order of descending preference. And when I talk about descending preference, I mean that these are the, that's the order of what you're supposed to consider first. So as you look at a project and its effects, the first thing you should look at is avoiding the impacts by not taking a certain action or parts of an action so you avoid the impact. Excuse me, ah, mix those around. Sorry, avoiding should be first. Second is minimizing. If you can't avoid it you should minimize it to the extent possible, rectify it, and I apologize, I put this together yesterday and it's my first PowerPoint presentation, so bear with me. I told Irene I was a messback, I had to explain that. So second, you minimize an impact if you can't avoid it. Third is you rectify it, repair it or rehabilitate it, restore it.

You then reduce the impact and then you compensate it. And within compensating is the concept of mitigation. So really, when you, the full concept that we look at is mitigation which is re?? it. So, next slide? If you look at them all together, then you first avoid, then you minimize what you can't avoid, you rectify it, you reduce and compensate(?) for it.

The authority for mitigation under Section 10 of the ESA requires that the effects to the covered species within the permit application be minimized and mitigated to the maximum extent practicable. So that's where the term "mitigation" comes about for this process that we're going through right now.

What we recommend is that the amount of mitigation be based on conservation strategy. In this case, I know you're still all considering the Conservation Land System. But that is a conservation strategy, so that's an example of what we would be talking about. You have a biological goal that you're looking towards. Mitigation for effects to species and their habitat can be offsite. Which means that in some instances, wetland mitigation

for example, generally there's a heavy emphasis that the mitigation for impact to a wetland be onsite. So for example if you have a mining operation or something that's in the middle of a riparian area, the goal would be to try and have the mitigation for that as (inaudible) possible. In endangered species arenas, having the mitigation onsite does not always make sense because in some cases that would mean that the conservation that you're trying to achieve would be subject to the effects of that project that you're implementing. So it can be offsite. The types of mitigation that are available. First of all, acquisition of existing habitat. And this is what I'll call preservation mitigation, which means you're going and buying land someplace else that has the values, the biological values that you're looking for onsite, they're existing today. Another component of that would be to go out and buy a conservation easement on a piece of land that has those existing values. So the first one is you're actually buying fee title to a piece of land. The second is somewhat less, you're buying the conservation easement, which lays out how that land would be conserved. A third way is restoring or enhancing disturbed habitat. This is often done with riparian systems. They're fairly easy to restore if you take the stressors away. Creation of new habitat, and as I say, in some situations. Creation is not a really viable alternative in most cases because we're not smart enough to know how to create habitat. There's certain systems that ?? created such as wetland marshes. If you look at Sweetwater Marsh, it depends on what your goal is. If your goal is to provide for waterfowl in a wetland system, you can put water in a particular place and grow tullies(?), etc. or rush, etc., and your waterfowl are like ?? So you can achieve that biological goal. But in most other cases, for endangered species in particular, creating habitat is not really a viable option. And make sure you keep the distinction between restoration and creation separate. Restoring again would be like a riparian system that you take the stressors off. Sometimes you might plant some cottonwood, willow trees or whatever into that existing area where they were historically. Creation is taking, say, a piece of desert and making it into a marsh. And then fifth would be where you're implementing management on a piece of land to achieve goals that you're not currently achieving.

When you look at mitigation costs and how you're going to go from your impact to your mitigation, one term that I use is currency. They need to be comparable in many regards so that you know that what you're mitigating over here is going to, what you're impacting over here, rather, is going to achieve what you're mitigating over here. And there's a lot of different ways that you could do that. For example, you could base it on habitat. You may be able to say that we're going to have two acres of cottonwood/willow over here that we're going to displace and mitigate with four acres of cottonwood/willow over here. Saguaro, palo verde/saguaro, 5 acres of palo verde/saguaro, and to offset the impacts of those 5 acres of palo verde/saguaro we're going to go mitigate over here with 15 acres of palo verde/saguaro or something like that. So that would be the habitat base. It can be based on species. There's a, you could have, for example, it's easier in timber stands for me to illustrate this. Red cockaded woodpeckers are a species commonly mitigated for the Southeast. And they'll have family groups, for example. And if your timber stand has 5 family groups of red cockaded woodpeckers, you need to mitigate with, say, 10 families of red cockaded woodpeckers over here in another timber stand that you're preserving.

In Clark County, Nevada, they based it on a flat fee per acre regardless of whether it had habitat on it. It was just everybody paid a certain amount of money per acre in the entire county if they developed. And then that acreage went, excuse me, that funding from that flat fee went towards the mitigation. There's potential for basing it on each house. Everybody, they call it rooftop fee sometimes, just in jargon. If you build a house, each house has some kind of impact fee, that money then goes towards the mitigation. And it can be based on other elements. So just kind of keep in mind what your currency might be with how you're going to, if you're looking at a mitigation ratio. Now I will say at this point, and I would like Maeveen to help me clarify this issue, that it's my understanding that the county actually doesn't have the legal authority to impose mitigation fees, but the towns and cities do. Maeveen, am I correct on that? When talking about mitigation fees?

Maeveen Behan: I would say the county's more limited in imposing impact fees than the cities and towns. That's for sure. And the county's certainly more limited than cities and towns in the range of impact fees that they can impose, there's no question. But the, when I just look at these options, I think that you see a suggestion for mitigation ratios built into the Conservation Land System. If you're trying to determine, well, what's the right ratio? You see in our economic study we have, we're calculating the cost, no matter what your recommendation is, you'll have a cost estimate for it 1 to 1, 2 to 1, 3 to 1, 4 to 1. And that's a recommendation that we look forward to hearing from you. What do you want a mitigation ratio to be? But I think that a lot of work's already been done from the science community that suggests what the Conservation Land System mitigation ratios might be to keep the natural system sustained. So you're in a really good position to make a decision that works.

Sherry: Then that brings up a very good question, segues into who should pay for the mitigation? The community at large? If it was the community at large, it would be something similar to a bond. Because that would be a cost that would be spread across everybody who exists today and those that come in the future for however long that bond's in effect. Some areas it's new development, so it's everybody newly buying a house or building a house, new residence. Tourists, there are a lot of areas that have a tourist tax on hotels to pay for different amenities in the community. Others, and it could be a combination of the above. So that's a big question to consider is who should bear the burden of the cost of the plan.

Now as Maeveen was talking about, we already have the mitigation costs that are going in. And it's important to keep in mind that the community at large costs are going to be inversely correlated, wherever you want to say it, to mitigation costs on a project by project basis. So the greater the bond for example is, the greater the ability you have to simply go out and acquire land, the less mitigation fee you would have on a project by project level. If you have an ultimate goal, the more you can buy, the less you have to mitigate to acquire it. Does that make sense to people? Think about it, we can come back and talk after I'm done. Next? And there can be mitigation incentives. This makes it a lot more complicated and I think the goal has always been to make this system of mitigating as simple as possible. But there can be incentives for example that if you're mitigating in a low biological value area and mitigating into a high biological value area, the mitigation ration could be less. That's something just to consider.

This one is my final slide and I wanted just to give you some thoughts on what mitigation ratios actually mean. If you, and this is again talking in terms of preservation mitigation, so that's where you are impacting a piece of land with existing biological values and you're going over and you're acquiring through mitigation other pieces of land that already have existing biological values. If you're mitigating at a 1 to 1 ratio, if you look at the global extent of what you're looking at, you have a 50% loss and a 50% conservation. So it's important to realize that at a 1 to 1, you're losing 50% of what you have in that universe, of what you're looking at impacting or what you're looking at conserving. At a 2 to 1, it's 33, 67. So you would be looking at conserving 67% of your universe and losing 33%. At 3 to 1 it's 75/25 and at 4 to 1 it's 80/20. So if you're looking at, again if you have one acre of land that you're conserving, excuse me, one acre of land that you're impacting and 3 acres of land that you're mitigating with, you're losing one acre. You're not gaining in your universe of land out there for the species 3 more acres. You're conserving them, but you're not gaining them. Does that make sense? You're not creating it. In the world of preservation mitigation, you're not creating 3 new acres. You're still losing one, but you're putting 3 acres into conservation, which would also have management value for the species.

Now one thing that I don't have in the presentation to consider is when you're looking at ratios, some elements to keep in mind when we look at ratios are, again, how to achieve the conservation strategy based on what your impact's going to be. Often what you consider also are time lags. Especially when you're doing restoration mitigation. How long will it take, if you're going to impact cottonwood/willow over here, how long will it take for you to restore and achieve those values over in your mitigation. Because there's a lag time between when you take the stressors off the system and when you actually have vegetation at the size, for example, that the species may need. Southwestern willow flycatcher, yellow billed cuckoo, they're not going to benefit from the seedlings, they're going to benefit from a tree size. So there's a lag time before you actually achieve that.

Maeveen: As I was sitting listening to Sherry talking, I felt that there was an invitation to the Steering Committee to do the work of what I see recovery teams do in determining mitigation ratios. And I just want to suggest that our last 4 years of science team process have looked holistically at this issue. My observation is that you'll never come out of the maze if you look at it species by species. And an example would be, you know, they talk about 4 to 1 with the pygmy owl and that's been much discussed over time and now doesn't exist in the draft recovery plan. And when you do a Section 7 consultation on pineapple cactus, there's all kinds of factors that determine whether or not the Service is going to ask you to mitigate at 1 to 1 or 2 to 1 or 3 to 1. I would just suggest that instead of entering the conversation that way, my prediction is that you will never come out on the other side, that maybe you consider what the science team has already done which is to look at all the species, the whole natural system, narrow it down to 55, those 55 reflect what's in decline and also the entire natural system and they, within their Conservation Land System, have suggested that a multiple use area would be looking at mitigation ratios along these lines and the core areas would be looking at mitigation ratios along these lines, somewhere in between those. And let that be your guide instead of sort of trying to recreate or question the work of the science team. And the outstanding question that really exists for this community, I think, is how much mitigation will be, kind of like the Clark County question, there's a lot of available land that's not in the Conservation Land System. I think there's been, you see in the cost model there's this assumption that there's

not a burden on that land, there's not a burden on that land, a mitigation burden. And that might be something we go to Fish & Wildlife and negotiate and say, we'll write off this part and conserve this other part. That is not the same thing as saying, "who pays?" That is not the same thing as saying, "who pays". And what they did in Clark County was say, there's some land that's, you know, free-for-all and really everybody's going to pay for that. So I just would like to come back and talk to you sometime about what I think the threshold points are and maybe what the useful discussion is and what the complex discussion is that may be irrelevant here, and I think that might save you a lot of time. These topics were suggested to me as I listened to Sherry's presentation.

Questions from Steering Committee members:

Question: This is a comment, not a question and that is that lag time applies if there's restoration or creation, but not if you mitigate with lands that are already in condition and occupied.

Question: Where is the best place to find all this information within the many reports we have received?

Maeveen: It's the map that has the Conservation Land System on the front and the development guidelines on the back, on Disc 15.

Question: Could there be a lag if we allow mitigation banking which just sets money aside as the mitigator and not habitat? Could that lag years behind destruction of habitat?

Sherry: Mitigation banking does have a precise area of habitat, so there shouldn't be a lag time because you actually have delineated the area and you have credits for that particular piece of land. But in lieu fee, I agree with Trevor, there is an ability when we talked about some of those that you might have a fee per rooftop or something like that. And it would be paramount that this plan ensures that the conservation expenditure, expenditure of that fee for conservation, keeps up with the impact. When I've seen the problems occur with in lieu fees is that acquisition takes a long time. And as you're going through this acquisition process, oftentimes the land values are going up. So it can occur that the fee that you collected today for a particular amount of acreage can't buy that acreage tomorrow. So it's important that you have a system. The best way is to actually have a rolling system where you've already bought some land and you continue to buy land and that land is in place before the impact occurs so it continues to roll in front of it.

Question: Is any room in the ESA to use conservation leasing?

Sherry: That would not be appropriate under a habitat conservation plan because our guidelines are that the mitigation should be in perpetuity.

Question: Doesn't the landscape method put everything on an equal playing field versus a species by species type look?

Sherry: There sometimes can be sort of a combination, too, if there are certain species that have to be specifically dealt with because they're so rare. You could have some species that have to have more specific mitigation versus the rest of it that could be more habitat based. So yes. But for the most part, habitat based is the more appropriate.

Question: How common is it to give the landowner the option of whether they want to mitigate or avoid or minimize in these HCP plans?

Sherry: The ability on a project-by-project basis to avoid, versus mitigate, is going to depend on how the mechanism's set up. And also it's going to depend on where that landowner is probably within this mapping system. Whether they're in the development area versus the core areas would probably make a large difference on that.

Question: Can we look at this thing on an ecosystem approach and assume that whatever we have out there has got all kinds of endangered species on it, but we are now going to set aside so much available land that these species can flourish in, that it doesn't matter what we do inside the CLS to a large extent?

Sherry: **It depends in large part on how quickly you think that the conservation can come into fruition. And where you're intending to mitigate first. We have to make sure that there are balances. That's a more tricky threshold, to make sure that our very rare species aren't being left out as the rest of the mitigation's getting put in place.**

Question: **Might some of the rare species be given a higher consideration in the planning?**

Sherry: Yes, I think somehow that needs to be built in just so that we don't, as I said, end up building out all the areas of our very rare species and conserving the areas of the less rare species. We have to make sure in our analyses that we conduct in the issuance of the permit that there's going to be adequate mitigation for each of these species. Our analyses still have to be species by species under the National Environmental Policy Act and the Endangered Species Act. So while you can plan and you can mitigate more on a habitat-based basis, we would then have to assume that whatever you're saying is going to be conserved, is conserved so that we can analyze that as a whole versus what's going to be impacted.

Question: Whom would you recommend, as the one with the greatest expertise, that we consult with regarding how the mitigation ratios that are being recommended by the science and tech advisory team were determined and justified?

Sherry: Paul Fromer of RECON

Maeveen: Paul Fromer

Question: Could you comment on the impact, if any, on mitigation ratios of permitting an opt-in and opt-out concept for those individual landowners or developers or groups of homeowners who might wish to apply separately for their own permitting?

Sherry: There are two elements to the answer on that one. One is that it would have to be; the mitigation ratios would likely be higher. Because we have to assume the worst case and that would be that those projects would then not come under this permit. And we have to look at the impacts and other people would likely be picking up their mitigation. So I would assume that they would be higher. The second thing is that with unlisted species in the permit, an opt-in, opt-out concept would not work. Because we could never cover those unlisted species if people are going to choose just to opt, to go for their own permit on an individual basis, it's likely that people would only go for listed species on their permit. So we would have no assurance that those unlisted species would be adequately conserved through the building out of Pima County.

Question: Would new landowners/homebuilders need to have their land surveyed for each of the 55 species under the 55 species plan, before obtaining a building permit?

Sherry: That's going to depend on how the implementation mechanisms are structured. If it's habitat based, not likely. There may be certain individual species that are so rare that you would still need to do some surveys for them. But that's, it's going to depend on how the mitigation's going to be required and what kind of avoidance measures are going to be built into your building conditions. For example the ordinances may be structured to the extent that you know how you need to build that single family home where you don't need to do any surveys in certain areas.

Question: Why are we getting a Section 10 permit at all if we have to, each owner has to maybe go to you separately? I thought that was the whole idea of the county doing it for everybody?

Sherry: Surveys doesn't mean that you're coming to me separately. If surveys were necessary to properly implement this plan, they would be required by the county.

Question: If the Steering Committee and then the county made a recommendation to the Fish & Wildlife Service that we're looking at kind of a one-size-all mitigation ratio and the different levels of the Conservation Land System, if Fish & Wildlife Service looked at that and saw that it covered, that was covering the needs of all the species, then you could permit that. If you looked at that and there was certain species that you thought weren't quite covered well enough, then you could come back to us and hopefully we can deal with this before we finalize it. But you're saying that the Fish & Wildlife Service saw there was 3 or 4 or 5 species that weren't quite covered well enough, we could still have that one-size-fits-all except for, say if it was the pygmy owl in the recovery areas. Or if it was the Pima pineapple cactus in that habitat. Is that what you're saying?

Sherry: Yes.

Questions from the public:

Question: How much flexibility is there with these various alternatives?

Sherry: **When you can't meet the issuance criteria. And unfortunately our issuance criteria for the permit are fairly vague. The 3 key ones are that there's an adequate funding source to implement the plan. The other one is that you minimize and mitigate the impacts to the covered species to the maximum extent practicable. And the third one is that our issuance of the permit won't jeopardize any of the species. So those are the analyses that we have to make, so there is a lot of flexibility within those 3 key criteria for how you're going to structure your plan.**

Question: **Are you going to continue to make those on a case-by-case basis?**

Sherry: **No. We would do it on the permit, on analyzing the application for the permit, along with the county's habitat conservation plan.**

Question: **Is an, 'in lieu fee' the same as an impact fee in terms of the limitations of the county in terms of using that within a mitigation system?**

Maeveen: **Not necessarily. There's different fees, fee structures available. And what I ought to do is just come back with a report that describes that for you, so you know what fees are available.**

Motion: Consistent with previous Steering Committee action, the Steering Committee is recommending that the types of mitigation--acquisition of existing habitat, protection of existing habitat through conservation easements, restoration or enhancement of disturbed habitat, creation of new habitat in some situations; be considered by the Steering Committee and that these issues are concepts and more discussion needs to take place to develop the specifics. Additionally that on private land, prescriptive management of habitats for specified biological characteristics, prescriptive measures, prescriptive management will be the result of negotiations.

Action: Motion passed by an over two-thirds majority vote with 33 yes votes. There were 42 members present at this time.

Conservation Lands System Acquisition Criteria: This issue was deferred.

Report from Recreation Technical Advisory Team—Don McGann, Chair:

Don McGann: The Recreation Technical Advisory Team was appointed by the county administrator about a year and a half ago and we have been working to collect information on natural resource based recreation in eastern Pima County over the past 18 months, information that we think is useful in development and finalization of the SDCP as well as its implementation over time. We're here today just to provide you with some information about our activities and findings and recommendations. We're not asking the Steering Committee to take specific actions but just to consider recreation as it applies to the decisions that you are being asked to make.

The first item here is just a composition of the RECTAT. It consists of interested citizens, recreation user organizations or representatives thereof as well as agency representatives, people from the National Park Service, from the Bureau of Land Management and the Forest Service as well. They are volunteers all, have been working diligently over the past year and a half, meeting monthly or more frequently and I think a very good group of people. And there's a number of people in the back here, if you would maybe just stand up and acknowledge the people who have come that are members of the RECTAT committee. Debbie and Meg and Larry and Judy, and I think there was someone else there I may have missed.

I'd like to maybe just kind of tell you where we're coming from as a committee. The Recreation Technical Advisory Team has a vision and that is for the Sonoran Desert Conservation Plan to maintain and expand opportunities for natural resource based outdoor recreation in Pima County, specifically eastern Pima County. Maybe just as an aside here it's important to identify what we're talking about in terms of natural resource based recreation. That is that range of activities that occurs in a natural setting, be it the forest or along a wash or out in the desert. It encompasses things like hiking and birding and mountain biking. It does not include outdoor recreational activities such as golf and tennis and youth sports. They are important components of our community but really don't relate as directly to the Sonoran Desert Conservation Plan. So we focused on that specific set of recreational activities. And it's our hope that the Plan can be a vehicle to advance and to provide expanded opportunities for those types of activities in Pima County.

Natural resource based outdoor recreation. And the distinction is, other forms of outdoor recreation, golf and tennis and youth sports, as opposed to hiking, birding, mountain biking and some of the things that we'll talk about in a moment. So it's a mouthful, but I think an important distinction. So that's our vision. We also have

some concerns, and that is that there's a potential for the Plan to impact opportunities for those types of recreation in the community and perhaps restrict those opportunities. And I want to be very clear that the Team does support and will continue to support restrictions or regulations on a localized basis both in terms of area or in terms of time, where it's appropriate for the protection of resources. But we certainly do not want the Plan to be an impediment to those opportunities on a countywide basis. So we have a concern. But we do believe that we can facilitate or help advance this process, and our goal would be to develop a plan and see it through implementation that achieves the necessary and appropriate conservation objectives that have been put forward, but that also improves the quality of life for residents of Pima County by enhancing those opportunities for natural resource based recreation. So that is kind of where we're coming from, to kind of frame the discussion here.

Some of the activities that RECTAT has been involved in over the last year and a half include workshops with various user organizations. We have done mailings and surveys and collected information about who is doing what and where they're doing it, trends and things like that. We've tried to synthesize that data and include it in a report. It's my understanding that you will receive a copy of the report that we prepared, the title of which is "An Overview of Natural Resource Based Recreation in Eastern Pima County". I think that it will be a useful document in your deliberations and for other decision makers as well.

The scope of the report that we have prepared is really based on the fact that there are over 20 different natural resource based outdoor recreation activities that both the residents and visitors to Pima County engage in on a regular basis. And I think it's very easy to underestimate the scope of what is occurring and what does occur in this community. But we identified specifically 20 different activities and have looked at them in terms of who participates, where they engage in these activities, what trends are happening in terms of popularity and changes in use patterns, etc. The activities that we took a look at include, and I won't go into any detail on these but just identified which activities we took a look at, include birding, camping and a number of different types of camping, caving and mine exploration, cultural resource observation, dog walking and exercising. Also included, equestrian activities, and there is certainly a large group in the community that engages in that activity. Fishing, where it's possible to do in Pima County. Hiking, hunting is a popular activity, mineral collection and rock-hounding, mountain biking, native plant and animal collection, natural history study, off-highway vehicle use or OHV use, picnicking, rock climbing, very popular, scenic driving, popular particularly with visitors to the community. Stargazing and astronomy, swimming and perhaps more generally, water-based recreation, as well as target shooting. So those are the 20 different activities that we took a close look at and that are described in the report. And I think, I have a hunch that perhaps everyone here in this room or a family member or a visitor from out of town probably engaged in at least one of those and perhaps several of those in recent weeks or months. So it is a big deal in Pima County.

Very briefly, some of the findings that are included in the report, and in this presentation we'll be pretty general. First is that there's an incredibly wide range of opportunities for natural resource based recreation in Pima County. We certainly stack up with any community in the country in terms of those opportunities and probably have far more than many communities in other states. It's also important to note that there are high levels of participation. Specific quantitative data is hard to come by, but you look at various studies that have been done, at least on a localized basis and there are extremely high levels of participation by members of the community in those 20 and other related activities. I think it's also important to note that there are sites that you can do these things in close proximity to the population. You don't have to drive a day and a half to get to a place to mountain bike or to rock climb. You can in fact maybe drive a half an hour or not at all and engage in these activities in this community, and I think that's somewhat unique. Also, these are popular and they can occur on a year round basis, given the climate that we have here. So I think the long and short of this is that natural resource based outdoor recreation is a big deal in Pima County because of those opportunities and because of that participation. It's not only a big deal, but it's growing. The demand for that type of recreation is increasing and that's due to both the popularity of these particular activities, as well as in increasing population in the Tucson basin. And all trends seem to indicate that that increase in demand will continue at least for the foreseeable future.

And then it's not only a big deal and it's not only growing, but to relate it back to the Sonoran Desert Conservation Plan, it's important to acknowledge that these recreational activities do occur and will continue to occur on lands that are being considered for protection under the Plan. We have not seen final maps and I don't know where you are in terms of your recommendations for final maps, but it would I think be naïve to think that recreational activity does not occur on those lands that are being considered for some measure of protection as part of the conservation plan. There's also a quality of life issue and certainly some benefits that accrue to the public from these opportunities for natural resource based recreation. There are a number of studies that have

indicated that this is very important in terms of how people perceive this as a community to live in. So there are some real quality of life benefits that accrue from those opportunities. There are not only quality life issues; there are economic benefits that accrue from this as well. Certainly those opportunities to engage in rock climbing or mountain biking or birding or whatever enhance the county as a destination for tourists. And when tourists come, there are tourist expenditures that are associated with that that benefit the local economy. There's also direct employment. There are a number of different businesses that employ people to, and sell equipment or services associated with these various activities. And as that equipment and those services are sold, there are sales tax revenues that are generated for the county and for other local jurisdictions. So there are both quality of life benefits as well as economic benefits that accrue from these activities. And it's a little bit surprising that with those benefits, that there really has been no comprehensive studies that document exactly what the scope is and what the distribution of those activities are in Pima County. There have been studies that have been done by the Park Service or the Forest Service that deal with these activities on a localized basis, but there has not been that comprehensive study, and we think that that's probably an omission that needs to be corrected.

So that, very briefly, is some of the findings that are included in the report and discussed in much more detail. The last part of this presentation, then, is some specific recommendations that we would like to provide the Steering Committee. Also recommendations to go to the Board of Supervisors and other decision makers in this overall process. The first of those is a general recommendation that you consider natural resource based recreation as it relates to the development of the SDCP. We're not asking you to take specific actions, but certainly in your deliberations in terms of lands to be included or statements of agreement, I think it would be an omission not to make specific reference to recreation as it relates to the Plan. The second recommendation is that the plan that you help craft specifically expand rather than restrict opportunities for natural resource based recreation. We certainly are cognizant of the fact that this represents a major investment on the part of the community and that we think that the benefits, including recreation, ought to be emphasized as the Plan is developed. The third recommendation relates to how the Plan is presented to the public. We feel very strongly that the benefits of the Plan, specifically as they relate to natural resource based outdoor recreation be identified and clearly articulated when the Plan moves forward and goes to the public. I think it's been our collective observation that there's some skepticism or in some case just indifference to the fact that the Plan may or may not affect or may or may not provide benefits for outdoor recreation as it moves forward, and we think that that's an opportunity to bring people on board and support your efforts and the efforts of the conservation plan. The Plan, obviously, has not been finalized. There are potential benefits in lands remaining open for outdoor recreation in the future, for access to be secured for access to areas where these activities occur. So in terms of protecting those lands, we think that there's a number of different benefits that can accrue. The fourth recommendation here is that there really needs to be an evaluation, a study that documents two things. One is, what's currently happening? What is the scope, what is the distribution, where are these activities occurring in eastern Pima County? And I think as importantly, that study needs to identify trends and projected demand as population increases and the demand for these activities, what's the magnitude of that demand at some point in the future. So we think that that's an important study that needs to be implemented. And lastly, looking into the future, the Plan moves forward, there are various management plans, adaptive management plans that will be developed to implement the Plan. And we think that recreational interests need to be included in the development of those plans. There's always going to be a dynamic between the conservation of resources and the use of those same resources and we think that it's very important that recreational interests be included in that dialogue and those debates in terms of how the Plan ultimately plays itself out. So that's a very brief presentation, some of the things that we've been doing, some of the findings that are included in the report that you'll receive today and some of the recommendations that we would provide for you to consider and for the Board of Supervisors and others as well. And with that, I'm going to ask some of the other members of the RECTAT maybe to join me up here and we'll try to field questions that you have. Anyone who's willing? I'll try to field your questions, but Debbie here is with the, a long time member of the committee, with the Forest Service, Sue Clark, Meg Weesner, Judy Nicholson, Larry, I think that's the group that's here today.

Questions from Steering Committee members:

Question: How do you intend to expand opportunities and could you elaborate more on how access is a benefit?

Don: If there are in fact lands that are protected in some manner that also provide opportunities for outdoor recreation through the conservation plan, that in perpetuity those lands are protected, that's an opportunity for

these various activities. Access is a site-specific issue in most cases but there's a long history in the community of restricted access to areas where these various activities, be they climbing or hiking, that history has occurred and if protection of lands can concurrently provide that access, we think that's a benefit as well.

Question: My question is actually for Sherry, for Sherry Barrett, and in terms of what our work is here with the Section 10 permit, can you explain how recreational impacts are dealt with in the Section 10 application?

Sherry Barrett: They could be considered just part of the impact area if there's new trails or whatever that would be needed. So it really depends on what you're talking about. If you're talking about a new trailhead or whatever, those are areas of habitat disturbance. On the other hand, I think they would fall into management of the lands that are put into conservation status, recreation should be considered. And also as part of the monitoring program, it should monitor effects of recreation on the resources we're trying to conserve.

Question: Is your committee going to cover the impact the 20-some activities will have on the environment?

Don: **Well, in terms of the impacts, we're certainly not advocating that these activities be allowed at any time and in any place and in any level of concentration. We share those concerns and that objective of resource conservation. But we think that the two can be compatible. Where they occur and the level at which they occur needs to be addressed on a site-specific basis. But we want to ensure that those opportunities are preserved while resource conservation is occurring as well.**

Meg Weesner: I work at Saguaro National Park and the National Park Service has a long history of balancing the need to protect the resources, which we've been asked to protect and yet also provide access to them for the people. In sum, if you don't have access to your national parks, you won't have public support either. But building in appropriate kinds of recreation in areas is a great enhancer and benefit of the other parts of your protection system. And that's why our committee has been very supportive of insuring that recreation is recognized and continued as part of the solution to the puzzle in the Sonoran Desert Conservation Plan.

Question: Don't you think that given the highly destructive nature of all terrain vehicles, that that activity is worthy of some kind of a special recommendation?

Don: **Well, it certainly is different in many respects than the others. But it is a legitimate activity. It does occur. Pima County has been exercising leadership in terms of developing the Motor Sports Park, where there's a designated area that has been disturbed prior to this activity and where people can go as opposed to just doing it out their backyard or at any location in the desert. Obviously these need special consideration and Debbie, I know you deal with this on an issue in the forest, that there are places where it's allowed and as part of the forest management plan, and places where it's not.**

Debbie Kriegel: Yeah, I guess I can say a couple words about that. Yes, vehicles off roads do damage and there are some places that that's appropriate and lots of places that it's not. On the forest, it's not even allowed off roads. And we do try to encourage, we're actually trying to work on the forest encouraging responsible use of OHV's on designated roads. And it's working to some extent and I think as the county develops this plan, that kind of thought could go into still allowing the use but allowing it responsibly and on roads.

Question: What would help us the most is if you could identify specific areas that you consider high priority areas for preservation of certain of these 20 steps so that we can take that into account when we consider high areas of linkages for protections of habitats.

Don: **Well, a couple thoughts. One, we were not suggesting that this is necessarily something that gets plugged into the Section 10 process. But it's a longer-range view of conservation and recreation as it relates to Pima County over the next decade or so. The report that you'll receive a copy of today does go into more detail in terms of, for each of these activities. What are some of the key locations where they occur, be it birding or mountain biking or whatever. So there's some additional information that we did not try to present today. After your review of that, if there is some, you have some specific questions related to any or all of those activities, we'd be more than happy to come back and continue that discussion. So this is admittedly very brief and an overview this morning, but there is some additional information in there and there is some more work that needs to be done.**

Question: Have you taken a look at those trailheads and trails that have been closed or access restricted because of developments such as in Pima Canyon and in the eastern Catalinas?

Don: We've discussed it at some length and it appears to us that most of these issues are site specific in terms of ownership patterns and historic access to certain areas and probably need to be dealt with on a case-by-case basis. So I don't know that we have a general recommendation other than where those issues occur to the degree that the plan can help solve those problems, that we would like to see it do so.

Question: Do any of your proposed recreational trails cross private property or are all your suggestions on public property?

Don: We don't deal in this report with specific trails or recommend trails that they be, other than in concept that people like to hike, that there ought to be a trail system that they can use. Certainly private property in the implementation of a trail system, as Pima County has been attempting to do and continues to work on, those issues need to be addressed. But in terms of what we're proposing here, what we're talking about, it is simply these activities occur and the degree to which this plan can continue or maintain and expand those opportunities, that's what we'd like to see. We're not dealing with specific locations.

Question: Would you have to provide or would some group or entity have to provide surveys to see that endangered species were not being harmed before these activities were undertaken?

Don: I think there is an absolute mandate for new trails or new facilities if they in some manner affect TNE (?) species, that that would have to be identified and cleared as with any other project. If it falls under the jurisdiction of the US Fish and Wildlife, their concerns would have to be addressed. As to who would cover the cost, depends on the nature. If it's a new trailhead and it's being developed by Pima County, Pima County would have to bear that responsibility. If it's the Forest Service wants to do something, then the Forest Service would. If it is a private entity that wants to develop a facility, then they would be responsible for that.

Question: Can you go into detail on how the adaptive management provision, listed as number five in your presentation, works within your specific rubric?

Don: Well, I think there's probably a number of different dimensions. But ultimately, if a plan is adopted, over time there will need to be an adaptive management plan that monitors impacts that are occurring on those lands based on whatever activity might occur, be it in this case being recreation. And that there is a plan that if degradation begins to occur here, there is some response to that. And I'm not terribly familiar with how these adaptive management plans will play out as it relates to the Sonoran Desert Conservation Plan. But certainly there is that follow-up phase. You adopt a plan, you implement it and then you monitor and respond to what occurs based on what you thought might occur and what is actually occurring.

Question: Does anyone in your group have any access to polling or studies or statistics about how many people move to Tucson for recreational opportunities or how many people in the community hike or do different activities?

Don: We think that's a limitation in terms of the data we've been able to collect, because it's not a quantitative study. We have not gone out to trailheads and monitored trails and take headcounts. We think that's important information and that was the basis for the recommendation of more a comprehensive study that is quantitative in nature.

Judy Nicholson: I represent a camping group that's national, Loners on Wheels, and then we're the Pueblo Chapter based here in southern Arizona. In doing research for my chapter for the report, I spoke with several people in Pima County and was given the figure that you're all acquainted with the 50 cent per night tax that is put on vehicles, you know, campers or camping spots overnight in Pima County, that in the fiscal year 2001 to 2002, that tax alone collected \$189,000 which meant that 94,000 people had to camp at least one night in Pima County. Now considering the amount of money that they bring in, and that is strictly on private campgrounds. That is not in the public forest service campgrounds or Pima County campgrounds such as Gilbert Ray. That is strictly private. So recreation and camping in Pima County is a major industry. The amount of dealers, the amount of people that provide services for recreational camping is astounding. I have no total dollar figure per year of what that brings, but if you figure a town of this size supports 17 recreational vehicle dealers, then there has to be some money in there someplace changing hands. And what we want to do is avoid, what we want to do is maintain the

quality of camping in Pima County by not putting out the perception that everything in Pima County is off bounds because it's all tied up in a recreational plan and you can't drive through it or you can't visit it or you can't be there and do anything else that you enjoy.

Question: **Have you provided or can you provide a succinct statement or list of specific provisions that you either do or do not want in the plan?**

Don: **We have not done that. We will meet again and certainly give that some consideration. If that would be useful to you as a Steering Committee, I think we would certainly consider that.**

Don: **Thank you, and I just wanted to close by thanking Frances Werner. She's been a member of RECTAT. We didn't make her get up here and stand this morning, but we appreciate her efforts.**

Questions and or comments from the public:

Question: **I would implore you to consider as a component in the final plan a designation of those specific areas that are popular recreational rock hounding places to provide for continuing rock hounding recreational opportunities.**

- **David Steele noted that Maeveen Behan brought the RecTAT report and maps on CD for distribution.**

Discussion:

Motion: Adopt Recommendation 1 – That decision makers consider natural resource based outdoor recreation as they develop the Section 10 permit application and the SDCP.

Action: Motion passed with no objections.

Motion: Defer Recommendation 2 -- That the SDCP expand opportunities for natural resource based outdoor recreation in eastern Pima County, keeping in mind that restrictions in sensitive areas may be necessary.

Action: Motion passed. 47 present 39 yes votes 8 no votes

Motion: Adopt Recommendation 3 – That the benefits of the SDCP and the Section 10 permit application related to the Natural Resource Based Outdoor Recreation be identified when the plan is presented for public review.

Action: Motion passed with no objections.

Motion: Adopt Recommendation 4 -- That a comprehensive peer reviewed study be conducted by the appropriate land management agency and jurisdiction to document the scope and distribution of natural resource based outdoor recreation in eastern Pima County and identify trends and projected future demand for natural resource based outdoor recreation in eastern Pima County.

Action: Motion failed. 47 present 26 no votes 21 yes votes

Motion: Adopt Recommendation 4 – That a comprehensive study be conducted by the appropriate land management agency and jurisdiction to document the scope and distribution of natural resource based outdoor recreation in eastern Pima County and identify trends and projected future demand for natural resource based outdoor recreation in Pima County.

Action: Motion passed 47 present 36 yes votes 11 no votes

Motion: Adopt Recommendation 5 -- That recreational interests be included in the development and implementation of adaptive management plans.

Action: Motion passed with no objections.

Future meeting schedules and issues for future meeting agendas and business:

The suggestion was made to ask the Steering Committee to vote on converting the February 26th study session to meeting, but there were not enough members present to vote, therefore this was tabled and February 26th would remain a study session.

Call to the public: None

Adjourned 9:00pm

SDCP - Steering Committee

Sheraton Four Points

6:00pm to 9:00pm

Wednesday, February 26, 2003

Meeting Notes

Participants: Maeveen Beham, Sherry Barrett, Paul Fromer via telephone, David Steele. See attached sign in sheet.

Documents made available to the Steering Committee members at the study session:

- Agendas
- CD from County titled: Cooperative Agreements
- E-mail from Judie Scalise of ESI
- Motions by Jonathan DuHamel
- Draft Outline of Steering Committee report to Board of Supervisors.
- Recommendations from Agricultural Landowners
- ADR Provision in Growing Smarter

Meeting Commenced at 6:35 pm

Meeting commenced with 22 Steering Committee members and 7 members of the general public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda.

Logistics for the next Steering Committee Meeting:

Saturday, March 1, 2003

8:30am to 11:30 am

Pima County Public Works Building, Rm. 'C'

201 North Stone

Logistics for the next Ad-Hoc Subcommittee meeting:

Friday, February 26, 2003

Immediately following the Steering Committee meeting.

Administrative Matters:

- There have been no further changes to the Steering Committee membership.
- David was working with the Pima County GIS department in trying to get a CD with the GIS maps for members. A sign-up sheet was circulated so members could receive their cd.

Old Business:

Assumptions used in economic analysis: The Steering Committee was given a copy of the email communiqué from Judie Scalise of ESI stating that they would not be meeting with the County until the latter part of March. Therefore this item was deferred to a later date.

Status of Key Decisions and Schedule for their consideration:

- David provided a draft outline of the report that reflects the latest agreements that were made at the last meeting.
- The final report will have an appendix with the minutes which will have the more detailed information.
- Scope of Plan: These are the key decisions based upon David's conversations with Maeveen Behan and Sherry Barrett on what the County is looking for from the Steering Committee.
- Duration of the Plan: This was addressed in the motion that the Steering Committee adopted on February 1st. The "Species Covered" by the MSHCP was discussed on February 1st, however there is still some ongoing dialogue.

Stakeholder discussions:

Presentation from Agricultural Landowners Stakeholder Group:

Mary Miller: Some of the agricultural landowners prepared a document. You'll see that there's a number of points on this document where we were trying to work with the ideas that the "X Group" was working on. You'll find that the majority of new things have to do with ideas about how to use agricultural ranch lands as part of mitigation. We're very interested in setting up some sort of a conservation easement program that will contribute to that and we've put quite a few details down on paper as to, you know, some of the principles that we think would be important to have that work. And I'm not going to go through them, you can read them for yourselves.

But I guess I kind of wanted to be a little bit emotional and personal about this for just a moment. Our ranch is a 10,000 acre ranch. It's down here in the middle of this green biological core area. It's called Elkhorn Ranch. It's about a third privately owned, mostly then state and a little bit of BLM. It's a really beautiful place and people pay us a lot of money to come visit it. We have a guest ranch and we also raise horses. It's right smack in the middle of this biological core. We're ranchers, we're also property owners. We're interested in having there be programs where we can see all this open country stay in productive economic use and also be part of this protection scheme. I'm standing up here telling you very firmly that, to use Maeveen's words, the carrot approach will work better with us than the stick. And we are very concerned about how regulation will affect us. Carolyn and I had some conversation about that on the phone this afternoon. And I think it's an area where we all have a lot of confusion, fear, more discussion to be had. We've got to keep that up. But it's just, I think it's a really important thing that we look at incentives and we as landowners who might in some, I mean you could be dealing with me someday or you could be dealing with me when I try to buy a ranch in the valley. You could be dealing with my daughters who are trying to keep our ranch. I don't know. But we're trying to create some mechanisms where you can keep these agricultural lands in production and also be part of this conservation equation. Because believe me, conservation is happening out there. So we hope you'll take these ideas seriously. We're trying to be a constructive part of this. I know we have a lot of discussion to be had about regulation, number of species. We're out there working with endangered species compliance to do the things we already do today. And we understand as landowners that it's a very onerous and a big deal to be dealing with endangered species compliance. So we're not just whining out of this based on theory. We've been doing it. I think that a lot of the points we make can be applied to David's draft on page 3, section 4, section, line 25. I think that some of the points in our document could be integrated into that quite easily and that's about all I have to say

Questions from Steering Committee members:

Question: . What are the fears that you referred to in your document?

Mary: If you try to zone us, if you try to make it so that I as a landowner cannot develop through zoning, through more sort of what I think of as issue-specific regulations. We've got a hillside, we've got a riparian, we've, let's add an owl, let's add a "this", let's add a "that". All of a sudden you look at my property and it doesn't have anymore development value. I may not want to develop it, but (a) someday my kids may have to, (b) if I want to play in this mitigation game, I'd like to have something to sell. I truly believe that my ranch has a lot of value to me from an agricultural perspective, making money on it the way we currently do. I also truly believe that it has a lot of public value. And if the public wants to keep that public value intact, I think it's not unreasonable for me as a landowner to make some money on that. But if you zone or regulate away that value, I have nothing to sell you for conservation. So we don't want to have sort of, we don't want to have that development value regulated away from us before we have a chance to do something with it. I think if we could keep zoning the same, that's step one. But I do believe that as we look, and I think this is kind of where the source of Pat's concerns about the number of species lay. We learned a lot about HCP's ourselves lately. We've been working on some related to agricultural practices burning that Sherry referred to. And you have to make sure that with all the things that are going to go on on the land, that the needs of the critters are being addressed. And that's a complex game. And I think that the discussion, I'm losing my train of thought... We're very, we're skeptical. I can't wait to see the details. I think we'll all have an easier time when we have specifics to be dealing with instead of kind of arguing from our positions of fear.

You might focus on the back, the second page. I had meant for "the following guidance regarding a mitigation program utilizing purchase of conservation easements on agricultural land". If you look at the points underneath that, there's about 8 of them. Those are some of the specific principles that we feel would help make a program like this work on ranch land. And I would kind of envision that some of those specifics perhaps could be added to David's outline. And those might be the areas that you really look carefully at. I think you'll find that much of

what's on the front page is trying to connect and achieve some consensus with others and also trying to make sure that everybody makes sure where we're coming from, which I'm sure we're all spending a lot of time doing that. But I think the real meat is on the back of the, is on the second page. I don't think it's real controversial stuff, but it's things that would provide the kind of, it would make the carrot more orange I guess and make it something that landowners might be able to work with. That's what we were trying to think through. We were trying to imagine if we were going to do this, what might we need to see. Just to share, too, a lot of these ideas, Sherry did talk with us and so we did air some of these ideas with her and that doesn't make them any more right or wrong, but we haven't just ginned these up all by ourselves.

Maeveen: Just to ground the discussion in how eastern Pima County will take issues of mitigation, and the real issue that's before the Steering Committee which is who should bear the cost? That's really the issue. And put it on the map. I just wanted to show this map to you and I don't know if I can get any help holding it up so I can point to it. But what you see here is, now the question is, who pays? Okay? That's the question before us. And the down-zoning issue is, you know, institutional reserve, you're in the middle of a national monument. I don't see that creeping into a lot of places and taking the zoning potential down more, but I don't see down-zoning as the issue so much as if I were in your shoes I'd be asking, in the answering of the question "who pays?", what legal mechanisms are available to the county to make sure it doesn't disproportionately land on the people who are holding the high value habitat. That's the question I would be asking. Not imagining that new laws will come that will hurt you, but to look at the existing laws and see how they will apply.

So if you look at this map you can get an idea of what land will be developed. And you can start with the principal, and I'll only take a minute on this but I just think it might help take some of the irrelevant part and some of the fear out of this conversation. Pima County, unincorporated Pima County has the authority to have impact fees only in the form of transportation. That's it. That's it. We have a native plant ordinance that requires on-site mitigation and it has a cash in lieu option. And you may look at that cash and say, well there's a fee, there's a generation of fee, and there's survey requirements already attached to that. And these are the kinds of things that ranchers aren't dealing with right now but that those who are not necessarily in the CLS are dealing with. So when I look at the land that is likely to be developed before we step a toe in the CLS, you can see the areas and it mostly belongs to the City of Tucson. Has been annexed by the City of Tucson, Marana or Sahuarita. So Pima County's constraints and also Pima County's conservation ethic, neither of those apply, neither of those apply. Those are regional issues that we'll have to work out with the city, with Marana, with Sahuarita as we all negotiate our HCP so it makes sense regionally.

But the question I would be asking is, if there is a, if you talk in terms of mitigation ratios, what you're saying is, the landowner pays. If you talk in terms of bond what you're saying is the system, exaggerating, the cost is spread across the tax base. And when I look at this map and I say mitigation ratios in unincorporated Pima County, who's the landowner? Who's the landowner? And that's what I would be saying as a rancher. It's me. So if you have this kind of exclusive focus on mitigation ratios, the thing to understand is Pima County's limited in its ability to impose traditional impact fees. That doesn't mean this won't be annexed by the city and a different set of rules will kick in. But let's start there. And then I become concerned with, have we just written off any unincorporated land that isn't in the CLS, it's essentially under no restrictions. The people who developed that land aren't contributing to the reserve at all, it's just a race to the bottom with that land. I've never heard that conversation and I think that's a real issue. We're not Clark County. In Clark County they had authority and a political will to impose an across-the-board impact fee on the conversion of every acre of land.

In Pima County we're limited in our authority specifically when we take a legislative act, when we grant someone more rights than they currently have. We can ask them to do things and we call it an exaction. And the exaction can be a condition that's related to the impact. So when someone comes and says, I own one house per 4 acre land, I would like to get greater density here, the county can turn around say, we'd like to see a number of things happen. And that's part of the, you get something that you weren't entitled to, we get something, too. And that looks different with every zoning. But in general you could say, you could make the recommendation that you'd like to see conservation achieved as a condition of the rezoning as an exaction. You'd like to see conservation achieved in some way. You can translate it then to the language of mitigation ratios, you can translate it into the language of open space.

But the question still comes, if you are relying exclusively on that as your mechanism, guess who's paying. And that's really what we need to hear from the Steering Committee. We know at the county what our legal rights are, what we can and can't do. But what we don't know is what does the

community think is a fair apportionment of this burden. And I haven't heard the Steering Committee say that. A bond would spread it across the tax base more generally, other mechanisms might. But the mitigation ratio which may be the fairest mechanism in a place that has more authority than Pima County may not have the same effect on individual landowners here. And that's all I want to suggest is, I hear people talk about mitigation ratios, when Paul talked and I love his thinking, but what he was really suggesting is that we had more authority than we do and that we would achieve the reserve through a mitigation ratio that accomplished the protection of that many acres.

And when I look at the map what I say is, most of the land that's not in the CLS is out of the jurisdiction of the county so we can't make recommendations, we have hopes for it but we can't make recommendations for that. And what we're really talking about then is unincorporated land and most of it in the CLS and there's a decision point for the Steering Committee about whether you want to speak to unincorporated land that's not in the CLS and what the burden might be there. The way I would go at this if I were you is to say, are there willing conservationists in this area and what will it take for them to conserve the land? And that's where the incentives come in. So say, well I need help with, this is what I need to stay there, this is what I need to improve the conditions, this is what I need to sell off part of the right. Whatever the level of willingness is, it has a price tag on it and it's not that many questions to ask. It's 30 in Altar Valley and 15 or 7 up here. It's not that many questions to ask. And we have 50 years to do it. But that's an approach that not only tells you what the price tag is, lets the market control how that plays out and suggests to the county how to go about getting the money. And essentially how to prioritize.

Those are just considerations I wanted to put in front of you. We're not Clark County. We're not San Diego. And when we go to figure out who should pay, don't make that a pie in the sky. Don't make that, well let's put it on the developers because the developers are either going to be in the city of Tucson or in the non-CLS area which you may be silent on that issue, or they may be, you know, people who really would prefer not to develop if the conversation took more of a turn towards how to make this work and incentive basis. That's all I'm suggesting.

Eastern Pima County is 2.4 million acres. The CLS is 2 million acres. So there's 400,000 acres for development that the science community says, that can go, that can be impacted, and you see what it is, it's everything that's not green or blue. That can be impacted and we can still have this potential reserve that works. So when you look at how much land within this 400,000 is developable, it's half of it. It's half of it. Most of that is not in Pima County's jurisdiction. So all I'm suggesting is, you know, that could take us all the way to build-out. That land could take us all the way to build-out. If that's what we developed. But the rules that you suggest and that the county or the approaches that this body suggests, I don't want you to miss that as a potential mitigation option, and there are ways to get at that land through rezoning, through the existing native plant, and those are ways to achieve conservation. But you may suggest that they achieve conservation in the reserve. Or maybe you don't want that approach. But I'm just trying to make this real to us, make this conversation real to us.

Question: **If Mary decides to borrow against her ranch or even sell it, she can't right now, right? Because of being in a core or it's down-zoning in effect because the market isn't working for her now.**

Maeveen: **No, there's not been any down-zoning. This map actually honors the existing right. And not only that, it suggests that in some time in the future, the Board's going to make a decision to vest more financial rights in that land. That's what the light green area suggests, that there's going to be an up-zoning. Today people have a certain zoning. There no suggestion that that's going to be taken away. There's actually a suggestion within the CLS that development's going to happen and there's going to be up-zonings. So I don't know if people really thought that through. But if I were on the, had the interest of conserving this land, I'd want to say, well how do we get there first then and conserve it and how do we get that money and how do we put that land in line to conserve it and how do we deal with the landowner so that they want to do that, too. Those are the questions I would be having. But I think it's a little bit pie in the sky to talk exclusively about mitigation ratios when you see who they would hit here, what they would or wouldn't achieve. And what you're missing. The conversation you're not having that I think you need to be having to achieve the conservation plan.**

Pat King: **The reason we concentrated so much on conservation easements also is our little district out there has had a big loss of private property. And our school districts are seeing the results of that. And so we who live in the district are very concerned about loss of private property, schools, fire department, their income comes from property taxes. And if we keep losing private property, the**

remaining property owners are saddled with a heavier load. And so in that respect that pushes them out as well. And that's why we concentrated so much on conservation easements.

Lynn Harris: Most of you don't know exactly where I stand, but I'd like to give you a little bit of history and a thought concerning some of the things that the county and governmental agencies have done to the ?? of your people. This area right here, the white areas, classified local use is our ranch. And our families have lived there over a hundred years. We have tried to protect the place and I think we've done a pretty good job of it. We don't make our living on the ranch at all. We're in a contracting business because the ranch won't support us. But our families live there and I consider those mountains home. Our families have come back after retirement and such to the point where we have a community of about a hundred families now. And we have diligently tried to keep the nucleus of our community small to preserve the open space. Over time we have fought with the county over and over again every time we want a permit. We'd like to keep it down one acre per house. Its zoned RH right now.

But they, right on top of the highest peak, the highest peak is split. Half of it's private land and half of it's BLM. A number of years ago, probably about 25 years ago, the BLM people gave a portion of the high peak to the city of Nogales or the people that were going to serve Nogales with cable TV. Where they put up a big antenna, they put up a tower, etc. We were against that but of course we didn't know about any of it, there was no hearing, nothing was open until it was a done deal. And then the county set up a site of their own, the tower and the buildings, for their communications on this government land. And they made another swap, another acre to AT&T. Eventually we decided that we should try to do a, build a tower of our own or at least go into business as a communications business in the tower business. We got a permit, we did build a tower, and we saturated our tower with dishes.

Since then, not too awful long ago we wanted to build another tower because there's a need, we're living in a day and age of communication. So we're not trying to exploit the land, we're not trying to make a development. But it's a power cycle that was created by the government. When time comes and we get a permit for this new tower, we find that the county has come up with numerous new regulations which prohibit us from building it. So we went down and we got two of the Board of Supervisors to come up and look at our site. You let all these other folks come up, there's about 10 different agencies up there that's on BLM land. Why won't you give us a permit? And the new regulations the county has come up with have been very detrimental. One of the regulations is that to build a tower for communications of any sort, the land can't be more than 15% slope. That means that you can't build on top of any mountain. So we had to have a waiver and we had to come up with several to try to get a permit. Then those (inaudible) if the Board of Supervisors would clean up their debris(?). This is already a narrow site, it's (inaudible). The end of the ?? was, down in the offices there, we can't give you a permit because this is a commercial venture and you would make money off of it. They wouldn't want to give us a variance for something like that. How do they figure that a person was going to be able to pay taxes to protect his profit. It's still mind boggling. We have a piece of private property up there and we've been working close to a year trying to get a permit. We have businesses that would like to go up and utilize the tower.

And this kind of goes along with some of the fears that the ranchers have or the rural people. We don't have a great deal of money or we could take them to court probably and get it ended. As far as ranching goes, in the last 3 years the droughts are terrible. And we've done what ranchers do. Our cattle herd is less than half what it was 3 years ago, just because of the land. So by regulation we've been hurt recently by the county. That's my point. I just want you to try to understand where we're coming from.

Stakeholder Discussions Continued:

Presentation from the Mining Stakeholder Group:

Jonathan DuHamel: This proposal has to do with potential conflict down the road between county and state trust lands. I presume there may come a time when the county wants to purchase state trust lands. Much of the state trust lands in eastern Pima County have mineral rights or the potential for mineral rights. So my proposal is that the county look at the mineral maps. And if there is a reasonable alternative, they just avoid purchasing the state land that's got mineral potential. This will probably be cheaper for the county because if they try to acquire lands (inaudible) may have competition ?? And it's possible that a land company could just pick up prospecting (inaudible). So it's just a consideration to look at the future of the ?? of the county and yet using the land for conservation. That's proposal

number one. The second one has to do with our ability to mine things like sand and gravel aggregate. Because for a lot of people right now that's not permitted here in the city of Tucson. So I would like the county again to consult with the ?? industry and agree on some sorts of where they can mine some of these things. And unfortunately sand and gravel come from riparian areas or floodplains. And I understand (inaudible) Marana used to do that (inaudible).

ADR's in the context of the Sonoran Desert Conservation Plan.

- David noted that at the January 22nd study session Steve Betts mentioned that Growing Smarter had an ADR alternative process. During the research of this item David was informed by the Department of Commerce that in areas of dispute it establishes the presumption that the takings have to be for a beneficial purpose, and in areas where there is some dispute it requires the Board of Supervisors to appoint a hearing officer to review the matter.
- The Ad Hoc Committee asked David to contact the county's hearing officer, but he was informed by the Department of Commerce that hearing officers are appointed on a case by case basis, whenever there's an issue that comes before them.

Call to the Public:

Pete Tesicione: How do you address what already developed properties can do once it becomes pygmy owl habitat or, you know, once it's finalized. Because what you will do there will portend what people can anticipate would happen with the Conservation Land System for the 55 species. Is that true or not true or what?

Sherry: **No, the critical habitat does include some areas that are already developed and that's purely a mechanism of our ability to map finer scale. But those areas that are in the midst of being developed, they're not critical habitat, they don't have any habitat complaints. They're not within the 1.2 acres but they're not critical habitat unless they actually have habitat on it. Again, the (inaudible) factors our inability to cookie-cutter out (inaudible) process. Because they have to legally define each of their lines that they draw by leaps and bounds. So it becomes very problematic to draw around absolutely every development that's out there. So by definition, as a rule we say that areas that have no habitat because they're not critical habitat.**

Development of Steering Committee Recommendations:

Integration of Endangered Species Act Section 7 and Section 10 related to the MSHCP, Sherry Barrett, Field Supervisor, US Fish & Wildlife and Paul Fromer, RECON Consultants:

Paul: I think that in practice when you're dealing with Section 10 versus Section 7 versus the listing of critical habitat, that they all wind up pretty much in the same place in the end. And in general they're made to be consistent by the Fish & Wildlife Service through the Section 7 process. And I think that maybe the most important point is that in practice, the way that I have seen it work is that critical habitat and the HCP Section 10 permit are generally consistent. But in the end, the action that occurs last, or if there were critical habitat designated and then a 10-A permit came along, the Fish & Wildlife Service does a Section 7 consultation on that 10-A permit. And that 10-A permit is what holds sway. So that is the document that winds up being the guiding document because it is a contract between the Fish & Wildlife Service and the project applicants. So I think that in practice that is what we need to be most considered with, in respect, we need to consider both. In reality, they're all going to wind up being in about the same place. And I think that clearly Sherry can amplify on that. We talked about it and I think we're very much in agreement as to what the implications are.

Sherry Barrett: Well, Paul and I are working on putting this down on paper so you can better understand the issues that if critical designated prior to the Habitat Conservation Plan, we address it. And then it won't require any further mitigation. If critical habitat is designated after the Habitat Conservation Plan is approved and permitted, hopefully we have addressed all the habitat needs of those species, which is the goal of a multi-species regional conservation plan anyway. And we can probably be able to put it in as a foreseen changed circumstance and cite that there's not going to be further mitigation needed.

Questions from Steering Committee members:

Question: if the critical habitat is designated after the permit is issued, would there be additional mitigation required?

Sherry: If we do a good job and we address the habitat needs of the species, then we could put it as what we call a “changed circumstance” under the “no surprises” rule and cite that there should not be a need for any further mitigation. That’s provided that we do a comprehensive robust plan.

Paul: Right. And I think that it would be fairly clear that any species that was permitted by the HCP would have to have a, there would have to actually be an unforeseen or a dramatically changed circumstance for the Service to ask for something other than what was included in the HCP from a habitat standpoint, even if critical habitat is designated. So I think, you know, there’s no guarantee that that’s the case but I think that that’s clear that that is the way that it would be and has been in practice.

Question: If there is a critical habitat designated already and then an MSHCP is overlaid on it, will Fish & Wildlife Service as part of their approval process, do a Section 7 consultation on the MSHCP? So if they deem it satisfactory pursuant to Section 7, then Section 7, as Paul suggested, the MSHCP then holds sway?

Paul: Yes

Sherry: That’s correct. In fact we have to address the critical habitat.

Because a few members voiced confusion over issues that had been previously explained by US Fish and Wildlife and other Steering Committee members, Sherry Barrett and Paul Fromer offered to write a paper addressing these concerns again so as to better clarify these issues for those members who have had difficulty in understanding.

Sherry: What we need to make sure is when we do the Section 7 consultation on the issuance of the permit, we need to make sure that critical habitat through this program would not be adversely modified or destroyed. But that doesn’t mean that you can’t ever build on any critical habitat. What it means is that each of those critical habitat units still need to be able to function in the manner in which it was established. So it would mean that we have to address this whole permit the same we would as an individual project that’s being developed inside critical habitat. That doesn’t mean the project can’t go forward. We just have to make sure it’s being done in a manner that allows for that area to continue to function for the owl. Which we do all the time up in northwest Tucson in particular. So in this regard, we would look at a lot of developments that would be proposed that some of it may be inside the critical habitat. That’s not going to be and it never has been an absolute boundary that nothing can occur in. We just need to make sure that the permit issued program now can go forward in a manner that still retains the value of the critical habitat for the pygmy owl and still allows those different units to function the way they’re supposed to under the rule.

Question: Will property owners have to mitigate their potential habitat for any or all of the 55 species?

Sherry: Yes.

Question: Are these three scenarios correct:

One, if there is no MSHCP. If we simply stay as we stay now.

Two, if there is an MSHCP that is on a habitat basis and that covers the 55 species. Three, if there is a species specific approach that covers the 8 species.

Is the understanding correct that for most areas other than the critical areas which are connector areas or river basin areas, that the 55 species habitat approach would be less restrictive for more landowners than the 8 species approach?

Paul: Based on our evaluation of those plans, that’s correct. Based on the maps, and that’s why it would be easier to show this or explain this in person using the mapping that we developed for our analysis. But that is correct.

Mitigation Ratios:

David Steele and Paul Fromer discussed this issue with Maeveen Behan and Sherry Barrett gave a presentation at the last meeting regarding this issue. The following are additional comments from Paul Fromer:

Paul: My basic philosophy on this is that when we’re doing a plan like this, regional scale plan, what would be most valuable to do is take a look at what we expect to be the total impact, meaning what area would be developed as far out into the future as we can see. And take a look at what that impact is. How much of

different kinds of habitat are lost. At the same time, look at what we think is going to be the necessary habitat for a conservation plan and then from that figure out what we already have conserved. And the goal then is to add to what we already have conserved that which is necessary to implement the plan, and use what is going to be developed to generate that land. So from that essentially falls out your mitigation ratios. And it matches exactly what you really need to do to accomplish the overall conservation goal. Now that isn't the way it has really been looked at in most areas because they haven't had the luxury of trying to do that. And it's arbitrary rules of 2 to 1, 4 to 1, 6 to 1, whatever has been applied for losses does not necessarily lead to accomplishing what is the result, which is a reserve system that makes sense. So that's where I would start from. That requires a little bit more analysis from our standpoint but I think that that's the way I would like to at least begin the discussion. That's the way we would like to accomplish it in the end of the program, that we have done it that way. We'll have to figure out whether or not that makes sense from a feasible standpoint, economically or otherwise. But at this point I will suggest that as my starting point. As an interim step, we do need to figure out how to prioritize what we accomplish in the interim.

Questions from Steering Committee members:

Question: Is it possible for recommendations to be given to us to study which show maps of different areas and the ratios, mitigation ratios, that might be most appropriate for each area within the map?

Paul: Right, I think that's a good suggestion. Maybe a little more definition and direction will be useful.

Question: Have you and staff in any way looked at this before and maybe have begun prioritizing and have an idea of what mitigation ratios should be where? Or haven't started?

Paul: I think prioritization is a very important step. We have looked at that. We have a, clearly based on some prioritization ideas, that's how we came up with our species specific priorities for the reserve system. So I think that what we call the biological core areas, what we need now is to look at that and find a resolution. I know that there are people who have started doing that. I see that as a potential task for the science commission or perhaps another task for the science technical advisory team in consultation with the RECTAT and the ranching community, the ranch advisory team. I think that there is some real important technical work that needs to be done. And I know that there are those who have been looking at that already who we can certainly borrow on some of the work that they've already got. I don't think we have developed specific mitigation ratios for any of those areas. The county came up with a set of guidelines that are in the comp plan which took into consideration the discussions that we had in the stats as to relative importance and relative to need for portions of conservation. But that's as far as we've gotten at this point.

Question: Is it feasible for the Steering Committee to anticipate that at some stage we can have maps demonstrating recommendations for different mitigation ratios depending on the environmental sensitivity of the areas in each map?

Paul: Yeah, I think that that has to be part of our proposal. So it should be a task that we work on in the very near future. I mean, that's one of the key elements that's going to be necessary for implementation of any proposed HCP that we do.

Maeveen Behan: You've been seeing the maps all along. It's the Conservation Land System. You have several examples back against the wall. You have core, multiple use, riparian, and that's what we're talking about. So this is the map right here and the guidelines that attach to it are about ?? the comprehensive plan. That's what we're referring to. What I'm making reference to is the Conservation Land System works within the current zoning and so the starting point of it is to respect the existing entitlements and then to match a percent open space against what the science team had formulated as the species needs at that point. That's how that came about. And so what Paul was talking about was the biological ideal which doesn't consider the county's legal authority or the underlying entitlement. So that's why I point to this map and say we really have thought through legal authority, existing entitlement, species needs, and you see that reflected on the CLS. And Paul was getting at it a different way and kind of, we can look at that map but the next conversation is in what way would that be achievable. So that's the ideal and reality that I was trying to point out by saying you have definitely seen these maps and there's method that went into creating them. Paul and I talked today and what we didn't get to in this conversation is that, I think Paul and Sherry will agree, that 80% or if the core built out at one house per 4 acres, you would not have an effective reserve. You would not have an effective reserve. And so there's a degree of take in the CLS itself. Something that doesn't really occur to people is the CLS actually assumes that the multiple use will be up-zoned. That there will be a granting of greater entitlement than currently exists with the landowner in the multiple use. And that's another way of supporting Paul and Fish &

Wildlife's concern that the CLS as it exists today, if it were to build out, it would not be an effective reserve. So what the CLS is is a reflection of current land entitlement, what the county can do legally and what the first pass of the science committee's wishes were already adopted in the comprehensive plan. The next job is prioritize acquisition or protection and make the vision of the CLS turn that into actual conservation. One of the practical mechanisms come to my mind like bond. So it's what mix of mitigation and bond is legally feasible. And that's the conversation I think would be very valuable. I think it's a great exercise to say would we need a 20 to 1 mitigation ratio to achieve the reserve. But the question arises, do we have authority to do that and what does that do to the existing landowner's rights. So that's all I'm suggesting is that you have seen these maps, they originated with 3 interests in mind: legal authority, existing entitlement and the best knowledge we had at the time from the stat teams. And that's how those maps and those numbers came together. So I don't mind looking at this many different ways, but I just want to suggest that we work within some of the constraints of this community already to get to these kinds of proposals.

Future meeting schedules and issues for future meeting agendas and new business:

- If there is need for an additional meeting then it should be on Saturday April 5th so the ranchers can more easily attend.

Call to the Public:

Pete Tescione: Real quickly. There's still this concern about when you overlap the 8 species map and the 55 species map, it appears from my preliminary assessment that there are areas excluded from the 55 species map that appear to be instrumental in the 8 species map, particularly in riparian areas in the San Pedro Valley. And I would urge the Steering Committee to look more closely into that and perhaps contemplate a hybrid of the two maps for Conservation Land System and core areas, critical habitat or whatever. Thank you

Meeting Adjourned:

9:05pm

SDCP - Steering Committee

Pima County Public Works Bldg. Rm 'C'

8:30am to 11:30am

Saturday, March 1, 2003

Meeting Notes

Participants: David Steele. See attached sign in sheet.

Guest Speakers:

Documents made available to the Steering Committee members at the study session:

- Agendas
- Two Funding Presentations from Steering Committee members, one from Gayle Hartmann, Debbie Hecht, and one from Lucy Vitale
- Proposals from Working Group titled: Elements to be included in Pima County's Multiple Species Habitat Conservation Program
- Mining and Mineral Exploration Concerns from Steering Committee member Jonathan DuHamel
- Answers to Steering Committee questions, from US Fish & Wildlife Field Supervisor, Sherry Barrett
- Proposal from Steering Committee member, David Goldstein
- The ADR Provision in Growing Smarter

Meeting Commenced at 8:30am

Meeting commenced with 25 Steering Committee members and 4 members of the general public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda. By 9:15 there were 42 Steering Committee members.

Logistics for the next Steering Committee Meeting:

Wednesday, March 5, 2003

6:00pm to 9:00pm

Pima County Public Works Building, Rm. 'C'
201 North Stone

Logistics for the next Ad-Hoc Subcommittee meeting:

Immediately following the Steering Committee meeting.

Administrative Matters:

- At the last meeting Steering Committee members were asked to sign up for cd's from the Pima County GIS department containing maps and overlays to address the various questions. This proved to be very expensive and the GIS department opted to provide color maps.
- The maps were done in such a manner that they show the CLS boundaries, the pygmy owl habitat and its relations to private land.
- The GIS Department will also provide maps that show the vacant lands and the recovery area as opposed to the critical habitat.
- Maps were provided to those that signed up at the last meeting and another sign in sheet was circulated so maps could be provided to those Steering Committee members that did not attend the last meeting.
- In planning meetings for April some members questioned whether they could participate via telephone. This will be investigated and placed on the March 5th agenda for discussion.

Old Business:

Approval of minutes from February 1:

- **Although the transcripts cannot be changed, Lucy Vitale wants the meeting notes to read that she said, "...include the numbers of "yes" votes, comma, the number of "no" votes, comma, and the total number of attendees. "**

- **Minutes were approved.**

Approval of minutes from February 15

- **Deferred to the next meeting.**

Status of Key Decisions and Schedule for their consideration:

The following items have been discussed by the Steering Committee:

- Scope of the Plan
- Duration
- Species Covered –there has been no consensus on this issue, but the Steering Committee continues to discuss this.
- Implementation of the Conservation Land Systems
- Acquisition of Core Areas—the county is seeking guidance from the Steering Committee on this issue.
- Mitigation Ratios – although the Steering Committee has had some discussion on this issue they expect to hear more from experts at the next meeting.

Stakeholder discussions:

Lucy Vitale presented a series of funding suggestions and requested that the Steering Committee vote on whether or not to include them in the final report to the Board of Supervisors as recommendations for funding sources. The following is inconsistent with the taped transcripts:

1. **Lucy stated that she decided to present these suggestions because she thought the Steering Committee had not addressed the issue of funding since 5 months ago when the Coalition, The Nature Conservancy, the Sonoran Desert and the Arizona Open Land Trust presented an entire report on funding.**
2. **She also made the recommendation both to illustrate that all Steering Committee members may present their viewpoints as individuals.**
3. **She made the recommendations as an illustration to the county to use all possible avenues for revenue.**

The following points and recommendations were made by Steering Committee members:

- Five months ago the Coalition, The Nature Conservancy, the Sonoran Desert Museum, and the Arizona Open Land Trust, presented an entire report on funding.
- Gayle Hartmann and Debbie Hecht also had a presentation on funding and perhaps it would be better to hear both presentations before voting.
- Elements of both plans could be combined and then voted on by the Steering Committee.
- Lucy should present all the recommendations and then the Steering Committee should vote on them en block.

Lucy declined to work with the other Steering Committee members developing funding recommendations and also declined to have all her recommendations voted on en block.

While the Steering Committee was willing to discuss the recommendations, a procedural motion was put forth for the Steering Committee's vote:

Motion: Defer the list of funding recommendations proposed by Lucy Vitale until a meeting at some point in the future, which could be March 5th. If not deferred then the Steering Committee would vote to consider the motions individually or separately.

Action: Motion to defer passed with a two-thirds majority vote of 28.

- After her presentation, some members requested that Lucy speak with the Board of Supervisors and report back to the Steering Committee any advances she made regarding one of her recommendations, specifically Supervisor Ray Carroll and Lucy's recommendation of the half-cent sales tax that would affect winter residents.
- Other members offered again to work with Lucy and some members of the Steering Committee reiterated that it would be valuable for Lucy to work with other Steering Committee members on funding recommendations.

Jonathan DuHamel, working in conjunction with stakeholder groups within the Steering Committee presented two motions. The following comments and brief discussion ensued regarding his first motion.

- This motion may be unnecessary as the process of state land acquisition addresses what this motion is saying.

Motion: That in seeking to acquire state land; Pima County should consult mineral potential data and explore an alternative to acquiring state land with high mineral potential if conservation goals can be accomplished by acquiring an alternative parcel

Action: Passed

41 present

Yes votes: 39

Abstained: 2

The following recommendations and friendly amendments were made:

- Perhaps the words, "find areas that can be mined," can be added to the motion so that this motion does not make it virtually impossible to locate areas to mine sand, gravel and aggregate.
- There will be some areas that should be mined or could be mined without making it so absolute that it will have to be all of these areas, therefore the current wording provides a good balance to recognize both sides of the concern that there could be a general exemption for sand and gravel mining in all important riparian areas.
- If the appropriate industry concerns already know where a lot of this aggregate is, especially south of town, then there is no need to find, but there needs to be some agreement on which ones of those areas can be mined and which ones need to be protected.
- Both the county and the town of Marana are currently involved in a joint discussion to explore how they can best service the community as well as protect resources and quality of life issues for the citizenry in the northern area of eastern Pima County. This motion addresses those concerns about having that same kind of consultation and process with the town of Sahuarita and others. Current state law says that the only kind of mining that the county can regulate is sand and gravel. Consequently, the wording of this motion should remain as Jonathan presented.

Jonathan declined to accept any friendly amendments to his motion. At the end of the discussion the motions were presented for the Steering Committee's vote as Jonathan stated.

Motion: That Pima County, in conjunction with the appropriate industry concerns, should review potential source areas for sand, gravel and aggregate and to come to some agreement on which areas can be mined for these materials consistent with the conservation goals of the MSHCP.

Action: Passed

41 present

Yes votes: 40

No votes: 1

Alan Lurie presented a memorandum at the last meeting that he felt provided the Steering Committee members with new information regarding the 55 species instead of the 8 issue. He wanted to know if any members were having second thoughts in light of the new information and if the Steering Committee would like to reconsider its previous vote. While some members wanted the vote to be reconsidered at the March 5th meeting, other members wanted to vote that the motion not be reconsidered at all, stating that one reconsideration is fine, but the Steering Committee could not continually allow for continuous reconsiderations of items it has already voted into place.

Motion: To defer this item to March 5th so the Steering Committee can review the information that Alan Lurie has previously passed out, give him the opportunity to present his information and defend his position, and then the Steering Committee can decide if there is a need to reconsider it.

Action: Passed

42 present

Yes votes 26

No votes: 10

Carolyn Campbell, Larry Berlin and **other members from a group of Steering Committee members that have been meeting, presented a draft of their proposal titled, "Elements to be included in Pima County's Multiple Species Habitat Conservation Program", that they would like the Steering Committee to review for consideration on March 5th.**

- While this group made it a point to mention that everyone on the Steering Committee is encouraged to participate, a member of the Steering Committee felt that it was necessary to know who had said what.
- Still other members felt that this was very productive for the Steering Committee and that this was helping the Steering Committee focus on the areas that required more discussion in order to reach consensus.
- Some members voiced apprehension that their stakeholder group still had concerns with the wording of the document as it applied to their stakeholder group. Other members pointed out that this document was not the only document that the Steering Committee should be considering when writing the final recommendation to the Board of Supervisors, and that all other members of the Steering Committee should be presenting their points for consideration by the full Steering Committee.
- The working group presented this document as their effort to date, as a working document. Their hope was that the Steering Committee could agree on the principles that are in this document, understanding that it may not be complete, then at least the Steering Committee will have reached some consensus on something positive. They also feel that this will also enable the Steering Committee to move forward on those issues on which there is not consensus at this time.

Gayle Hartmann and Debbie Hecht presented a draft of their funding recommendations titled, "Funding the MSHCP". Gayle stressed that it was for the Steering Committee to review and add to with comments, suggestions and recommendations so that a set of funding recommendations could be voted on by the Steering Committee at the March 5th meeting. The document offered a series of ideas proposed for Steering Committee consideration. The document was divided into 3 basic categories. The idea was to start a fund that would be funded over long periods of time by the different mechanisms mentioned, with the idea that the money in the fund would be used specifically to preserve open space and habitat. At the end of their presentation they suggested that anyone with input that would like to join with them for discussion in making their recommendations at the March 5th meeting, should contact them. Steering Committee members were given a copy of their presentation for review.

Call to the Public:

None

Development of Steering Committee Recommendations:

- **It was suggested that the stakeholder issues be included in the final report to the Board of Supervisors.**
- **Alan Lurie was concerned that he brought forth the consideration that the economic analysis of the Multi Species Habitat Conservation Plan was insignificant in comparison to the economic analysis of the Sonoran Desert Conservation Plan, but it had not been discussed or resolved, therefore, he wanted assurances that his concerns would be included in the final report as something that hasn't been discussed.**
- **David noted that in the Draft Outline of the Report Section 2a Steering Committee Recommended Assumptions, Number 8 states: The regional economic impacts (costs and benefits) of the MSHCP need to be analyzed consistent with the National Environmental Policy act and the Endangered Species Act and other relevant statutes.**

Future meeting schedules and issues for future meeting agendas and new business:

- The next Steering Committee meeting will be Saturday, April 5 from 8:00 am to 11:30 am. A location will be secured and announced to the Steering Committee and to the public by way of mailings and public notice.
- The proposal was made that the Steering Committee meet on April 5th and hear the economics consultants and that a week or two later after that point in time have another meeting at which point that would be the deadline for issues to be presented to the Steering Committee to be included in the report. There were not enough members present at the time this was introduced to vote on this as a motion,

however various dates were discussed and eventually the Steering Committee decided to postpone scheduling any further meetings beyond April 5th.

Call to the Public:

Stephanie Smallhouse: I just had a few points that I wanted to touch on and most of them you have discussed here so I think they might be of some important information to you, I would hope. First of all, in the 55 species, just to make a comment. It's difficult for me to get the agendas and what's going to be discussed and what's going to be voted on. And I had no idea that that was going to be dropped. And I would like to take a moment just to say something about it at this time if you are going to reconsider it. Just as an example, on my property if you use the 55 vulnerable species for this plan instead of the 8 endangered species, that covers 26 species just on my property. Of those 26, only 4 are endangered. And of those, all of those 26, only one has been documented to actually exist there. And it's not endangered. Now you've been discussing about mitigation prices, mitigation levels and things like that. For somebody in my position to have to deal with 26 species, all of which except 4 are not even listed, that's an incredible burden to put on me to be required to go along with mitigation that's the same as federal mitigation for endangered species. I mean there's practically no permit I could go to the county with where I wouldn't have to mitigate for one of those 26 species. Not only that, but also these regulations and mitigation were made for endangered species. It's not made to burden a landowner to death on every species that everybody thinks should be protected. That's why we have the process of petitioning the federal government to make sure that it's worth this burden. So I just want to make it clear to you how intensive the burden would be to some of us who are in these biological core areas.

Also, like Sue was just saying, for the graduated, and I know this is just a suggestion, but just as an example like I said. With myself having 26 of those species, if you have a graduated scale on mitigation and I just want to do a simple building project for myself, I'm going to have to pay huge mitigation because of the level of species I have on my property or the habitat potential, I should say, that's on my property. And I just wanted to make that clear. I realize the ecosystem management is better than single species management, but the point being is that this is too much of a burden on a single landowner. These are federal regulations, federal laws, they apply to endangered species, not to what the science technical advisory committee considered to be sensitive species. It's a federal law. You can't apply it to everything. I think it's unfair to put the burden on landowners, that kind of burden, for something that's not endangered and it's not in federal regulation.

My next point would be under the recommendations from the landowners. Basically I'm not involved in the Altar Valley conservation lands, I'm on the other side of Pima County. So I didn't come up with these suggestions. But I would like to say that I'm very in favor of them as a rancher and a landowner. And I think that they should be considered very seriously and I'm glad that it's being considered seriously. But like Mary was saying, the most important point on there is the, is not taking the value away before you offer to buy it from somebody. I've heard over and over again over these years that ranchers are an important part of this plan. I mean, we're providing the pudding for this plan. I mean, it's our land that's going to go towards the mitigation. And over and over again we've been asked, what is it that you want? Well, we're telling you what we want and we're telling you in black and white. And if you really want us to be, excuse me, like I said then this is it right here, there shouldn't be any more question. And the most important point is don't devalue our land before you offer to buy it. That doesn't make any sense. I mean everybody should realize that. And just as an analogy to make a lot of you understand, I hear a lot of you saying that, and in the last few meetings trying to come up with funding.

Well, you want to tax the people who are coming out of state. Correct, that should be a possibility, for enjoying what we have here. Well, as landowners we feel the exact same way. For those of the people who live in the city that want to enjoy what we're managing and we're maintaining at our own cost, you should have to pay us. Just like you think out of state people should have to pitch in to view what we've got. It's the same thing.

The last thing I would like to, I'll try to be real quick. The last comment I want to make is just a piece of information for you all because this sheet here was provided to you for informative purposes, I'm assuming, this article out of the Arizona Republic. "Big State, Small Ambitions". And I would just like to make two short comments on that since it is an informative piece of information, I'd like to provide some information to that. It says that agricultural is nearly zilch in this state (inaudible). Agricultural provides almost \$6 million dollars to this state and to some of you maybe that doesn't seem like a lot but considering the state of our economic affairs right now, that's a lot of money. And over half of that is livestock. So if you think ranching is insignificant in this state, you're completely wrong. It also states that wells on the San Pedro are going dry. I live downstream from the San Pedro, which means my water is coming from upstream. I don't know their situation but my wells aren't going dry. And I think you need to, when you're provided with information like this to help you make your decisions, I think you need to realize what's propaganda and what's the truth.

Meeting Adjourned:
11:15am

SDCP - Steering Committee

Pima County Public Works Bldg. Rm 'C'

6:00pm to 9:00pm

Wednesday, March 5, 2003

Meeting Notes

Participants: David Steele. See attached sign in sheet.

Documents made available to the Steering Committee members at the meeting:

- Agendas
- Revised Draft from Working Group
- Presentation on Judge Bury's order regarding 55 vs 8 Species from Alan Lurie and Mary Darling
- Presentation on Recommended Motions and Concerns from Mary Miller
- Presentation on Funding Mechanism Recommendations from Lucy Vitale
- Presentation on from David Goldstein
- Presentation on Funding the MSHCP from Gayle Hartmann and Debbie Hecht
- Proposed Mitigation Ratios
- Draft Outline of Steering Committee Report to Board of Supervisors
- Letter from member of the public, Stephanie Smallhouse

Meeting Commenced at 6:00pm

Meeting commenced with 25 Steering Committee members and 4 members of the general public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda. By 6:40 there were 46 Steering Committee members present and 10 members of the public.

Logistics for the next Steering Committee Meeting:

Saturday, April 5, 2003

8:30am to 11:30am

Pima County Public Works Building, Rm. 'C'

201 North Stone

Logistics for the next Ad-Hoc Subcommittee meeting:

To be determined.

Administrative Matters:

Member participation via telephone conference call. Per the County Attorney, Paula Wilk, members of the Steering Committee can participate via telephone if the following three conditions are met:

1. Everyone that is in the room needs to hear the person that is on the other end of the phone.
2. The person on the other end of the phone needs to be able to hear everyone at the meeting.
3. Agenda needs to note that some members may be participating by electronic means.

Member attendance and member qualifications: Mitch McClaran requested that David Steele ask the Board of Supervisors to make sure that all members of the Steering Committee are qualified to vote. The Board of Supervisors has set some guidelines about attendance and who is qualified to be on the Steering Committee and who is not. David noted that any member of the Steering Committee is welcome to present this issue to the Board of Supervisors. It was also noted that SIMG fills out an Attendance Roster requested by the Clerk of the Board and that SIMG receives an updated list of members once a month. Mitch also requested to know the maximum group size that can meet outside of scheduled meetings without violating open meeting laws. It was noted that the issue of attendance was not specifically on the agenda and so the Steering Committee could not discuss it beyond stating that this issue would be listed on the April 5th agenda for discussion.

Meetings held by stakeholder groups outside the Steering Committee: Lucy Vitale feels that even though the Steering Committee is following her recommendations to meet in smaller groups, if quorum is being achieved,

then the groups may be in violation of the open meeting law. Carolyn Campbell noted that a count is always taken by various stakeholder groups meeting to assure that they are not in violation of the open meeting law.

Old Business:

Approval of minutes from February 15:

- Lucy Vitale wants the meeting notes changed to read that her presentation was deferred because: “there was no more quorum and we ran out of time and that’s why it was deferred”.

Stakeholder discussions:

David proposed an order for the presentations. It was noted that any decision that the Steering Committee makes does not bind the Steering Committee from either amending or reconsidering at a later date if new information is provided that would cause members to do that. The Steering Committee members still have the right to bring up issues after they hear the economics consultants presentation. Stakeholder groups would present their motions and would require a 2/3-majority vote to be included as one of the recommendations in the report.

Lucy Vitale: SDCP Funding Mechanism Recommendations

- Lucy presented a list of 13 motions that she requested be voted on in order to present them to the Board of Supervisors. Eleven of the motions failed.
- The motion to recommend the County use public funds for strictly conservation efforts of areas with high biological value and not in efforts to prevent development of privately-owned lands simply to benefit a few area residents, was amended by Carolyn Campbell to the following motion:

Motion: Recommend the County use public funds for conservation efforts of the areas with high biological value.

Action: Passed.

- **The motion to recommend a half-cent sales tax as a dedicated source of revenue for the plan was amended by Ernie Cohen to the following motion:**

Motion: That we recommend that the County explore the feasibility of presenting to the voters a sales tax proposal as non-regressive as possible, consistent with law.

Action: Passed.

See attached.

Alan Lurie and Mary Darling: Judge Bury’s decision on the 55 vs 8 Species:

- Alan Lurie’s main concern was whether or not the Steering Committee has made the right decision by using an ecosystem approach or 55 species as the baseline number for the Habitat Conservation Plan.
- Alan presented the premise that if a species, whether they be listed or not, whether they be vulnerable or not, are put into a Habitat Conservation Plan, they are a federally listed species. Since Pima County will be the agency that issues permits, the Fish & Wildlife will recover that Pima County ensure maximum protection for all of the species inside of the Habitat Conservation Plan.
- While some members questioned the information in the Bury decision, stating that the species are not going to be listed by nature of becoming covered species under the HCP. They’re going to be treated as if they are listed and assurance is granted. They will not have critical habitat designated for them unless they become listed. Critical habitat cannot be designated for a species that’s not on the endangered species list. Other members added that whatever the court ultimately determines the critical habitat to be will exist irrespective of what the Steering Committee does and what the Steering Committee does won’t change that. What the Steering Committee can do and what is within their purview is what they did on February 1st.
- Other members stated that if the 55 species were included then that would protect species that were listed and others that were not listed. It would protect indicator species that serve as a sign of the habitat conditions, thus preventing future listings.
- Further, members pointed out that the ecosystem approach affords an opportunity for much greater flexibility whereas the species by species basis would end up requiring stricter and more restrictive enforcement of the ESA by the Fish & Wildlife Service.

- The final point made was that the case that Alan presented by the federal court does not deal with whether the Steering Committee should consider 55 or 8, and it does not deal with whether the Steering Committee should consider a habitat approach or a species approach.

Motion: That the Steering Committee reconsider Group X motion from February 1st as it specifically relates to the scope of the plan.

Action: Motion failed.

Mary Miller, Recommended Motions and Concerns:

- Mary presented the following motion that she offered as a compilation of the materials various members have presented to the Steering Committee.
- Initially she had asked Alan Lurie's permission to introduce this motion during his presentation, but it was noted that there was already a motion on the floor and as a result, Mary's motion was brought in as a separate entry.
- Mary accepted a friendly amendment from Jonathan DuHamel, which became the fifth alternative in the motion.
- Mary Miller also accepted a friendly amendment from Mary Darling that changed the second alternative.
- The final motion presented is as follows:

Motion: That given that we have recommended the adoption of an ecosystem approach that we now recommend that there be five alternatives considered in the EIS for the MSHCP.

1. **The 55 priority vulnerable species and the conservation measures enacted for their protection.**
2. **The 9 listed species plus those that would be adequately addressed by the conservation measures enacted for the 8.**
3. **A combination somewhere between 8 and 55.**
4. **The no action alternative as required by law.**
5. **The species within the 55 that are currently listed as threatened and endangered or are candidates or proposals for listing.**

This would include an economic analysis of all 5 alternatives. Other important analysis topics would include, but not be limited to, reserve requirements and regulatory requirements.

Action: Motion passed.

- While Mary Miller did not wish to continue with the review of her presentation, she did make the following motion:

Motion: That the Steering Committee add a section to the Board of Supervisors report where issues lacking agreement are highlighted.

Action: Motion passed by consensus.

David Goldstein Motions Regarding the Habitat Conservation Plan Outline:

- David Goldstein went through the Habitat Conservation Plan outline prepared by the US Fish & Wildlife that Maeveen Behan handed out on January 8th. The purpose was to come up with recommendations that he put in the form of motions.

Motion: That the permit should be voluntary in nature, meaning individual projects may elect to either participate in the MSHCP or go in for their own ESA authorizations.

Action: Motion failed.

Motion: That landowners will have the option to buy mitigation and disturb, or develop in a low impact way.

Action: Motion failed.

- David Goldstein's original motion; County to monitor with a technical advisory team with broad participation. Participants would be a technical team and citizens team. There would be a peer review element, received a friendly amendment from David Hogan. The motion presented was motion 11 from the Working Group's revised draft. David Goldstein accepted the amendment.

Motion: Pre-approval and Periodic Independent Review of Compliance and Progress. Independent review of the MSHCP is critical to ensure sound science, legal compliance, program transparency, public trust and to improve the likelihood that program goals and objectives will be fully achieved. Independent review of the MSHCP document should be conducted prior to program approval. The MSHCP implementation should also be reviewed independently over the life of the program. Both levels of independent review should be conditions of

the take permit and related assurances. Periodic independent review of the MSHCP implementation should occur at years 3 and 6, with subsequent reviews at intervals not to exceed 5 years. The review committee should include citizens and individuals with professional qualifications or experience to address results generated by the adaptive management and monitoring program.

Action: Motion passed.

Motion: That funding should be 80% public finance and 20% fee structure.

Action: Motion failed.

Motion: The plan should include the full no surprise coverage for covered species with phasing the amount of impact and mitigation stay in balance through the term of the plan.

Action: Motion failed.

Working Group's Revised Draft 3/5/2003:

- **This group is comprised of Steering Committee members from different stakeholder groups. They chose Bill Arnold and Larry Berlin as spokesmen to make their presentation, which was offered as one motion.**
- **Various members of the Steering Committee presented friendly amendments, one which is noted in the motion in David Goldstein's presentation changed Section Eleven.**
- **One that changed the last sentence of Section Six to read: The various Conservation Lands System approach should guide mitigation bank acquisition priorities.**
- **Two that changed Section Eight to read:**

VIII. Protective Management and Monitoring of Conservation Lands
Protective management and monitoring is necessary to carry out MSHCP goals and objectives and to ensure long-term maintenance of biological resource values **as mandated by the US Fish & Wildlife Service**. A protective management and monitoring plan should be prepared and approved by all participating agencies, with specifics of the plan included as conditions of the take permit and assurances. The following are important components of the plan:

- **Methods to identify non-profit stewardship organizations**
- Measures to minimize the harmful edge effects of development in and adjacent to the Conservation Lands System.
- Measures to conserve covered species populations and habitats
- Measures to identify necessary management adjustments

See attached.

Motion: That the Steering Committee accept the presented motions, with the accepted amendments.

Action: Motion passed.

Gayle Hartmann and Debbie Hecht: Funding the MSHCP:

This presentation was deferred to the April 5th meeting.

Future meeting schedules and issues for future meeting agendas and new business:

- The next meeting of the Steering Committee will be Saturday, April 5th. Location and time will be announced.
- Remaining issues will be presented on April 5th
- The issue of membership will be brought before the Board of Supervisors and addressed at the April 5th meeting.
- An Ad-Hoc date will also be set in the near future and members will be notified.

Call to the Public: None

Meeting Adjourned:

9:10pm

SDCP - Steering Committee

Pima County Public Works Bldg. Rm 'C'

8:30am to 11:30 am

Saturday, April 5, 2003

Meeting Notes

Participants: David Steele, Brian Moore, Economist, ESI Corp.; Mr. Mike List, GIS Coordinator, SWCA Environmental Consultants, Inc, Sherry Ruther, Environmental Planning Manager, DSD Department Pima County and Keith Hollinger, Staff member, Subdivision Review Section, Development Services. See attached sign in sheet.

Documents made available to the Steering Committee members at the meeting:

- Agendas
- Presentation from ESI and SWCA staff titled; Pima County Economic Growth Model Assumptions and Results.
- Presentation from Pima County DSD Environmental Planning Manager, Sherry Ruther, titled; Pima County Environmental Regulations – An Overview
- Conservation Easement language to be added to motion adopted by Steering Committee on January 8, 2003
- Presentation from Gayle Hartmann and Debbie Hecht on Funding the MSHCP
- Email from Cindy Coping regarding motion for Steering Committee consideration
- Correspondence between Carolyn Campbell and Pima County regarding attendance.
- Attendance Roster from Pima County Clerk of the Board
- Draft of letter to Chuck Huckleberry regarding attendance from David Steele on behalf of Steering Committee.
- Draft Outline of Steering Committee Statement of Agreements
- Draft of Final Report to Board of Supervisors

Meeting Commenced at 8:35am

Meeting commenced with 33 Steering Committee members and 11 members of the general public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda. By 9:40 there were 43 Steering Committee members present and 13 members of the public.

Logistics for the next Steering Committee Meeting:

Saturday, May 10, 2003

8:30am to 11:30am

Pima County Public Works Building, Rm. 'C'

201 North Stone

Logistics for the next Ad-Hoc Subcommittee meeting:

To be determined.

Administrative Matters:

Member attendance issues:

- Steering Committee member Mitch McClaran stated that he had concerns regarding which members were still qualified to be voting members of the Steering Committee.
- Steering Committee member Carolyn Campbell wrote a letter to Supervisor Bronson, stating the concerns of the Steering Committee members regarding who is a qualified member, the attendance policy and its enforcement.
- A response came from Chuck Huckleberry, along with a copy of Resolution 2002-19 regarding attendance. The Steering Committee members were given a copy of the attendance roster that SIMG receives from the Clerk of the Board on a monthly basis.
- Mitch McClaran: I'm just asking for the Board to sanction the membership so that when they get a recommendation from us, it can't be challenged on the basis of membership. Now they have the

discretion to change the membership qualifications. They have the discretion to keep them the way that they are. I'm just asking them to do something positive in the way of sanctioning our membership so that we can move on with faith that we are a group.

- The Steering Committee also received, for their review, a draft letter David Steele wrote on behalf of the Steering Committee members to Chuck Huckleberry.

Call to the Public: None.

Old Business:

Approval of minutes from February 15:

- **While the verbatim transcripts cannot be changed, Lucy Vitale wants the meeting notes changed to read:**

1. Lucy Vitale's presentation was deferred because: "there was no more quorum and we ran out of time and that's why it was deferred".

Meeting notes were approved.

Approval of minutes from March 1:

- **While the verbatim transcripts cannot be changed, Lucy Vitale wants the meeting notes changed to read:**

4. **Lucy stated that she decided to present these suggestions because she thought the Steering Committee had not addressed the issue of funding since 5 months ago when the Coalition, The Nature Conservancy, the Sonoran Desert and the Arizona Open Land Trust presented an entire report on funding.**
5. **She also made the recommendation both to illustrate that all Steering Committee members may present their viewpoints as individuals.**
6. **She made the recommendations as an illustration to the county to use all possible avenues for revenue.**

These changes are inconsistent with the taped transcripts.

Meeting notes were approved.

Approval of minutes from March 5:

- Mary Darling questioned the 5th Alternative mentioned in Mary Miller's motion. Jonathan DuHamel clarified his decision to present the friendly amendment that was accepted as the 5th Alternative. Once this was clarified the motion and meeting notes remained unchanged.
- Mary Darling questioned the 2nd Alternative mentioned in Mary Miller's motion. Sherry Barrett clarified the wording of the motion and the meeting notes remained unchanged.

Meeting notes were approved.

Economic Analysis –Cost & Growth Model and a Suitability Map

Brian Moore, ESI Corporation and Mike List, SWCA Environmental Consultants:

Brian: We were here at one of your previous meetings as well and we're working on the economic analysis of pursuing the Section 10 permit. Just a little background again in case anyone wasn't here or doesn't recall or whatever. We have a contract with the Pima County government and we are completing the economic analysis, which is a necessary component of the Section 10 application by Pima County. And the other important point that was brought to us on the way into this is the importance of GIS in our analysis and that's the focus of what we're going and there's going to be some maps for you all to look at later about what we've done so far. Our key study tasks, here this is everything we're doing and then we've done of it so far and we'll talk about that today. The first task had 3 parts; it was a Suitability Analysis, which is a GIS analysis. The Economic Growth Model which looked at economic projections, new employment and new population coming in and the impacts of those to the lands, particularly outside of the built environment, which I'll tell you what that is very soon. And Land Absorption, which was the interaction of our GIS model and our economic model. And those are the things we're really going to talk about today. The other things that we are doing before we are done is an assessment of the adaptive management program costs. Ken Kingsley is in charge of that, he's not here today but you all know him. Evaluation of costs and benefits to different constituent groups, we're looking at the impacts to agriculture, ranching, and the other jurisdictions in Pima County of pursuing the plan and how it's implemented.

And assessment of funding options and recommendations of a funding program, kind of moving on a parallel path with what some people here are working on of the overall SDCP. And one other thing that's not listed here is we are assisting RECON, the county's biological consultant, with putting together the NEPA documents when that becomes necessary. We were asked to analyze 3 different scenarios to look at those and how they would have different impacts on Pima County going forward. The 3 scenarios were Scenario 1, which is no action. The county does not pursue a Section 10 permit and zoning remains as it is today. Scenario 2, the county pursues a Section 10 permit but zoning doesn't change. And a 3rd Scenario where the county pursues a Section 10 permit and zoning is allowed to change as well. And for each of these scenarios we looked at 3 different timeframes, which are 10 years, 20 years and then build-out, which was defined as when water availability would cease to allow population growth essentially. And I can talk a little bit more about that later as well. And we also are going to be looking at the differences between pursuing the biologically preferred alternative as compared to just having listed species in the permit.

Mike List: Either occupied or vacant. The built environment consists of all parcels within the sewer service area and those parcels outside of the sewer service area that are either currently occupied or have improvements greater than \$10,000.

Brian: For GIS modeling purposes we had to make that a solid thing, even though there is quite a bit of vacant land inside the built environment and the sewer service area piece of the built environment, and I'll talk a little about what that meant to our model too. Constraint, these were absolute barriers to development. These were things like preserves, parks, the Indian lands, things like that. Those are completely outside of our model. They never were seemed to have any development on them of our new development. Impediments were negative impacts to suitability but not constraints. This was on recommendation of someone from the Steering Committee, actually, the hundred-year floodplain was one. Bureau of Land Management lands and I think there might have been...

Mike: Archeological sites.

Brian: Thanks. So those factors were put together and we developed weighting that differed for all the different types of development. For example, Low Density Residential would look at proximity to preserve as a positive influence.

Mike: Slope is treated as an influence. High slopes having a more negative influence than flat lands. Influences affect suitability along a scale. Slope exists along a scale, high slopes to low slopes. Positive influence to negative influence. The impediments are truly negative; they detract from the development suitability of a parcel. On the last page of the handout there's a fact sheet, which goes into a little bit more detail about what is an influence and what's a constraint and what's an impediment. That might answer some of these immediate questions, but of course we're here to answer any questions. All of these variables that went into the GIS model, they're largely the same as what we discussed almost a month and a half ago and what we've discussed with the county on a number of occasions.

Brian: We had to develop a model that would allocate new development and place it throughout Pima County as it occurred. And then the other main question on the table was how much new development will there be, the economic growth model. This started with projections of permanent employment by industry from the forecasting project. Marshall Vest (?) at the U of A develops the economic forecasts for Pima County and we used those as a baseline and we made some modifications to those and we had to make a number of assumptions to make those a spatial thing. They are just numbers, he's an econometrician. Net new population and employment converted to land demand. I want to talk about this a little because redevelopment came up last time we were here and I'm not sure if I explained it as good as I could. What happened in our model is where only the net change in employment in a given industry caused new demand for land. So redevelopment like the mall, El Con, El Con? Is that the right name? A redevelopment like that where the new use is essentially the same as the old use, I'm assuming that's the way it's going. But those kinds of redevelopment projects wouldn't cause greater land demand, so we don't need to map them essentially. Those happen and those are part of life, but they're not part of new land demand outside the built environment. And redevelopment was also brought up just in the context of changes of uses and we did look at that. The Assessor's Office has a set of codes that actually go with buildings that were built to be one thing and now are being used as something else. And they were a negligible part of total activity. So we did consider those factors that were brought up last time and that's kind of how we addressed them.

Development of the model land use categories. For computing purposes if nothing else, but also for other reasons, we had to reduce all of the millions of different types of things that can happen into a consolidated set of categories. Those are on probably the second page of the handout if anyone wants to look at that. But they were LDR, which doesn't exactly correspond with low density residential in concept but those are the letters that

we use to think of that. And HDR, which again is not truly high density from, like a planner's perspective, but we made a logical split of those based on examining the existing zoning categories. And there were commercial which is office and retail activity. And industrial which is industrial activity. And then open space, which had urban parks and golf courses. And those consolidated factors; we classified all the zoning outside of the built environment into those factors and to other ones that could accept multiple uses. And then we also classified all of our economic information, you know, all of our new single-family permits. Some of those go in low density and some go in high density and all the multi-family permits in high density, etc., etc. So then we were able to say there are this many acres of new demand for high density residential and then run those through the GIS model and it used the suitability factors to place them and that's what you'll see on the maps when we get there. New demand inside and outside the built environment. This was another pretty substantial issue in how we addressed all of this. The built environment is, I believe we said 250 square miles, of which 100 more or less is still vacant. So our projections that talk about total new economic activity in Pima County need to be discounted quite substantially to reflect only that new activity outside of built environment for the use in our model. So we considered the activity inside the built environment but didn't map it, essentially. So we used recent activity inside and outside the built environment of different development types to figure out the percentage that would start, that would happen in the first 10 years, and then outside the built environment, and then increased that using the constraint of the actual amount of vacant land, we built up to 80% of it at build-out. And Scenarios 2 and 3, the major adjustment that was made to the standard data that Marshall Vest has put together, his recent forecast. We looked at other recent large scale habitat conservation plans and what the impact was of those on their regional economies, looking at the share of employment in the U.S. in equal number of years before and after the plan, subject to only having data up to 2000 today. So there's Clark County. There were two, there's Orange County and San Diego in California. I don't know how to say the one in Florida, Volusia? And there's a 5th one that escaping me right now. Austin, thanks, yes. And everyone can read this so I don't have to remember all of it. So we looked at those and we took the activity they had, their economic activity as a share of the U.S. employment before and after and blended those together and looked at. Essentially what happened, this is one of those things where we weren't really sure what the answer would be, but the concept of approaching this empirically appealed to us so we looked at this answer and used it. And I guess the question will be out there somewhere, what would happen if you take out Clark County, which was the fastest growing county from 1990 to 2000 and the effects are smaller but still positive in all cases, except mining I think went down. But basically we decided to include Clark County as well partially not to be cherry picking or kind of trying to doctor the analysis, and then also because in concept the way Clark County's plan has impacted their development seems logically similar to how this plan will affect development in Pima County.

All right, land absorption; this again is the interaction between economic projections and the suitability model. And there are some maps right there which I don't know if you guys are excited to see them, but hopefully you are because I'm going to have you get up and look at them pretty soon. So the land absorption again, 10 years, 20 years and built-out under the 3 different scenarios, no action, getting a permit and not allowing zoning to change and getting a permit and allowing zoning to change. And you'll see the differences on those maps in a few minutes when we ask you to get up and look at them.

This is one of our many disclaimers that you'll hear about these. "These maps are not intended as recommendations nor reflective of the policies of any political jurisdictions." Actual results may vary, etc., etc. But this is, we put this model together because we need to understand the likely magnitude of the footprint that will be present in the future and how that interacts with the Conservation Land System. And then also it's important to take this concept of what our tax base is as when we're looking at funding options in the future. Our goal here was to identify likely footprint. ?? said this and understand the magnitude of expected development within conservation lands.

And now I don't know about the order of questions versus looking at maps but at some point both of those things are going to happen.

Mike: Okay, we made a conscious decision not to paste the maps into the PowerPoint presentation. I've done that before in forums of this size, bigger and smaller, and I never like the results. You just lose the detail and quality of the map. So what we're thinking about doing is putting these 3 maps up on an easel just in a few minutes after I make some brief comments, and allowing people to come up and look at the maps. That process will probably take about 20 minutes and then we're open to questions and answers. If all of your questions can't be answered in today's meeting, please get them to David. We'll consider them; we'll try to provide answers. We'll also be getting PDF's of these maps to the Steering Committee this week via David's group.

That said, I just want to talk briefly about the modeling process, step back from the specifics of what you're going to see and just talk about what it means to model in a geographic sense. All modeling processes require that an investigator first identify certain vital elements of the real world and then abstract these elements into a manageable form. And in terms of our study, that manageable form took on the shape of a GIS layer and spreadsheets, which contain statistics and numerical totals. That done, an investigator must devise a set of methods, with the goal being some sort of prediction or estimation. And obviously in terms of this study we're trying to predict likely development footprints. So if you consider all of this and all the choices that we must make in terms of data and what elements of the real world to look at and how to measure this information, you're left with an infinite set of possible outcomes. And suddenly you might say well, what are we paying you for and where do these maps fall into that infinite set of possible maps. Well, the situation really isn't that bleak. If we're responsible investigators and we do at least 4 things, we shave down that infinite set into a very small, exclusive set of reasonable outcomes. And those 4 things include using the best available data. We had one of the premier local government GIS databases in the country at our disposal. And then we had employment forecasts, population projections and water figures that have reached a sort of consensus in the community. Really a great deal of good data. Then we were tasked with devising methods that are flexible, sophisticated and very importantly, reproducible. You can reproduce what I'm doing. You'd better be a master of a couple software packages and that's not something that most people aspire to, but these methods are entirely reproducible by reading the technical appendix that will be a part of the cost analysis document. We're using and documenting reasonable, well-researched assumptions. And finally, we're using the best technology available for means of computation. That includes GIS and spreadsheet software. So doing these 4 things, we're never going to be left with a single correct answer or a singular notion. But we're going to have one of the best outcomes in that small set of reasonable outcomes. And that's what these maps represent. And with that, we'll put these maps up on easels and adjourn for 10, 20 minutes, however long it takes and let you take a look at these maps. The maps correspond to the 3 scenarios. The scenario 1, which is no action, no zoning changes, don't seek a permit. And I believe these are spelled out in the handout. Scenario 2 is seek a permit but zoning stays constant. And the third scenario is seek a permit in action but development is allowed to be sited on the most suitable lands without regard to zoning.

The Steering Committee examined the maps and reconvened at 9:30 am.

Questions from Steering Committee members

Question: Have you analyzed the relative impact on the cost of land and the cost of construction for the various scenarios?

Brian: That is part of our plan. We have not done that yet.

Question: How does the whole notion of wildcatting type developments fit into this equation?

Mike List: Well, I think we have caught some of the wildcatting up in north Avra Valley and out in this area. And I'm going to go back, when you're dealing with a database of 300 some thousand records in eastern Pima County, the queries aren't straightforward. It's a very tortuous; it took me two weeks just to arrive at this. But you know, I'm sensitive to these questions about this area and I'll go back and look at that. But I think we have caught some of that wildcatting up in here and if you notice on some of the maps, because it is incorporated in the built environment, it is being added onto. So that phenomenon is reflected in these maps but I will pay special attention to some of the concerns about what's happening down here and do a re-look at that.

Question: There is a greater increase in the acreage devoted to residential or the built environment under Scenarios 2 and 3 than Scenario 1. So is it correct to state that there is more acreage devoted to a built environment under Scenarios 2 and 3 than Scenario 1?

Brian: This is the impact of having a conservation plan versus not and what it does to your local economy in terms of facilitating the development that does occur. In year 10 you wind up with more, it's a proportionate share. What we developed here is we looked at all of these different development types and we have a hundred square miles in here that we can allocate things to. If you need a thousand acres and 25% of them go in here, then you would get a number. And if you need 2,000 acres and 25% of them go in there, you would get a number twice as large. So the way we develop this ratio is by looking at the assessor's database and recent activity in and outside the built environment. You know, what share of all the low-density residential development has been in versus out of the built environment. And commercial, industrial, etc. So there's a different ratio for each one but they're the same for each scenario. So Scenarios 2 and 3 have a higher level of

development in the first 10 years approaching essentially the same build-out because it's a water constraint. It's a little bit different and I can talk about that if anyone wants to get into how that works.

Question: If there is more building, more acres converted to built environment in 10 years with a permit than without a permit, could you help us understand if there is some difference in your projection of where those converted acres would be under the different scenarios, and do they show up in different proportions in different parts of the county under the different scenarios?

Brian: The suitability analysis piece is the same for all 3 with the issues of how close you are to the water service area, sewer service area and the built environment, etc., are all the same. And this analysis was done in a bunch of tiny little squares that are 30-meter squares that you can't even see on here. But every one of those was ranked from one to 400, or 19 million. From one to 19 million, every one of those squares had a level of suitability for each type of thing. So the Low Density Residential for example, let's stick with that, there is a square somewhere in this map that was the most suitable place for Low Density Residential development. As soon as I told him I wanted 30 square meters of it, he said well it goes there, wherever that place was. So the difference really is in timing. Things should have gone in the same order in Scenarios 1 and 2, that one to 19 million is exactly the same because the other thing that's masking out is if the zoning would not have allowed this to occur, it's out of consideration. So that cuts, you know, half of the squares out for each kind of development right off the top. So the path should be the same in these two if the intensity, the economic assumptions that drive when and if all the little squares get built on, in these two scenarios. Here the one to 19 million is wide open and everything was allowed to do.

Question: So that's just wide open even though we have a permit?

Brian: Oh, yes. Yeah, we have a permit and zoning is allowed. Zoning is allowed to change in the sense of just because something is zoned residential today, we say we don't care about that anymore, commercial can build there if it wants to. That's what happened here.

Question: Can you summarize where the three scenarios differ spatially?

Mike: I think it's, the biggest thing is what's going on in the east side of town on the I-10 corridor in the first two scenarios because zoning wasn't amenable for the activity we were trying to site that bled out along the corridor. When zoning wasn't held as a constraint, the footprint was much more compact. And that occurs to a lesser extent in other areas on the map. But I think this is the place where that's most pronounced. Something to keep in mind on the first two scenarios when we were recognizing zoning, as a constraint is that at build-out there wasn't enough high-density residential zoning. And that accounted for some of the more regular patterning. And we didn't face that problem here. In terms of the speed of absorption, that's more of a question for Brian. It's something that I didn't consider when making the maps.

Brian: For the speed of absorption, overall it's essential identical between Scenarios 2 and 3, and Scenario 1 had a slower rate. So there was more development to remain to build-out, so when you look at the blue, you should see more blue here. But that's because these colors represent time rather than type of activity.

Question: In some of our discussions on funding we keep saying "the cost of land acquisition". And it keeps getting bantered about our groups. Are you going to come up with a figure or a range, for each of the scenarios? For example, how much land would be necessary?

Brian: Yes, that's one of the things we're doing. For the proposed preserve piece, we're developing estimates of the future value of land and the current value of land in the proposed preserve areas. Inflation will be considered also.

Question: When could we expect to have your complete and final report so that we can take it into account in finalizing our report?

Brian: Our plan is one month. The beginning of May of the year 2003 we intend to be done.

Question: I understood that you're just reporting on these 3 scenarios. In the final report is there not a report on the 9 versus 55?

Brian: Yes, yes, sorry. Every one of the 3 scenarios, the 3 scenarios are the 3 different kinds of concepts of the world. And then within each concept of the world there are the issues of whether we are talking about listed or proposed species, in each one of those, those will be examined, yes.

Question: What's the procedure for getting input or questions directly from the Steering Committee so that you could address those as part of your final report.

Brian: Any questions that you have or further comments that we can't address today or things that we aren't able to address today for whatever reason, if we can send those through David and then they'll come to us.

Question: How did you handle infill?

Brian: The way we handled infill is there are a hundred square miles vacant inside the pink here. So there's a lot of change going on that is not being shown in the maps. Computing constraints largely stop us from mapping inside there. But what we did is we looked at recent activity of each of the development types. For example, 23% I believe it was of low density residential development happened outside of the built environment in recent years. And you know, whatever the other numbers are, 10% of industrial, etc., etc. So we allocated, the majority of the things you see on Table 4 are actually occurring in the pink in the built environment on the vacant land that is not being separately shown.

Mike: We're not going to be able to show that separately. That's a study as or more complex than the one we're tackling right now. For the model to work, to predict things in space, we needed a line that we move out from. If you would look at the vacant parcels within the sewer service area, we're talking scores of thousands of parcels, irregular patterns. The model would have had to shoot back in on itself and shoot out on itself.

Question: In your development are you considering the fact that in much of the development inside the Multi Species Habitat Conservation Plan that there will be 70/30 mitigation ratios required, so when you take down 3 acres of land, in fact what you're doing at a minimum is taking down 10 acres, at a maximum taking down 24 acres?

Brian: Yes, we are looking at different mitigation ratios. We're not mapping them due to the exact complexity that you just mentioned. You know, even if it was just the 4; that would entail thousands and thousands of maps when all the permutations were done. But yes, we are considering different mitigation ratios and what that means to the necessary land. We are going to look at different possibilities of levels of mitigation where conservation lands are impacted and what those would mean to the people who would have to buy mitigation land.

Question: What is the build-out timeframe?

Brian: Okay, the build-out timeframe is when we run out of water. With straight-line projections of population after the time that anyone would reasonably do projections, which would be the mid 2050's. 2.28 million is the total amount of water that's available in the TAMA service area if there were no more agriculture or mining. So the things we had to chop off the top of that to be able to come up with what is an actual build-out population is what part of that water is servicing outside of the county. So we take that piece off. And then the other thing we did is we looked at actual mining employment and the number of jobs and how much water that meant in I believe it was '98, whenever we had both pieces of data for. So basically we converted number of mining jobs into an amount of water that uses. So then we have a projection of mining jobs, which we subtracted off the top of available water for municipal and industrial development. And then also we went through our model at 20 years and looked at the amount of agriculture land that was removed and looked at an average amount of water use per acre of agricultural land and used that also to reduce the potential build-out population.

Question: **Are you reflecting both of those areas being drawn back? The mine because of very low dollar return and the agriculture because they're retiring them in favor of more profitable enterprises?**

Brian: The agriculture is being removed as it is built upon on our model. It's among the vacant land largely. So where the development patterns impacted agriculture and removed agriculture from the equation, that water is re-put into the water table.

Question: It's part of your projection, too?

Brian: Yes. And the mining employment projections are what we used. We didn't make any attempt to try to change the footprint of mining. Like add any new mines or anything like that because I think you hit why we wouldn't want to do that.

Question: How, if at all, are you considering the 80/20 guidelines for restrictions within the CLS in preparing your analysis?

Mike: We look to zoning and the zoning was as or more constrictive. The zoning from the comp plan is tied to the set asides you're talking about in the CLS. So our guidance was that the zoning, which is tied to the CLS,

the comprehensive planning process, that provided us guidance that was more restrictive than, as or more restrictive than the CLS. So that's incorporated in these footprints.

Brian: And then the one additional thing is that this changes not, there's not a density change across scenarios 2 and 3 but rather just a spatial allocation. So you still aren't seeing, except for in the cases where a commercial development which probably wouldn't be allowed under the current guidelines under certain zonings, but except for where you see that intensity happen, that's already been factored in that way as well.

Question: Why is more land going to be absorbed in the next 10 years under scenario 3 than under scenario 1?

Brian: We looked at the actual economic activity in other places that adopted Multi Species Conservation Plans and perhaps surprisingly what we found was that they were capturing a greater share of the U.S.'s jobs after adopting a plan as compared to before. And these different plans were adopted over different time frames so it's controlling for all of those factors.

Question: Does this mean that employers are going to be more attracted to our locale?

Brian: I have some theories on why. And yes, one of them is the theory that it's a more attractive environment for employers and more importantly the people they want to employ. Economic development is kind of moving around in the direction of saying that there are only so many great workers out there. If you can make your community a place where they want to live, and making it a place where they want to live involves providing recreation, amenities and in some cases preserving habitat, so all these kinds of things that those people want. And now companies are following workers instead of the reverse that people used to approach. And then the other thing is the added certainty to the process. So each individual who wants to do development here in Pima County when they have more certainty will at least be able to factor in these costs and make better decisions and also faster activity.

Question: Does this become a hard and fast model that once it's adopted that we just live with it? Or is there some provision?

Brian: No, it would be interesting if it were done 20 years from now or 5 years from now or... But the question is, the model was run twice over to check just for my errors. And then I have a staff that was working on this, too. So we ran the whole model twice over and got the same results. And the methods are documented. GIS layers are not written in stone. We kept the inputs to the hard variety, the steel, sewer lines, asphalt, slope, and FEMA floodplain designations. Secondly, I don't think, this is a part of our analysis. It's an illustration in the report. I don't understand why you would want to necessarily use this to even judge the fate of an individual parcel or project. This is, I mean these maps, we've been witnessing over the past several years development along the interstate corridors. These maps show that, they give us a rational baseline to move ahead with the analysis. Beyond that I wouldn't use them to judge the fate of a development project on the periphery of the urban core 30 years down the line. That's not what these maps are intended to do.

Question: Is there going to be some ability for individual property owners who can identify an anomaly in the database to correct it if need be?

Maeveen: I was just going to say in practice we, this reminds me of when we got the biological data and there was this fear that it would be set in stone and we wouldn't be able to do analysis based on future annexations and that kind of thing. But what happens is, we've been working together every day and the GIS people have really worked together constantly. This will just be imported to our system and we can run continuous analysis on it, as we do with all the data we have. We just continue to rework it. What I think Mike was trying to say is this doesn't become a self-fulfilling prophecy or it doesn't become the prophecy document of future development. And I guess my insight is, having asked the same questions that I hear people asking, is that if there were an infrastructure investment somewhere else on the map, that would change the influences and it would change the map. And so that's just a snatch out of where we are.

- Some Steering Committee members requested to receive the maps on CD and David Steele said he would check with the county to make sure this could be done.
- David reiterated the Steering Committee request to review the ESI report before the next Steering Committee meeting, to Maeveen Behan.
- Maeveen responded: I think that sounds great. And it also just takes us right into the NEPA process where we take whatever draft map we have and put it up against the alternatives and see what the relationship is between species and development so I can see. It's just naturally what we do.

- The request was also made to ESI to include an executive summary which reviews each reviews each of the options, and in addition to provides pictures, and definite statements that delineate the factors that will be different under each of the options and the dimensions of their difference.

Questions from members of the public:

Harold Barnett: What is the significance of scenario 3 as a means of building a cost model?

Brian: Spatial allocation and differences in land values in different places in the county.

Mike: We were asked to examine these 3 by the county. I think the misconception is that we defined these 3 scenarios.

Baseline Regulatory Programs in Place and integration with the MSHCP

Sherry Ruther, Environmental Planning Manager Development Services Divisions, Pima County

Sherry: I've provided the list of regulations that we currently have in place. The date into which they originally came into place. And a brief statement about their purpose and what their basic trigger mechanism is to bring someone in to have to deal with those terms of that ordinance. And a brief short paragraph about the high points of each of the ordinances. I have also provided my name and phone number and e-mail at the bottom. If you have any questions after we get through the details of this, either today or a later date, feel free to call me or e-mail me or whatever and I can see what I can do about helping out. I will take questions, however, at the end of my two cents worth here.

Basically, Pima County has been evolving with their concern for environmental resources for quite some time. They have, there's a variety of tools that one can use to achieve resource conservation, a lot, of which you've already talked about during the course of your lengthy meetings. But I'm going to talk about the regulatory tool. Pima County back in 1985 brought online, probably the first one that had anything to do with real focus on resource conservation, and that was known as a site analysis ordinance, site analysis requirements, I'm sorry, as part of the rezoning process that we have in place. And as part of that they just basically asked for folks to disclose what resources were on the site and that information was used strictly as inventory information. And I'll get into a little bit more discussion about that particular one later. But the last item that we've brought online in 2001 is a conservation subdivision ordinance. Some of you I think are personally familiar with that ordinance. I recognize some faces that were actually on the citizens committee that had some input into that. And that demonstrates the evolution of the approach that Pima County, at least in our zoning regulatory atmosphere has taken, to achieve resource conservation vis-à-vis development. We fold in incentives as part of the package for the conservation subdivision. So hopefully we're moving in a positive direction.

Before I get to any detail about talking about these ordinances, I do want to preface the context by saying that all of these ordinances that we have in place today are triggered by some sort of development or land use type of activity. To live in harmony with our desert environment. The mission is that simple. So the litany of the ordinances that we currently have in place, and this is in chronological order here. The Sci-Analysis Requirements, the Hillside Development Zone Ordinance, Buffer Overlay Zone Ordinance, Native Plant Preservation and the Riparian Protection and Mitigation Requirements, which I'll add the footnote right now, that set of requirements is administered by Pima County Flood Control District. It's not part of what we in Development Services administer. And lastly the Conservation Subdivision Ordinance. Moving along, and I'll move through these rather quickly since I have left you with a written record of what these individual ordinances are all about. Hopefully the time monitor won't mind about that too much.

The Sci-Analysis Requirements as I mentioned earlier came online in 1985 and essentially their purpose was very simple. It's to facilitate a comprehensive evaluation of the impact of a proposed development. And that trigger is a rezoning application. And as I mentioned, it requires an inventory of resources that basically is simple as vegetation inventories, a description of the hydrologic characteristics of the site, topographic features. We do ask for, as part of vegetation information, specific locations on saguaros and in general, information on significant wildlife resources on the site and in the immediate area.

The Hillside Development Zone Ordinance again was initiated in the 1980's. The purpose is to establish standards for development on hillsides in order to preserve and conserve the character and the image of Pima County and tangentially also to promote the public health, safety and convenience and general welfare. The trigger again is a geographic reference. It's triggered by the slopes of the areas. The trigger is a 15% slope or greater and it's tied directly to development related activities, those are the activities that are affected by that ordinance. Specifically the ordinance talks about features that regulate the type and densities of development allowed on those topographic features of 15% and greater. It limits the amount of allowable grading. It

preserves the undisturbed areas as natural open space and establishes design standards that minimize the potential for erosion. And accompanied that has no build zones around specified peaks and ridges. Moving along the timeline to 1988, the Buffer Overlay Zone Ordinance came into place. Essentially its purpose is to preserve the character and the integrity of our public preserves and to provide for a natural and logical transition between greater urbanized areas into those less dense public preserves. And the trigger here in this case is for those parcels of 25 acres or more proposed for development or any proposed rezoning within one mile of a designated public preserve. Essential components of this ordinance establish open space set aside requirements that are specifically to include riparian areas and sensitive wildlife habitats. All natural open space areas are to be permanently protected. And performance standards for residential structures and other structures are established in the ordinance as well. That has to do with color, fence requirements, wall height requirements and that kind of thing. It also specifically addresses where it's appropriate to use non-native plants.

The Riparian Protection and Mitigation Requirement. Again this is the element that the Flood Control District administers through the Floodplain and Erosion Hazard Management Ordinance and that happens to be Title 16 for those of you who track things about their particular location in the code. But this is a fairly straightforward ordinance. It's primary purpose is to enhance wildlife and ?? by preserving riparian habitat along watercourses and floodplains. The trigger is for property that lies within mapped riparian habitat areas. And those areas are mapped. Flood Control District does maintain a set of maps as reference. So it's property that lies within those areas where building activity is planning to alter a third or more of an acre or for those areas that are identified as hydro-mezzo riparian habitat are to be altered. The fundamental features of the ordinance address avoidance of riparian habitats; that's its primary purpose. And it focuses on onsite mitigation where there is disturbance but there is an allowance for paying a mitigation fee for purchase of high value riparian areas pending the approval of the Floodplain Management Board. Like I said, that was fairly simple.

So now we're moving on to 1998. The Native Plant Preservation Ordinance. Its fundamental purpose is to preserve the individual native plant and native plant communities here in the Sonoran Desert and Pima County. The trigger is for those single-family lots of greater than 36,000 square feet where greater than 14,000 square feet is to be graded, or subdivisions greater than 5 parcels, or development plans. This ordinance provides a list of plants that are protected specifically by that ordinance. And those can be found in the ordinance itself. It requires an inventory and mitigation for protected plants that are impacted by development. Mitigation achieved through set aside which is a minimum of 30% and transplants and supplemental plantings. Those are two primary mechanisms by which we achieve mitigation for those protected plants that are affected by development.

Lastly, in 2001 we came along with the Conservation Subdivision Ordinance and its primary purpose, and I quote, most of the purpose statements here are pretty exact replication of what is specified in the code as part of that individual ordinance. But the Conservation Subdivision Ordinance is about "encouraging and providing incentives for designing residential subdivisions that are in harmony with the natural features and constraints of the property. It's also intended to allow the landowner to achieve the full density permissible under the zoning designation." The trigger for this ordinance is where those lands that actually contain undisturbed and indigenous habitat and conservation features that are designated as institutional, and this list is, and I won't read them to you, but the list that I have specified here are for those zoning designations where you can choose to employ the conservation subdivision. The fundamental elements of this ordinance are to conserve the designated peaks and ridges, riparian areas, native plants and native plant communities, areas near public preserves, wildlife resources, biological linkages and those sites with cultural and archeological value. It does require 50% natural open space set aside to be protected in perpetuity. It limits the use of non-native plants to private living areas, which are specified and defined by the code, by the ordinance itself. And it requires that domestic pets be leashed or confined. The incentive package includes a reduction in lot size, flexible street standards and no restrictions on the cul-de-sac links.

That's the overview with the environmental ordinances and regulations that Pima County currently has in place.

Questions from Steering Committee members answered by Sherry Ruther and Keith Hollinger:

Question: Has there been any discussion, planning, commitments as to what role the Environmental Planning Manager would play in the administration of the Section 10 permit, assuming that it's granted?

Sherry: All I can tell you is that this position has been in place since October. And prior to that point it didn't exist. So with any job in that particular situation, things are sort of defining themselves on a daily if not minute-by-minute basis. But to specifically address your question, if there are plans for that, I have not been party to

those and so I guess my simple question is I at this point don't know. But that doesn't mean that there might not be a different answer 6 months from now.

Question: Are there any other environmental laws or regulations that are on the planning board now or being considered now that might impact the work that we're doing?

Sherry: I'm sure that some of you have heard of something we generally refer to as the ESLO, and that's the Environmentally Sensitive Land Ordinance. And contrary to what a lay interpretation of that would be, that would suggest that there is going to be a brand new ordinance being worked on and that's not the case. The ESLO is about consolidating our existing ordinances, making them more streamlined, making them more coherent with each other, taking out some of the administrative glitches that have surfaced over the last few years as these have been implemented. And to put them all in one place in the code so that nobody, you know, we no longer will have to go to one place in the code for this element, we're going to go to another place in the code for this element. It's all going to be in one place so that we all know what it is, where it is, and if it's not there then we don't know anything about it. So that's the current situation and I personally am not aware of any other ordinances that are being banded about.

Question: Is your agency or are you as Environmental Planning Manager involved in work on the Peaks and Ridges proposed ordinance?

Sherry: No, other folks within the Development Services are running that and fortunately for me that was well on its way before I even came online at the county. So I believe Jim Mazzocco and Chris Pollett(?) are the two lead entities on that.

Question: Could you tell us what the ordinance triggers or the physical triggers are; is it when a plat is filed for all of these things?

Sherry: Well, the triggers are different depending on which of the ordinances you're talking about, like the Buffer Overlay, it can be triggered by rezoning. So if you were coming in for a rezoning, for example, we would look for the location of that proposed rezoning relative to that one-mile buffer along those designated public preserves. So it's not necessarily just a development plan or anything else that triggers it. In some cases there are multiple triggers. The Native Plant Preservation Ordinance is heavily tied to grading. So when you come in for a grading permit they evaluate what your proposal is and how much square footage you're going to grade and then that's one mechanism that it's triggered for NPPO review. Another one is through the regular subdivision review process is that when someone comes in with the plat then that is a trigger in and of itself.

Question: Would it be possible for you to put an addendum together for this, listing the various triggers for each of them? For example with the HDZ, when is it that the developer becomes aware that they have to abide by the HDZ? At what point does the county enforce that? At what point do they realize that they have to do things differently than they do on the flats? Right, right, so what permit for example? The first permit they come in for, they become aware of it. It's not the filing of the plat?

Keith Hollinger: Basically there are different triggers depending on the type of request you're making. If you're an individual property owner and you have a custom grading on your particular project and you want to develop your home site, well then when you submit your grading plan, site plan and set of building drawings, at that point you have to comply with the requirements in the Hillside Development Zone. If you're submitting for a development plan or a subdivision plat, at the point where you first submit your grading plan, your first submittal for the grading plan for a plat, tentative plat, or your development plan, at that point you have to comply with those requirements in the Hillside Development Zone Ordinance.

Question: Do you think it would be possible to come up with a list of where those points are temporally?

Keith: Certainly, we can do that.

Question: Is the final goal to blend the current ordinances that Pima County has on the books now with the Section Ten Permit, or allowing them to be observed in context of the Section Ten Permit?

Sherry: Yes, I did come here today to give you the baseline for our current regulatory environment. This is the baseline description of what we currently have in place today. The relevance of it is that that does establish the baseline for what's going to be analyzed through the EIS process and potentially evaluated for whether or not we need to have any changes. Now we are at the point in the process where I can't tell you what those changes are going to look like or anything else because I don't believe that I at least have any clarity about what the future's going to look like.

Question: Part of the Steering Committee's charge, is to develop an alternative and a plan, how to manage or administer the Section 10. You, as part of the county's bureaucracy, would help the Steering Committee in administering the plan through your ordinances and through other ways that you might assist in the process of getting through this process, is this a correct statement?

Sherry: I work within Development Services, and to the degree that the Steering Committee decides that ordinances that we oversee are going to interface with the Section 10 permit, and then I would imagine that I would have a role. But beyond being able to identify for you any more specifics about what that's going to be, I guess I could turn the tables and say well, you tell me what it is you want me to do.

Question: Regarding the Conservation Subdivision Ordinance about the 50% set aside? How does Pima County intend to pay for the supervision of that 50%? If you have like 5,000 acres, that's 2,500 acres that somebody is going to have to address. And if you have like a subdivision, it's not those little landowners. So I was just curious how Pima County envisioned managing this open space?

Sherry: Well, there are several options that the ordinance prescribes about how that open space is to be, the oversight of that open space. It's through conservation easements, dedication to Pima County. Keith, help me out, what's the third one? Homeowners associations are involved in oversight potentially.

Keith: There are also, maybe you mentioned, Sherry, there are conservation oriented organizations who are professional and have qualified people to actually help in the administration, monitoring and inspection of those particular types of conservation easements. So there's a whole list of alternatives that are available to us and of course Pima County would prefer not to become directly involved in the maintenance and oversight of those.

Question: Do they then intend to become updated on how these organizations are managing those lands?

Sherry: If you're asking, the third party is there to monitor whether or not the terms associated with maintaining that open space are in fact followed. And I would assume, here again it's relatively new. As you heard Keith say we've only had two that have really even gone through the full-blown process. So a lot of those fine points are yet to be resolved. But yes, the overall intent is to make sure that, because that becomes a contract. And not only that, it will become a zoning code violation if those terms are not abided by.

Question: I have a question about policies in the county that are being implemented. The one in particular is the CLS, how that fits in and are there other policies like the CLS that are being implemented that need to be put into the equation for the Sonoran Desert Conservation Plan analysis?

Sherry: Well, the CLS today is being implemented through discretionary actions that go before the Board. Rezoning, plat note waivers, time extensions, those kinds of things. And those are established through the comprehensive plan. So we are applying those policies via compliance with the comprehensive plan and those programs and projects that tier off of that that are related to development that we oversee. So primarily I think that that's the CLS and how we're using that today.

Question: What happens in the case where this kind of land in Pima County extends into a jurisdiction like Marana?

Sherry: Pima County's jurisdiction does not cross other jurisdictional lines, so Marana's ordinances would then take precedence.

Status of Stakeholder discussions—

Debbie Hecht: Conservation Easements

- **Debbie presented the motion to be added to Conservation Easement language adopted by the Steering Committee on January 8, 2003 Part of the motion was that it would go on page 5, 4.7 of the Final report to the Board of Supervisors.**
- The original motion received a friendly amendment that was accepted and the final motion presented to the Steering Committee read:

Motion: The Steering Committee recommends that the Board of Supervisors work with the County Assessor to provide a reduction in the assessed value of properties with conservation easements, thus creating a tax incentive to property owners to grant conservation easements without adding value from any perceived benefit from conservation.

This would be achieved by subtracting the assessed value of the conservation easement from the assessor's full-cash value. Thus, for example, if the full-cash value of the property is \$300,000 and the conservation easement is appraised at \$150,000, the value of the property with the conservation easement is worth \$150,000

Action: Passed. 43 members present 38 yes votes 5 abstained

Gayle Hartmann: Funding the MSHCP

Gayle: Let me just say a few general comments about the organization of this. One is there are some items here that we have already passed, particularly on page 2, and you will identify them by where it says "adopted" with a date after it. If you will notice there's one error, I apologize for this; I think it's just my error. On page 2 under "sales tax" it says, "Adopted 5 May 2003". That's not accurate, obviously. It's 5 March 2003. . Let me just say a few general comments about the organization of this. One is, there are some items here that we have already passed, particularly on page 2, and you will identify them by where it says, "adopted" with a date after it. If you will notice there's one error, I apologize for this; I think it's just my error. On page 2 under "sales tax" it says, "Adopted 5 May 2003". That's not accurate, obviously. It's 5 March 2003. "To acquire for the purpose of mitigation through direct purchase, conservation easements and other mechanisms a sufficient portion of the CLS to achieve the goals of the MSHCP over the duration of the permit, as well as providing funding for adaptive management. Overall, funding for new MSHCP land acquisitions should be shared fairly between the public and private sectors." That's a fairly broad statement but that's as much as we agreed upon. If you move down to Acquisition Strategy, we have two sets of bullets. The first basically identifies the lands within the CLS that we all know and love. Biological core, recovery management, riparian. The second provides a little bit more specificity to kind of explain some of those, so it identifies the need to sometimes expand existing protected lands, identifies corridors, the need for corridors. This phrase "special elements", prioritize in some cases lands likely to be developed and include lands identified in the '97 Open Space Bond and of course that means the ones that haven't already been purchased.

The paragraph below that, well we will read. "The acquisition program should be structured so that both private and state trust lands are identified, keeping in mind that it is fiscally beneficial for Pima County to maximize use of the Arizona Preserve Initiative program since state funds from Growing Smarter can pay one-half the acquisition costs." We recognize that that program at the moment is under scrutiny, but assuming it survives we still felt this was beneficial from a local monetary point of view. Saves us money.

The second little one line sentence is not intended as a dig at the county, but we can perceive it that way if you want. It says, "Where possible, conserved land should be placed under federal management to reduce management costs to Pima County." Mary Miller questioned me on what I meant by this and let me try to explain. A good example would be the land north of Catalina State Park, which has been identified as an Arizona Preserve Initiative parcel. If that is bought with a combination of local and state money, it would save us all money if it ultimately went into the forest, were managed by the National Forest Service, as opposed to being managed by Pima County and thus local tax money. It does not imply, as Mary thought, to conservation easements. It simply applies to parcels that would be close to existing federal parcels and therefore would be protected better. I see Pat shaking her head so we may need to modify some wording here.

The final sentence says, "Long term acquisition costs and related mitigation fees should be minimized through purchase of as much mitigation land as possible early in the program." The emphasis here is do it now rather than later. It's cheaper now than it's going to be. It doesn't mean more; it just means it's a phasing of state money.

Under funding sources we have one more kind of general statement, which let me just read. And this says, "We recommend that segregated fund be created from the following sources to be used solely for the acquisition and management of habitat and the purchase of development rights within the CLS. A citizens oversight and review committee should oversee the management of this fund." This is intended to do two things. It puts the county on notice. It tells them that we would like to see them managing all the money they get for this purpose in one place and that they have a citizens oversight committee that watches over them. I'll get to your questions in just a minute. Then the rest of this is simply divided into 3 overall sections. It's local funding sources, two subsections, and the community at large and affected landowners. Then on the next page, state and federal sources.

Questions from Steering Committee members:

Question: Will this recommendation result in some of this funding coming out of my pocket through the assessment of my land?

Gayle: No, we really haven't quite gotten to that yet. If you want to we can turn to the next two pages and sort of go through those sources. I mean it's basically taxes that affect the whole community such as a sales tax or such as a bond. I mean it impacts slightly different parts of the community but they basically impact the community at large. As opposed to on the bottom of page 2 such things as an impact fee or a special taxing district. And these are all different, they would all have to be voted in, but they would identify, they would target different groups of people.

Question: Please explain how Pima County would be able to count lands conserved under federal management, as the Conservation Land System mitigation. Why can't we count the whole national forest as mitigation?

Gayle: This would be newly acquired and thus would become part of the mitigation for the permit. How it's ultimately managed is a different question than what land we acquire. We're just saying that it's better for us as residents of Pima County to have a piece of property that's adjacent to Coronado National Forest ultimately be managed by the forest rather than being managed by Pima County and we all have to continue to pay for it. Let me just make one other observation. Early on, I can't remember who described it this way but somebody talked about the baseline, the baseline that we currently exist right now in terms of government owned land is where we start. None of that counts towards what we're trying to do. Only newly acquired, newly protected land would credit towards what we're trying to do. Who owns it and how it gets managed I guess is part of the description that we have to get into and whether or not Fish & Wildlife is going to accept it or not. But I agree with you, I don't think that, if the county acquires a piece of land through a bond and then it's subsequently transferred to the federal government, I don't think we're going to get reduced credit. I think it's a push either way.

- **While some Steering Committee members felt the Steering Committee had not agreed on anything inside the boundaries of a Conservation Land System. Other members felt that the area had been determined and a Conservation Land System contains this.**
- **Other members voiced that the Steering Committee has adopted a habitat approach. That within a habitat approach is the fact that there will be a prioritization of biological core management areas, recovery management areas and important riparian areas.**
- **These same members felt that while the Steering Committee had not defined what the biological core, recovery, and riparian areas are and maybe it is not the job of the Steering Committee to define what they are; it is the job of the Steering Committee to say as a matter of policy, biological core management areas, recovery management areas and important riparian areas be defined and they be the priorities in acquiring land within the CLS.**
- **The friendly amendment was made and accepted to an additional phrase that would say, "The following Conservation Land Systems, if and when such elements are specifically adopted, should guide acquisition priorities".**
- **There was much discussion regarding the wording of the document and the suggestion was made that perhaps the discussion served to illustrate that it was premature and inappropriate to vote on a piece of the funding proposal when the full proposal, which had a great deal of work put into it, still needed a little bit of work. The suggestion was made to review the wording and working with the ranch stakeholder groups and others, re-present the motion at the next meeting.**
- **After much discussion Gayle stated that while she was not interested in pushing something through that the Steering Committee didn't agree with, she felt that much of the motion was in very straightforward language, much of which the Steering Committee had twice in their information packages with very little change.**
- **Gayle closed her presentation and the topic by saying that although she was certain that many of the issues that were being raised had already been addressed or adopted, she wanted to defer this item to the next meeting. In the mean time she and her group wanted the Steering Committee members with questions or concerns to contact her or Debbie so they could better understand their concerns and how best to address them.**

Cindy Copping: This item was deferred to the next meeting.

Review of new Stakeholder Agreements/Resolutions:

- **Some members felt it would be helpful to forward the recommendations that the Steering Committee has made thus far to the Board of Supervisors so as they're working on the MSHCP they begin to look at the recommendations that the Steering Committee made thus far. This would help the Steering Committee coordinate their work.**
- **This was going to be made into a motion, but there was no quorum at this point, therefore this item would be placed on the agenda for the next meeting.**

Review Draft Steering Committee Report to Board of Supervisors:

- David provided a draft copy of the Final Report to the Board of Supervisors for the Steering Committee to review and send him comments to be addressed at the next Steering Committee meeting.

Future meeting schedules and issues for future meeting agendas and new business:

- The next meeting of the Steering Committee will be Saturday, May 10th. Location and time will be announced.
- The final meeting is scheduled for Wednesday, May 21st. Location and time will be announced.

Call to the Public: None

Meeting Adjourned: Meeting adjourned 11:45am

SDCP - Steering Committee

Pima County Public Works Bldg. Rm 'C'

8:30am to 11:30 am

Saturday, May 10, 2003

Meeting Notes

Participants: David Steele, Judie Scalise, Economist, ESI Corp.; Mr. David Folch, Research Associate, ESI Corp.; Dr. Ken Kingsley, Senior Scientist, SWCA Environmental Consultants, Inc.
Mr. Mike List, GIS Coordinator, SWCA Environmental Consultants, Inc, See attached sign in sheet.

Documents made available to the Steering Committee members at the meeting:

- Agendas
- CD with Economic Analysis report from ESI and SWCA
- Proposed motion from Steering Committee member Sue Chilton
- Proposed motion from the Steering Committee members known as the Working Group.
- Presentation titled: Habitat Protection Priorities
- From Steering Committee member, Debbie Hecht: Additional Open Space Language

Meeting Commenced at 8:30am

Meeting commenced with 28 Steering Committee members and 10 members of the public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda. By 10:40, there were 45 Steering Committee members present and 18 members of the public.

Logistics for the next Steering Committee Meeting:

Wednesday, May 21, 2003

6:00pm to 9:00pm

Sheraton Four Points

1900 E. Speedway

Logistics for the next Ad-Hoc Subcommittee meeting:

Wednesday, May 14, 2003

3:00pm to 5:00pm

Arizona Builder's Alliance

1661 N. Swan Rd, Ste. 144

Administrative Matters

Member attendance issues/Response from Pima County

New voting procedures:

- The response from Chuck Huckleberry prompted the use of voter cards to identify the motion and the Steering Committee member voting on said motion.
- Some members suggested that it would be useful to have a general resolution to ratify all of the prior actions that the Steering Committee has taken and in that way have documentation that a majority of those who are eligible to vote actually voted for all the things that the Steering Committee has taken a position on.
- Other members questioned why SIMG did not present the names of the members that have missed more than the allotted meetings to the Board of Supervisors so those Steering Committee members could be disqualified. David explained that that is not the role of the facilitator; it is the role of the Board of Supervisors because they appointed the Steering Committee and set the provisions by which they would disqualify and remove Steering Committee members.
- Because of this discussion, the issue to ratify previous Steering Committee decisions with the new voting procedures will be placed on the agenda for the May 21st meeting.

Call to the Public: None.

Old Business:

Approval of minutes from April 5:
Meeting notes were approved.

Status of Stakeholder discussions—

Working Group Motion on Land Acquisition, Steering Committee members, Larry Berlin and Rob Marshall:

Larry: After 4 years, we're I believe today going to answer some of the questions for the county that we were posing to the county back on the very first meeting of the Steering Committee at the first education session. As I recall, a lot of us starting then wanted to know how the hell are we going to pay for all of this? And if we can't pay for all of it, or if we choose not to pay for all of it, how do we prioritize that which we are going to pay for? In the current draft from SIMG of our ultimate report to the Board, under "Acquisition of Core Areas", it presently reads, "A specific topic on which Pima County has requested the Steering Committee input is the criteria that should be in the acquisition of lands within the biological core. We're fortunate, I think, to have had Rob Marshall from The Nature Conservancy, who is a member of the Steering Committee, and Diana Freshwater, who is the executive director of the Arizona Open Land Trusts, put their heads together and their resources together to build on the foundation of the stats science and the other resources available to them to set out clear goals and a set of criteria for answering that very question. What are the priorities for protection? The second thing that we're going to cover, and I think... And most of the time in this presentation I anticipate will have to do with the priorities for protection since it's really the only part of this that is going to add something new. Although it's built on a familiar foundation, the new analysis and information that has resulted from the goals and criteria that Rob and Diana and the organizations have applied is new and may require some extensive question and answer, although we'll see if you still have questions after Rob presents Questions from Steering Committee members. Second is a few minutes about property rights. The rights of landowners and whether and to what extent those rights are going to be affected by what we're doing here. And third is, I hope that we're going to be true to our word, having done a bunch more work sort of cleaning up the funding mechanisms proposal that we started to present last month. I think we're coming back with it in very good shape and in a context that will make it very easy for the Steering Committee to absorb. Then consistent with what we did the last time this working group presented, we're going to put the whole thing for passage, up or down, the whole package. If indeed through the course of discussion we need to make a few amendments to clean it up, if there's anything people really can't live with, we can either clean them up or carve them out. And if we can pass the whole package, that's great. If not, then we'll come back piece by piece and see what parts of it the Steering Committee does want to pass. With that, I want to introduce Rob, who is the director of the science at The Nature Conservancy and who was formerly with Fish & Wildlife. I want to preface his presentation by saying that this has been run past, in some detail run past both county officials and, frankly from my perspective even more important, Sherry Barrett from the Fish & Wildlife Service who is quite supportive of this approach and the resulting map.

Rob: I'm the Director of Science for The Nature Conservancy here in Arizona. And I'm going to describe to you a project that The Nature Conservancy and the Arizona Open Land Trust has been working on for the last year to evaluate the Conservation Land System and tailor it so it could be used in a permit application for Section 10 permit. But before proceeding, I'd like to introduce Diana Freshwater, who is the Executive Director of the Arizona Open Land Trust. Diana's been our primary collaborator on this. In order to put our project in context, I need to spend just a few minutes reviewing the Conservation Land System that the STAT developed back in May of 2001. Because we used it as a tool to build on and it was the basis for our work. There is often some confusion about it. This is the map that the county produced May of two years ago. What it represents is the result of the science and technical advisory team working two years to identify the lands that were needed to protect the 55 species that the STAT was asked to evaluate. It's about two million acres of land in eastern Pima County. It includes federal, state, private, county and municipal lands. The STAT team did a very basic level of prioritization within these lands. And it was based on species and biological richness as well as the potential land use activities that were compatible with conservation. Just to refresh your memory, there were 5 basic categories: the biological core, the important riparian areas, the recovery management areas, multiple use management areas and the scientific research areas.

We started looking at this after its release as everyone else did, and we asked the question, how could we tailor this for a Section 10 permit. Because that was not what the STAT was asked to do. The STAT was not asked to design something for a Section 10 permit, per se. They were not asked to identify levels of take from county actions that would need to be mitigated. They were simply asked to look at the needs of the 55 species that were potentially going to be included in a permit. So we saw this as a good tool to start with. And what we did in evaluating, was recognize there were two elements of it that warranted some further work to built on it to tailor it to a Section 10. And the first was that within these 5 categories, there was a very large amount of acreage in each one of them, such that it was unclear where to start first in any one of those categories. Not a fault of the STAT, but simply they weren't asked to do that. The second component is that the potential 20 to 50 year time frame of which the permit would be carried out suggested that biologically important lands might be lost if we didn't have some additional prioritization to know how to start first. How to sequence conservation over the very large amount of lands that were included in the CLS. So in January of 2002, The Nature Conservancy and the Arizona Open Lands Trust started collaborating on a project to build upon this tool and create a new tool from this data that would increase the probability of a successful Section 10 permit and also to give the county guidance on how to begin, how to get their arms around this process, how to get this conservation project moving.

So if you look at the top of your sheet, you'll see the project objectives. Just briefly, we decided to apply a set of biological based goals and criteria to the Conservation Land System to identify the most important lands to protect first and to provide recommendations on the sequencing of land protection. We wanted to develop a good set of guidelines, not hard and fast rules. We wanted to design the project so it could be easily integrated into an adaptive management system. Something that this group has talked about considerably, but we really haven't dealt with any of the specifics. So to accomplish this, we obtained all the county and the STAT data and put it all into a data set make some decisions about priorities. I just want to briefly review the conservation goals and the criteria that we used, give you some background. We identified four conservation goals. And the goals were important because we always wanted something to be able to check our decisions by. We always needed just a baseline, a reference point, when we came to decisions that might be challenging or ambiguous to just base, guide our decision making process. Our first goal was to maximize the benefit of existing protected areas by increasing their size. If you pour through the voluminous documentation that STAT produced, there's a consistent theme that's consistent with just the conservation biology literature. And that is, where and how large the areas are can have a tremendous impact on the long-term viability of species. So if the lands are placed correctly, then in general, to a threshold, increasing their size will increase a species' viability over the long term. The second part is that Pima County, both through public and private efforts, has invested considerably in conservation in the past. And by maximizing the size of existing preserves, we are really leveraging past private and public investment. And in this day and age of poor economic climates, leveraging money is very critical. **Our second goal, to emphasize the protection of the rarest habitat types in the county, or special elements, as the STAT defined them. The cottonwood/willow riparian types. The mesquite bosques. Those vegetation communities that were far more numerous and extensive in the past but now are very limited and which also contain a disproportionate amount of the county's biological diversity. Third, we wanted to maintain a connected network of protected lands where native habitat and natural corridors exist. There's a number of organisms within the 55 species that have dispersal as part of their life history. They need to move around the landscape in response to seasons, resources, a variety of reasons. So we try to integrate that concept into the priorities to make sure that those entities that require dispersal would have a higher chance of survival over the long term. And fourth, recognizing that the county is very diverse ecologically, we wanted to make sure that we evaluated lands throughout the biologically important areas in the county and not just put all of our eggs in one basket. And as you'll see when you review the map, indeed we've selected priorities in all corners of the county.** Selection criteria. We identified selection criteria to make the process efficient and to help us be judicious. The idea of a priority setting process is to be judicious, given that we started with two million acres and we wanted to whittle it down to a smaller portion that could be accomplished in a shorter term. So we have 3 selection criteria. The first is to evaluate the lands for the most biologically important conservation land categories, including the biological core, the important riparian areas and the recovery management areas. This doesn't imply that the other categories are not important. All this means is that when you're setting priorities, you're going to look to the biologically most important lands first. That's certainly what the Fish & Wildlife Service is going to look for and that's what the county will benefit most from by starting their permit. Second, we're going

to evaluate private lands equal to or greater to 10 acres in size in vacant or in agricultural status. Again, the implication of that is not that lands less than 10 acres are not important. But we did this all on our own privately raised funds. So we wanted an efficient process. We also think it's more efficient for the county to begin looking at the larger lands to acquire or protect through whatever mechanism. The third criteria is to evaluate all state trust lands within our priority Conservation Land System categories, emphasizing the lands that are eligible under the Arizona Preserve Initiative. And as many of you know, the Arizona Preserve Initiative enables jurisdictions to apply for certain state trust lands to be put in conservation status, and should they be granted that status through application and the bidding process, the state pays half of the fee, half of the cost of the land. So should we be able to use state trust lands for conservation purposes, it will help lessen the financial impact to the county. So we want to pay special emphasis to those state trust lands.

So we went through with the, we had 17 different data sets that we used from the county and the STAT work. And we went through and evaluated every parcel that met these selection criteria. And it was thousands of parcels and that's part of the reason why it took a significant amount of our time to complete. And we asked the question, how does each parcel contribute to our conservation goals? And you have two tables that I want to refer you to before we take a look at the map. And the first table is just the summary statistics for the amount, acreages of lands that were identified in the different priorities. We had two different categories of priorities, the private lands and the state lands. We decided to separate those for the main reason that there's two very different mechanisms needed to protect those lands. Private lands can be acquired, they can have easements put on, they can be donated, you can develop management agreements. State lands have to go through an auction, a bidding process, etc. So we're recognizing that protection of those two different land types would be on different time frames, but they could happen simultaneously. So we wanted to identify what were considered the highest priority lands in both state trust lands and in private lands.

And then within each of those categories, we identified the highest tier, the highest priority lands, and then a secondary tier. And the differences between those are different depending on where you are in the county. Because in some areas of the county that are rich in water resources, such as Empire Cienega, it was the clear choice for the highest priority lands were areas that have water, springs, etc. In other cases, in other parts of the county where those resources are not available, the criteria had to be slightly different. So we didn't have strict numerical thresholds that we could apply in each one of the areas in the county to make that determination. But again, this is guidance. This is not hard and fast rules. This is meant to try to make it manageable. Trying to get a place for, trying to tailor it so we can know where to start. So you'll see for the highest priority private lands, we identified 43,000 acres. And those are distributed throughout the county. And we probably should pass out the map, Carolyn, so that people can start to peruse that because I'll be done with my presentation shortly. For the secondary priority lands, we identified about 65 or 64 thousand acres. Combine those two private land categories, you can see that it's 5% of the Conservation Land System. It's a tiny portion. I don't want this work to imply that the rest of the Conservation Land System is unimportant. Again, what we are trying to get at are priorities, making recommendations on what should be protected first. Not the totality of protection needs.

If we look at the state trust land categories. We identified 143,000 acres of high priority state trust lands that are actually eligible for API under the Arizona Preserve Initiative, about 7% of the CLS. And then in that second to last column, our secondary priority state trust lands, that's 273,000 acres approximately, about 14% of the CLS. But these are not eligible for conservation under the API. And I'm going to return to this in a moment with the last table to look at the significance of that. The total of the first 3 columns is about 12% of the Conservation Land System, 250,000 acres. And that's what we have identified as the set of lands that should be evaluated for starting the permit. These are lands that should be valuable to protect over the next 10 or 15 years. That's probably the life span of this project. Because if the county truly adapts an adaptive management conservation program, then new data will come available and some of these priorities will change. As conservation is accomplished or as opportunities are lost across the landscape. I'm going to explain the last table before we look at the map. The last table is just some summary statistics on how much of the individual special element vegetation communities are in the different priority tiers that we identified. And the point that I want to make here is that you can see, for all of the special elements, the majority are in that secondary tier of state trust lands. The lands that are ineligible right now to protect under the API initiative. The significance, clearly 70% of the acreage in those special element communities, the significance of this is that unless there's a mechanism found to protect those state trust lands, the success, the long term success of the permit could be jeopardized. So these are clearly an outstanding need that needs to be addressed, not just in Pima County, but statewide. I just want to make a comment on the relevance of this to an adaptive management program. One of our goals was to design this in a way that could be easily integrated into an adaptive management program. And because

this was done in a GIS platform, we have a data set now that can be used to characterize and evaluate change in the landscape. Both change for the good, conservation, but also lost opportunities. And this is really a no cost or a low cost way to begin an adaptive management program because the county maintains, continually updates its assessor's records such that at any period, 3 or 5 years, this can be evaluated to see how much things have changed relative to the conditions under the permit. So it fits nicely into an adaptive management program and really all of the cost has already been borne in the work done up front. It also can be easily modified or adapted once new data comes in to suggest that some portion of this does not have the importance that the original work suggested that it did. And we clearly expect over time that new data will come in that will indicate that. We fully expect that opportunities will be lost throughout the landscape. So we're going to need new data to help us find other places to protect these species.

I want to orient you to the map, since most of you have it. And Diana had to go through a lot of machinations to tweak these colors so I could distinguish them because I am colorblind. So I hope that they work for you. The highest priority private lands are in this lime green. And I have to make a caveat about this map. When you're mapping data at this scale, you have a tradeoff. Do you show exact boundaries? And if you do with this project, you wouldn't be seeing a lot of the lands because anything that was 10 or 30 acres is not going to show up on this map. Or do you put a buffer around the boundaries so all the areas where the lands are identified show up. And you run the risk of making it look larger. We choose the latter because we wanted to make sure people could see all the areas where lands were identified. Even though it does tend to inflate the appearance or the acreage. So the private lands are in the lime green. Excuse me, the highest priority private lands. The secondary priority private lands are in the dark green. The state trust lands that are eligible for API, those that are in our priority first tier, are in yellow or orange, I'm not sure how it's reproduced on your small version. And then the secondary priority private, excuse me, state trust lands, those that are ineligible under API are in brown.

Now to conclude, again, our purpose for doing this was to build upon the Conservation Land System tool that the STAT labored over for over two years, to tailor it for a Section 10 permit request and to provide guidance. And what was most important to protect first. How should we start this ambitious program. In doing this, we were mindful of the fact that this was going to have to pass Fish & Wildlife Service muster. Ultimately, regardless of what the county decides to propose, the Service will be the ultimate arbiter of its efficacy. So we met periodically with the Fish & Wildlife Service. We met periodically with members of the STAT, including Bill Shaw, just to give them updates on how we were going about this, to get feedback to make sure that this was going to be consistent with both the original intent of STAT's work, but also the ultimate needs of the permit and how the Fish & Wildlife Service is going to review this. We think that now, after working this for a year, that this is going to substantially increase the probability not only of successfully obtaining a permit, but also of having a successful conservation program if it's carried out. And I say that based on just input that we've received continually from Bill Shaw and from Sherry Barrett, including most recently Sherry visited with us on Tuesday during our small stakeholder group where she reiterated something she said throughout, and that is that this is a necessary and important step in this process that to date has been lacking. So we think that it provides a good start. We don't think it is perfect, but quite frankly it doesn't have to be perfect because an adaptive management program, the point is, you work with the best information that you have and you generate new information as time progresses to refine. Because things change over time. So in my mind, all this has to be good for is 10 or 15 years, and if it can serve that purpose, then we've started off on the right foot.

Larry: A couple of brief comments on some of the things that our working group has drawn out of this work done by Rob and Diana. One is that it's important to realize that this is not a recommendation that the county buy all of this property. This is a set of goals and criteria that result in priorities for protection. We're not just buying it all. This is where to look first. Also, there are a lot of other mechanisms available for protection besides just outright acquisition. In fact, we've moved away from the misnomer of calling this an acquisition strategy to recognize that this is really more a matter of setting priorities for protection. Some of the other ways to protect this land that could work are TDR's, conservation easements and purchase of development rights. Land exchanges, full fee donations, various kinds of grants, management agreements, purchase of other kinds of rights including water rights or mineral rights. Trades, swaps between the federal government and state lands. There are a lot of ways to do this besides just spending money. And again, this is where to look first for protection, not a recommendation that we get it all. Second, and this was I think the key for Sherry Barrett, who lit up when asked, is this is one of the places where adaptive management is important. If and when better science is developed or circumstances change so that the priorities reflected on this map are no longer

appropriate, that is one of the highest and best uses for the adaptive management system that we have already recommended. And it's in part on that basis that Sherry endorses this. And we did get her permission to use that very word. She does endorse this.

I think it's worthwhile at this point to remind you all, it's been awhile since we've talked about just what this working group is, this group that started out being known as "X", I suppose, and has morphed into a number of formats. There are more folks involved now from even more of the disciplines that are represented at this table. There were over a dozen members involved in generating the materials that have been distributed to you now, including homeowners, property rights people, realtors, unaligned folks. Harold has been involved as an economist. We've now had Diana Freshwater's involvement, and of course the ubiquitous environmentalists have been involved. We have tried to carve out those areas that are controversial. We don't believe there's any hidden agenda to be passed in here. Some of the places where we couldn't close the gaps among us we just carved out of this in order to deal with separately.

I don't know that it's in the documents or that Rob mentioned it, he may have, but to the extent that this will involve the purchase of private property, this will be from willing sellers only, and it's important to put this in the record this way so that the Steering Committee is aware and so anybody who is later on looking at the record to try and interpret what we hope to accomplish here will understand that this is not to force anybody to sell anything. This is for willing sellers only to the limited extent that it involves property rights at all, private property. And please note that the lands identified by this method, these priorities for protection, is only 26% of the Conservation Land System. Only 5% of that 26% is private property, which is just over 1% of the CLS. It should also be noted, and this was a concern that was brought up by Sherry Barrett, that this analysis that we are hoping to adopt this morning is subject to the take analysis that is being performed for the county by RECON. It is the analysis that identifies what impacts we're talking about in order to ensure that we're adequately mitigating. So if indeed that analysis comes out of whack with this, then this will have to be altered one way or another to match the take analysis. Take your time, read it, absorb it, and let's field all the questions you can and with the protection priorities first. And before we start taking questions, I want to give everybody a chance to read this so that everybody can participate.

Questions from Steering Committee members:

Question: Within the separate categories, are properties prioritized? Or is the prioritization the only prioritization that has taken place and does the database that underlies this map, are you going to be making that available to the county?

Rob: Yes, if it's, yes. Regardless of whether it's adopted or not, we think it's still valu... If it's not adopted, we think it's still valuable as part of an adaptive management program. So we see it valuable for that purpose.

Question: If you've identified the lands that are highest priority for acquisition, have you made any attempt to identify who the landowners are and what their concerns are.

Rob: No, we did, this was a biological analysis. This was not, we did not look at the feasibility end of it because, again, these are not hard and fast rules, these are guidelines, sequencing priorities, what should be looked at first.

Question: What does it mean if these designations are implied

Rob: I can't answer that question, the Fish & Wildlife Service has to answer it. I do want to address your... What you implied, though, is that for political reasons we should not include lands. And I want to stress and emphasize, have it very clear, this was a biological exercise. And if we had entered, if we had used criteria such as that in evaluating all of our lands, then this project would have no integrity. And I recognize there are all those risks both on the Santa Rita Ranch or other state trust lands, that the legislature could pull the rug out from us. But we thought that these lands were so important, the biological importance, that being true to the goals of this exercise, we needed to emphasize that importance just as we did with the other lands and be up front and above board about it in the process. But again, this project implies no restrictions or any judgments on the appropriateness of particular land management activities.

Question: Why are only private landowners and state land bearing the brunt of the Conservation Land System?

Rob: The county properties that are currently in conservation status were identified as part of the current protected areas. So if the county is going to seek a permit for new activities, they're going to have to have new conservation accomplished also. It's as simple as that.

After more discussion the final motion was presented to the Steering Committee for vote:

Motion #1: The adoption of the recommendation presented in this document which consists of four pages and a map. The adoption subject to the takings analysis that will be necessary for MSHCP approval and permitting, and with the deletion of item 2(C) on page 3 of the document, and with the formal inclusion of the fact that the priorities are only addressed to willing sellers of private property.

Action: Passed.

Present: 45 Yes: 33 No: 10 Abstain: 1

Additional Open Space Language, Steering Committee member, Debbie Hecht:

Debbie: **For about a year, the Friends of the Sonoran Desert have been working on promoting a bond election, an open space bond election. And there's properties that are hopefully going to be included in the bond that appeal to a wide amount of voters that we think are going to be necessary to get out the vote. Specifically one parcel in the Tucson Mountains that we've been working on for 3 years to make into a county park. As I said before when we went over the science stuff, the washes were left out in the Tucson Mountains. And I'm sure in other parts of the county, things were left out. And I think that is one of the dangers of having this broad stroke brushed map. So to kind of not micromanage the Board of Supervisors and the county on their property acquisitions and recognizing the political reality of getting certain properties acquired to get voters out to the polls, we crafted this language. And it reads, "The Steering Committee also acknowledges the possible need for other measures to foster public support of the open space bond election. The Steering Committee therefore recommends that, if necessary, certain additional lands beyond those identified through the MSHCP science process be included in future open space bonds. This also includes lands identified by but not purchased with a '97 bond and other lands containing high scenic, recreational, historic and other cultural values supporting the overall goals of the Sonoran Desert Conservation Plan."**

Discussion:

- **While some members felt that a bond nomination without specifics was not a valuable nomination, other members stated that although they agreed with the motion they wanted to see the word 'prioritize' to the '97 bonds before new properties were considered.**
- **Debbie noted that this amendment has been added. It includes the '97 bonds and other parcels. And it's been added so that there would not be prioritizing or make things too narrow.**
- **The final motion presented for voting by the Steering Committee was as written:**

Motion #2: The Steering Committee also acknowledges the possible need for other measures to foster public support of the open space bond election. The Steering Committee therefore recommends that, if necessary, certain additional lands beyond those identified through the MSHCP science process be included in future open space bonds. This also includes lands identified by but not purchased with a '97 bond and other lands containing high scenic, recreational, historic and other cultural values supporting the overall goals of the Sonoran Desert Conservation Plan.

Action: Failed

Present: 41 Yes: 25 No: 16 Abstain:

Motion presented by Steering Committee member Carolyn Campbell for a funding mechanism: Carolyn: The group, the stakeholder group, could not come to consensus on this, but many of us feel it's very important that we don't leave any stones unturned. So I have a motion that the county should pursue legislative authority and consider adoption of a real estate transfer fee to support funding of the MSHCP.

Discussion:

- **Some members voiced concern that this would go into the percent being paid by private property owners.**
- **Other members opted to vote on the motion without further discussion.**

Motion #3: That the county should pursue legislative authority for and consider adoption of a real estate transfer fee to support funding of the MSHCP.

Action: Failed.

Present: 41 Yes: 24 No: 15 Abstain: 2

Motions presented but deferred to the next meeting:

Cindy Coping: Integration of National Resource Conservation Service(NRCS) in the Section 10 Permit.

William Crosby: Water Issues in the Context of the SDCP and Section 10 Permit

Economic Analysis –Consultants Final Report —

Judie Scalise: These were the study objectives that we essentially started out with. First and foremost, it was to assist the county in understanding the potential cost of obtaining the Section 10 permit. Secondly, it was to provide the economic and fiscal framework for the county as they go forward to make whatever modifications and changes and further analysis that needed to be conducted that wasn't yet completed, such as the adaptive management program and the approval of Fish & Wildlife for the critical habitat. So we believe we've created the economic and fiscal framework, we've set that up to go on to the next step.

The key questions that we attempted to address in the 16 weeks was, what is the likely effects of obtaining the Section 10 permit, including the changes in the employment mix, the population projections, the spatial location of development along the way. The footprint, if you will, of where things were going to go throughout those 3 time horizons. And then secondly, which is not fully addressed, is the expected cost of implementing a plan. We provided information on land acquisition costs, but because the adaptive management plan is not yet complete, we don't have solid information about that. And so that is yet left to be addressed fully as you go forward.

The methodology that we employed centered on these 4 key tasks. We projected the pattern of development that was expected in Pima County over the 3 time horizons and the 3 scenarios. This information was presented to you at your April 5th meeting, and I believe we do have the maps here in case anybody would like to take a look at those. We're not going to spend a lot of time talking about this today. The second key task was the RIM and the land acquisition cost to protect the species habitat and mitigate for take of the habitat. The third was assessing the costs and benefits of the development pattern, what that was going to mean based on various mitigation ratios, looking at property taxes over the time horizon for the various scenarios. And then lastly was identifying those funding options to pay for RIM and land acquisition. The information that you had handed out at the April 5th meeting we took back with us. We did some additional research and so you will find in the report that many of the ideas certainly are incorporated. And the proposal that was on the table here earlier this morning also included some of the funding options that we had looked at.

Again, back to these 3 scenarios. These were the 3 scenarios that we were given to do our analysis on. The first scenario is no action and no permit is applied for and no zoning changes. It's stand still, everything stands still, status quo. Scenario 2 is the county goes forward and obtains the Section 10 permit, but no zoning is allowed to change. And then the 3rd scenario is that the county applies for the Section 10 permit and that zoning is allowed to change.

Now accompanying these 3 scenarios, we looked at the two alternatives. The biologically preferred and the listed species. These were applied throughout the 3 scenarios, the 3 time horizons. We looked at each one of these things throughout every one of those steps. Now the listed species are the species that were identified by RECON. That is the information that we were given and so that's what we looked at.

David Folch from my office is here, and he and Ken will be providing you with some of the study results.

David Folch: This slide is a summary of the growth model. You saw these numbers at your April 5th meeting; we handed them out then. Just to give you a brief orientation to the table here. The baseline is here, end of year 10. The total of this represents development through year 10. This is through year 20, so this is cumulative of what is in front of it, and then through build out here. Over here, we've got the 3 scenarios. And we have the total population and total wage and salary employment. You'll notice here that scenarios 2 and 3 are identical. All the numbers here as you go across are the same in these two scenarios. This is because the economic assumptions that were in scenarios 2 and 3 were identical. However, with the spatial analysis, the same economic assumptions were allowed to have a different spatial representation. And this just quickly kind of shows some of the numbers here. The increase in the first 10 years for population here was 20% compared to scenarios 2 and 3 where the increase was 24.6%. So it's a slightly faster growth in scenarios 2 and 3 due to the Section 10 permit and that allowing development to happen at a faster pace.

So again, I just want to give you an orientation here to this table. Again, the same cumulative numbers here, end of year 10, end of year 20, and build-out. And then what we have here is total acres developed. And that is the total acres in eastern Pima County. And then that's the same here for each scenario. And then listed species habitat and biologically preferred alternative habitat. That is just outside of the built environment. And the built environment is defined as the area, the built environment is the area inside the current sewer service area and parcels that are occupied or have improvements of \$10,000 or more. So this development again is outside of the built environment. And what happened here, what we did was, we took the economic numbers that were created here for the, the economic numbers, laid those out spatially, and then compared that to the spatial layout of the listed species habitat and the biologically preferred habitat that came from the listed species reserve analysis from RECON. So the intersection of those two is what you see here. So over 10 years, and look at scenario 3 here first. This is where zoning is allowed to change and the Section 10 permit is received. You look here, you have 8,000 acres of listed species habitat developed on in the first 10 years, compared to the biologically preferred alternative, which is 7,193. And the difference here again, the reason that the biologically preferred is smaller than the listed species is due to the location of that habitat as defined in the previous study of the listed species reserve analysis. And so let's go here to the next slide. Oh, and one other point I want to make here, sorry. Is if you notice here, the growth here is, total development is 47,000 acres and in year 20, it's about 10,000. So more or less about the same growth. In the first 10 years is 47,000, the second 10 years is about 53,000. And you'll see here in the habitat, however, you've got 6,000 the first 10 years, and by the end of 20, you've got 23,000. That growth is as you grow away from the built environment, you start encroaching more and more on the species habitat land. That's why the growth is happening, that's why this is happening at a faster rate as you go forward. You're consuming more of the species habitat land.

All right, I want to talk here briefly about the costs and benefits. We're going to talk about environmentally based economy, private property interests, ranching, ag, real estate, business development community, other jurisdictions, both the cities and state land and Pima County government. So what we have here is the environmentally based economy. And what you, one of the impacts here. Tourism will increase, 6% more tourism jobs in scenarios 2 and 3 than in scenario 1. Also increased economic development. And by economic development, we talked about the desirability of the community potentially to eco-tourists who may come here. And with more conservation land, the community could become a bigger draw for those kind of tourists. Also development of a biological cluster. As more biologists are needed to do some of this research, to bring those kind of jobs, those higher paying jobs, into the community. It's already been noted in a recent study that U of A is one of the, their ecological studies program is one of the biggest economic drivers in the state for each of the universities in their core study areas. The negative impact here. Access to some open space could be restricted. We don't know this, we just put this up here as an idea. If some of the habitat conservation land had to be removed from public access, then that could have an impact on the desirability of the area for eco-tourists.

Okay, private property interests. Land values are expected to increase 2.8, or be 2.8% higher after 10 years with the Section 10 permit than without the permit. There's also a potential for new enhanced markets for land, such as preserves for mitigation. This could increase value as that demand for land, as a new use of land besides just development comes in, or ag or ranching uses. Possible negative impacts. Restrictions on future up zoning. If the mitigation ratios are quite high, up zoning may not be able to happen. Possibility of eminent domain. That's certainly been talked a lot about today. We didn't have the benefit of this discussion, but if that happened or became a possibility, that could be a negative impact. Unequal distribution of benefits. Renters and new residents do not benefit equally. If land values do increase, somebody who owns a house today, their home would probably go up in value. When they buy their next home, that home would be up in value. They could have sort of an equal benefit. But if you're currently a renter or you're new to the community, you'll just experience the new housing prices and you won't have any equity stake already. And the last bullet here is loss of speculative land value. Again, future up zoning potential could have an impact on that.

Okay, ranching and agricultural interests. Some of the positive impacts here. Enhance-ability to sell development rights. If certain areas are designated for preservation, a rancher may be able to sell the development rights. Second bullet here talks about between 1,200 and nearly 1,500 acres of ranch land are in the path of likely development outside of the built environment in the next 10 years. Now I want to be clear here. The reason that this is in the positive column is just that it gives ranchers more flexibility with their land. If they wanted to sell it, that would be an advantage to them. So that's why it lands in this column. Here also, 500 to 1,000 acres of agricultural land are in the path of likely development outside of the built environment in the next 10 years. And then on the negative side, possible loss of value of development rights in some cases. Again, if you expected that your land would be preserved or somehow you could sell and the land preservation choices moved away from your property, you may have a loss of expected value.

Real estate, business, development community. Potential positive impacts. Certainty in regulatory process. This is something that is a key issue for the Section 10 permit, as a developer would have the ability to know, even if it's negative to them, they still know the process with the Section 10 permit. There's no question about what will happen if some species is found on my property. The process will be laid out and they'll know in advance. And some negative impacts here. Cost of plan implementation. It's been talked again today about what percentage that the development community would bear of the costs of development. Also want to throw in a couple other notes here in the positive which isn't listed here. Economies of scale that could be generated through concurrent study of larger tracts of land. It costs much more to do research, inventory, monitoring type scientific activities on one acre at a time as opposed to looking at hundreds of thousands of acres at one time. So that is a definite benefit to the development community. And the ability to attract knowledge workers. This is another concept. As communities are desirable to live in, good places to live tend to attract people who like recreational opportunities. The people that are most in demand by companies, today companies are moving to where the highest quality workers are located. And if the Tucson area is a place where these people want to live, it's likely that companies will move here to be where their employees want to be.

Other jurisdictions; and this specifically refers to the different cities in the county, if the cost of the permit to the developer is prohibitively high, new development may locate in other jurisdictions. Now this is specifically if the permit in the unincorporated county is prohibitively high, the development could move into the cities. This, of course, assumes that the cities believe that development is a positive impact for them. And that they would get, a development that may have happened in the unincorporated county would now move to the incorporated areas. Also, ease of pursuing a Section 10 permit under the SDCP umbrella. The cities, again, I'm not too familiar with the biological aspects of this, but our understanding is that the cities would be able to sort of kind of glom on to what's been done with the county and all the work that the county's done and it would be at a lower cost to them. And then in the negative side here, it's sort of the opposite. If the permit facilitates development at a reasonable cost in the unincorporated county, then future development would be inclined to go to the unincorporated areas. It's a little reciprocal of the other comment.

State land--revenue from purchase of development rights, the potential positive impact to state land. If they can sell their land in that way, or if they can get revenue in that way, that's good for them. Also, a note here. Our model showed that between 1,100 and 1,900 acres of state land are in the path of likely development outside of the built environment in the next 10 years. And then, here, negative impacts. Again, loss of speculative land value. State land is, in a lot of cases, like a developer in how they value their land. And finally, impacts to Pima County, Pima County government specifically. And we looked at the different impacts to the costs to serve development in the community. And we talked to a number of staff in the county. And the costs to serve for adding new lines, new sewer, new roads, to go pull a building permit. Those costs are not expected to change, with or without the Section 10 permit. However, the cost of administering the Section 10 permit and what magnitude that that has will be an impact to Pima County.

The next thing we'd like to talk about is land acquisition costs. And this was another key part of the modeling effort that we did. The analysis that we did, we looked at development on species habitat outside of the built environment. Again, that's what we keep talking about. And so it was only where, we only looked at mitigation where development is going to happen on the species habitat. So not all development that happens outside of the built environment would need mitigation in our modeling effort. The species habitat, again, was defined by the study, listed species preserve analysis. The figures represent today's costs to acquire land to accommodate future mitigation. And finally, who pays the land acquisition costs that we'll see on the next slide has not yet been defined.

I want to just orient you to the table here. Ten years of development, 20 years of development. This is again cumulative. And then through build-out. And again, we looked at here is listed species and biologically preferred alternative. Now the ranges that you see here, these are based on... One more thing I want to say here is, this is a 1 to 1 mitigation ratio. There's been talk here about the different costs, 1 to 1, 2 to 1, 3 to 1, 4 to 1 mitigation. To get those other numbers, you can multiply any of these numbers. To get a 2 to 1 mitigation ratio, you can multiply any number in this table by two and that'll get you that cost. And the ranges here are... And also, we looked at the mitigation being in the Altar Valley and in the Cienega/Rincon areas. Fifty/50 split between those two areas. So we looked at the costs based on the assessor data for vacant land in each of these two areas, and we got low, medium and high value. So what you see here is, in this case, this is \$5 million represents the low value of land in those two areas. The \$18.6 million represents the high value of land in these two areas. I'll just kind of go over the numbers here really quickly. In looking at scenario 3, which is probably the most likely scenario here, in 10 years, the range of costs if you went with the biologically preferred alternative would be between \$5.5 million and \$20.5 million. And that could grow up to, through build-out, \$83.8

to \$313 million. Now important to note here, we did not include the Tortolita Fan area in this analysis, although it is included in the written report. The land in the Tortolita Fan is significantly higher cost than the land in the Altar Valley and the Cienega/Rincon areas. The reason that we removed that is because it looks like the development pattern in the unincorporated county only is not going to have a significant impact on land that could be mitigated in the Tortolita Fan area. And so that was not included. However, the numbers, and you'll see those are significantly higher, the numbers are significantly higher when you do include that area.

Ken Kingsley: I'm going to attempt to condense a couple of months worth of work into 5 minutes or less. If you're seriously interested in all of this stuff, it's explained in very great detail in the document that you received on CD today. And if you have any questions about the process, please feel free to give me a call to talk about it. One of the charges that were made to us is to take a look at the costs of running the program of a Habitat Conservation Plan. And very specifically, those costs that would be associated with a program of research, inventory and monitoring, which are part of an adaptive management program. Unfortunately, it's very difficult to calculate the costs of a program if it hasn't been defined yet. And that's exactly the status of the adaptive management program. So it's currently under discussion in the STAT meetings. It's, I believe, fairly far from resolved. So we had to come up with another approach other than saying it's going to cost you this many dollars to do the program that the STAT thinks should be done. There are many kinds of program costs. This is a large list of them. Administration, public relations, etc., etc. The only thing that we actually focused on here was the research, inventory and monitoring program. That's because that's what we were asked to do in part by you as part of the scope of our contract.

What are we talking about here? What is research, inventory and monitoring? Well, research is defined in my dictionary as a scholarly or scientific investigation or inquiry, period. Very broad term of what you want to do for research, define it. But actually, the bottom line for defining research costs is how much money do you have; what do you want to do; we can't quite do that on how much you have; we'll do the best we can. Research is very open ended. Inventory is very specific. It's the measuring selected variables to infer the presence or abundance of wildlife species. And monitoring is to do that over and over again over a period of time, asking certain questions and seeing what happens over time.

Research is very loosely defined. It's not necessarily a requirement of an HCP. An adaptive management program with an inventory and monitoring program is a requirement of a Habitat Conservation Plan Section 10 permit as defined in the regulations under which the Fish & Wildlife Service are working. But research is not. Research may be extremely specific, or it may be almost infinite.

Inventory is necessary to know what's out there because the current information we have is based on a model. And some data. Some of which may be out of date, some of which may be current. We actually do not know. We can draw lines on the map and say, this is our conservation plan's reserve area, what we think should be. But we don't know what's out there, for the most part. We have the knowledge that we want to go take a look, period. That's our model. This data would help all of us make good decisions. Some methods of doing inventory are defined in existing profiles(?) that are accepted and encouraged and required by the Fish & Wildlife Service. Others need considerable development. In our document we made a lot of suggestions about what could be done for inventory monitoring for the potentially vulnerable species.

Monitoring is also required of an HCP in some form. Requires two forms of monitoring: implementation monitoring and effects monitoring. But exactly what needs to be done is currently not defined. Ideas are just begun to be discussed in the STAT meetings. Hopefully someday we'll have a very clear definition of that. So how do we say how much it's going to cost? Difficult. What we did was, we took a look at consultants' experience. I'm a consultant, I have some experience. We took a look at existing Habitat Conservation Plans in Pima County and what the requirements of those were. We took a look at current RIM projects of the Arizona Game & Fish Department, the U.S.G.S., the Arizona Sonora Desert Museum and others. We took a close look at other large scale HCP's. For example, Clark County spends \$3 to \$6.5 million per year. And they used a competitive bidding process every two years. And then we based some of this on our understanding of the current acceptable protocol for the species of concern in Pima County. We looked at several possible approaches that the county could take. They could hire staff, county staff. They could hire consultants. They could hire the Game & Fish Department. They could hire several departments in the University of Arizona, or they could hire the Desert Museum. They could do other approaches as well. But we give cost figures for the same staff, the same effort, for all of these different alternatives.

Our conclusions are, RIM costs may vary widely depending what is done by whom, and neither of those have been defined. Needs must be defined by the STAT. It's not my job, it's not your job, it's not our job as

economics consultants to tell you what needs to be done for an inventory and monitoring program. It must be defined by the STAT, the county and ultimately approved by the Fish & Wildlife Service. Costs for inventory and monitoring might range from \$2.12 to \$30.63 per acre, depending upon what you're looking for, and there's a huge economy scale here. These numbers are based on inventory monitoring program for a thousand acres or more. If you have a one acre plot and you've got to have the same kind of treatment, it's going to cost you a lot more than this. Administrative costs are not included for any of our alternative approaches, or at least some of them. If you want to see what it would cost if you hired a consultant or had a county department do it, take a look at the report. On to funding options.

Judie Scalise: Obviously there's various approaches to funding. And certainly you probably wouldn't go forward and just pick one. There would be a combination of funding options that you would choose. Grants and outside sources. The Heritage Fund was mentioned. The Growing Smarter legislation allows for the set aside of state lands and certainly that is being taken advantage of by the City of Scottsdale and the City of Phoenix, and perhaps the City of Tucson should step up and try to utilize that as well. Property taxes, sales taxes. Obviously, that was mentioned. Certainly not necessarily a popular item. And then of course, a mitigation fee. There are several other sources of funds that were in your document. We didn't bother to list all of them here. They are included in the report, along with a summary of the information that was handed out at the meeting on April 5th.

And then lastly here, I want to talk about recommendations as we see things. Certainly the adaptive management plan is needed in order to estimate RIM costs. Ken did a noble job in looking at what costs are in other marketplaces and what they're doing, how much they're spending, and certainly tried to apply that thinking to the report. There's a tremendous amount of information in there. And as you can see from his slide, there's a huge range in price on a per acre basis depending upon what you're doing. Second recommendation is that we both felt that the final funding option should exclude the property and residents in western Pima County. Land development patterns there are significantly different. The population base there is significantly smaller. This study did not include them in the analysis and felt that whatever happened here would not necessarily impact them. And so we felt that perhaps they should be excluded from that. Third recommendation was perhaps to establish an endowment whereby the corpus of the moneys would stay whole and the interests on that fund could be utilized for land acquisition. Creating that mitigation land bank so during high periods of development where there's a lot of activity, the land that was in the mitigation bank could be used for mitigation purposes. Next recommendation is certainly to build in regular revenue adjustments. That's not taken into consideration. After 10 years, you know, where are you in terms of what inflation has done to the value of the dollars. Provide flexibility in the funding options available to developers. Developers that are large scale developers certainly can build, have more economies of scale and perhaps consent to the table for mitigation purposes, those certainly should be taken into consideration. So there may be a way to allow the development to go forward at a lesser cost without compromising any of the mitigation that is required. Account for potential conservation land that's already owned by the county. Certainly there's county land out there that could be habitat land, and why not account for that. Develop a balance between fees and taxes. You know, fees are imposed on the user. You pull a permit, you pay for the permit. It's not impacting anybody else. You're the one responsible for it. Taxes are levied on everybody. Property tax is a property tax. You know, if you own property, you're going to be paying for that. Sales tax is a sales tax. If you purchase a better service, you're going to be paying for that. So it's important, perhaps, to develop a balance between the choices that you select. And then lastly, insure that the adopted financing plan is legal. You know, some of the information that we saw looked at impact fees. Today those are not, in the state of Arizona, for counties to adopt an impact fee for open space such as this for mitigation, is not legal. And if that's an approach you want to go, you certainly have to spend some time with your state legislators to have the state statutes amended in order to do that. And also there's a rational nexus that you need to take into consideration. Those that are benefiting maybe bear more of the brunt and not impose necessarily everything on people that aren't benefiting at all. So make it fair, make it equitable.

Questions from the Steering Committee:

Question: What did you learn that you didn't expect to have occurred with your analysis? What surprised you the most about your findings? What was the most unexpected thing you learned?

David F: Probably the most unexpected thing was that the cost was less in the biologically preferred alternative than the listed species alternative. And that was mostly through our research of other, was mostly was in another study that we were given to use. But that was probably the most surprising thing that we found.

Ken Kingsley: What I found surprising and very interesting was the analysis of the economic effects in other areas that have had large scale HCP's. That was presented to you at the previous meeting, I wasn't here. But it was just very interesting to see how it seemed to have a salubrious effect on the economy of the communities that had this. That was just very cool.

Question: If you had to do this over again, how would you do it differently?

David F: **Yeah, we would have really liked to have taken it to the end and had the RIM costs, been able to calculate all the RIM costs, been able to know more for sure what the habitat land that you all had agreed to. And so we could have really, we would have really liked to have sort of taken it to the end of the road**

Question: How do we proceed from here to review what you've given us and to give you further inquiries? And is that opportunity available to us?

Judie: Yeah, this is an ongoing process and certainly the music is just momentarily stopped. It will start back up again. So we do want your comments so that we can refine what we've done as we go forward through the EIS stage of the process.

Question: **My recollection of the scenario maps from the last meeting is that scenario number 3 significantly reduced the amount of sprawl that goes out, especially to the east, if I remember. And that seems to me that it would indicate more road costs, more sewer, infrastructure costs if you're sprawled out more, and a savings in infrastructure if you go with scenario number 3.**

David F: **Yeah, I'll address that. The point that was made was that the per unit costs. So the cost to add another mile of road, the cost to add another length of sewer line is the same. That the permit doesn't, in and of itself, raise your costs, raise the county's costs to do business in that sense of the term, just in that adding sewer lines, adding roads, stuff like that. There is a difference in the development footprint. And there is, in scenario 3, it does, and Mike, you might be able to help me out here, it does have a more compact form in scenario 3 and so it could potentially save you some money in that sense.**

Call to the Public:

Pete Tescione: I just wanted to emphasize, this is the first chance I've gotten to see this map because I guess this is the first time it's been publicly available. And if you look at the map you'll see, particularly on the east side against the Rincon and Santa Rita mountains, there's little isolated pea green areas. And there's a lot of the San Pedro drainage there that is not designated for any kind of conservation at all. And that seems to be some of the most important riparian areas in Pima County and they're not on here. The other thing is, if you look up in the northern part at the pea green, in what more or less started this all, the core pygmy owl habitat, there is no connectivity across I-10, there is no connectivity between Tortolita Mountain Park and Catalina State Park, there's no connectivity in this land base. And I think you need to look into that a little more closely, at least for the connectivity. Thank you.

Meeting Adjourned: Meeting adjourned 11:30am

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SDCP - Steering Committee

Sheraton Four Points

6:00pm to 9:00pm

Saturday, May 21, 2003

Meeting Notes

Participants: David Steele, see attached sign in sheet.

Documents made available to the Steering Committee members at the meeting:

- Agendas
- Proposed motion from Steering Committee member Gerald Juliani
- Proposed motion from Steering Committee member Cindy Coping
- Proposed motion from Steering Committee member William Crosby
- Proposed motion from Steering Committee member Mitch McClaren
- Proposed motion from the Steering Committee members known as the Working Group.
- Memo from Environmental Planning Manager, Sherry Ruther regarding: Applicability and compliance Review for Environmental Regulations During Development Processes.

Meeting Commenced at 6:00pm

Meeting commenced with 22 Steering Committee members and 4 members of the public. **David Steele** opened the meeting by introducing himself, reviewing the ground rules and reviewing the agenda. By 6:35, there were 48 Steering Committee members present and 15 members of the public.

Logistics for the next Steering Committee Meeting:

There are no future meeting dates at this time.

Logistics for the next Ad-Hoc Subcommittee meeting:

There are no future meeting dates at this time.

Administrative Matters

Approval of May 10 meeting notes:

- **Steering Committee member William Crosby asked to have all the deferred motions mentioned in the meeting notes.**
- **Meeting notes were approved.**

Approval of 1st Quarter 2003 Report:

- This item was deferred.

Ratify Previous Steering Committee procedures with new voting procedures:

- David noted that this would be Motion One, that this was a procedural vote and it was being done at the suggestion of absent Steering Committee member Ernie Cohen.

- **Motion #1:**

To conform the previous procedures of the Steering Committee to the new voting process established by the Steering Committee on May 10, 2003.

Action: Passed

Present: 48

Yes: 47

No: 0

Abstain: 1

Call to the Public:

- Pete Tescione: I'd like to make a recommendation to the Steering Committee to add another motion and that is that from some point like Campbell/Kino or Stone Avenue eastward, that you include the critical habitat and the conservation lands that are designated in the 8 species plan and hybrid them into your 55 species plan. Thank you

- Victoria Locatelli: Sonny Durante was denied rezoning at last Tuesday's (Board of Supervisors)meeting. We applaud and support all of you and thank you for the time that you're putting into this. Because we all agree that we need to develop economically for Pima County, but we need to do it in a way that is respectful of the desert. So thank you.

Old Business:

Sherry Ruther, Environmental Planning Manager, DSD Department Pima County:

Sherry: On April 5th, whenever I addressed you with a presentation about environmental regulations that currently exist in the county, there was a request from several members to provide some follow-up information on where in the development process does staff review for environmental regulation and the applicability and compliance thereof. So what you are now receiving are 3 flowcharts that outline the review processes for rezoning applications, subdivision plats and development plans. And in that process, you will see the junctures at which county staff reviews for applicability and compliance for those ordinances that we discussed. I'll be around for the majority of the meeting if you get a break and you've got some questions, look me up, but otherwise you can find me at my desk on most days. So give me a call if you need some follow-up information. Thanks.

Economic Analysis and Next Steps:

Larry Berlin presented a motion that he wrote at the request of the Ad-Hoc Subcommittee.

Larry Berlin: The point of this motion is to correlate the priorities for protection and the other recommendations that the Steering Committee has made to the economic analysis, so that in working with our recommendations, the priorities for protection and the funding mechanisms, that the Board will prioritize when and how to spend accordingly. The motion is that the Steering Committee recommend that the county's economic analysis be applied to the priorities for protection that were adopted by Motion #1 on May 10, 2003, and to the Steering Committee's other recommendations, particularly including the recommendation of a strong system of adaptive management, in order to develop a corresponding set of financial priorities. If the economic analysis is found not to be adequate for setting financial priorities, then it should be supplemented for that purpose.

- **Larry then presented a motion that was not handed out to the Steering Committee. He read the motion and the floor was opened for discussion then vote.**
- **While some members presented friendly amendments, other members questioned that the motion was saying that the county should perform a more detailed economic analysis now that habitat and other priorities had been identified so that there would be more of a sense of the exact cost of what had been adopted. Larry clarified that his proposed motion only gets to that if in correlating the priorities and recommendations set by the committee to the economic analysis, they discover that the economic analysis is not adequate to the task of setting financial priorities. If they find that it's not adequate to the task of setting financial priorities that correspond to the priorities for protection and other recommendations, then they should go back and add to the economic analysis until they have enough detail to be able to do that.**
- **Other members felt the motion was redundant because the Steering Committee had already addressed this issue and established priorities within the plan.**
- **Still other members felt that it was a necessary motion, but offered amendments. The final motion that was presented for voting by the Steering Committee is as follows:**

Motion#2:

The Steering Committee recommends that the county's economic analysis be applied to the Steering Committee's recommendations to develop a corresponding set of spending priorities. If the economic analysis is found not to be adequate for setting spending priorities, then the economic analysis should be supplemented for that purpose.

Action: Failed

Present: 48 Yes: 18 No: 24 Abstain: 6

Review of new Stakeholder Agreements Resolutions:

Integration of National Resource Conservation Service(NRCS) in the Section 10 Permit:

This motion was presented by Steering Committee member Cindy Copping. She had been scheduled to present at the previous meeting, but conceded to defer, in the interest of time, until this meeting. The original motion read: The Natural Resources Conservation Service (NRCS) and no other scientific organization has been

continuously studying, monitoring and improving Arizona rangeland vegetation since 1934. The Endangered Species Act requires the MSHCP to incorporate the best available science. The Steering Committee recognizes the value of the scientific knowledge NRCS has produced and will continue to produce. The NRCS should be integrated into the implementation and continuing biological monitoring efforts throughout the life of the Section 10 permit.

- The floor was opened for discussion. While some Steering Committee members felt that the first few sentences should be removed, other members felt the introductory sentences were necessary.
- After some discussion regarding diction, the Steering Committee opted to split this motion into two separate motions. Cindy accepted a friendly amendment to the last sentence and this became Motion #3.

Motion #3:

The National Resources Conservation Service, and their information should be integrated into the design, implementation and continuing biological monitoring efforts throughout the life of the Section 10 permit. The Steering Committee further recommends that Pima County pursue a cooperative agreement with the NRCS.

Action: Passed

Present: 48 Yes: 46 No: 2 Abstain: 0

- The Steering Committee then turned their attention to the first part of the original motion. Some members questioned the validity of the statement, 'no other scientific organization'.
- Other members felt that there was no need to include the history of the NRCS as a motion.
- Several friendly amendments were offered and Cindy the final motion that was presented to the Steering Committee shows the friendly amendments that Cindy accepted. The Steering Committee then voted on the first part of the original motion and this was counted as Motion #4.

Motion #4:

The Natural Resources Conservation Service(NRCS), has been continuously studying, monitoring and improving Arizona rangeland and vegetation since 1934. The Endangered Species Act requires the MSHCP to incorporate the best available science. The Steering Committee recognizes the value of the scientific knowledge NRCS has produced and will continue to produce.

Action: Failed

Present: 48 Yes: 18 No: 26 Abstain: 4

Water Issues in the Context of the SDCP and Section 10 Permit:

Steering Committee member William Crosby was the proponent of this motion at previous Steering Committee meetings, but due to time constraints had consented to defer presenting his motion. The original motion consisting of four parts was presented to the Steering Committee for discussion.

1: Accept a regional water policy that recognizes Indian water rights, federal purposes, hydrologic and environmental realities.

2: Adopt strategies to achieve or improve on the goal of safe yield.

3: Adopt a regional long-term recovery plan for riparian systems and a strategy for project by project implementation.

4: Adopt a regional multi-species conservation plan with an adaptive management plan keyed to riparian habitat restoration plan.”

- Some Steering Committee members did not feel this motion was in keeping with the goals of the Sonoran Desert Conservation Plan. Other members felt this was essential to the Sonoran Desert Conservation Plan as it used the county’s language and put the onus on the County to follow through with these statements.
- It was noted that the fourth statement is a direct quote from Pima County’s Water Resources and Sonoran Desert Conservation Plan in July of 1999.
- After some discussion and friendly amendments, which William Crosby accepted, the final motion that the Steering Committee voted on as Motion #5 was:

Motion #5:

- 1. Accept a regional water policy that recognizes Indian water rights and all other existing water rights, federal purposes, hydrological and environmental science.**
- 2. Adopt strategies to achieve or improve on the goal of safe yield.**
- 3. Adopt a regional long-term recovery plan for riparian systems and a strategy for project by project implementation.**

4. Adopt a regional multi-species conservation plan with an adaptive management plan which is integrated with a riparian habitat restoration plan developed by Pima County.

Action: Failed

Present: 48

Yes: 32

No: 15

Abstain: 1

State Lands/Arizona Preserve Initiative Issues:

This motion was presented by Steering Committee member Gerald Juliani, regarding the treatment of state trust lands. The original motion states: That the Pima County Board of Supervisors be requested to give full support to a constitutional amendment that would provide the opportunity to conserve biologically important state trust lands in perpetuity.

- **Some Steering Committee members stated that this motion was unnecessary because the county, just like anybody else, can already achieve this by buying the state trust land when it comes up for sale without a special deal.**
- **Several of Steering Committee members pointed out that the only lands that the county can apply to purchase under the Arizona Preserve Initiative are for a limited amount of lands. The state constitution would need to be changed and the Federal Enabling Act if there were to be a systematic way that these lands could be protected instead of sold to the highest bidder for development**
- **Other members point out that there is a diverse group of business interests, the education community and environmental groups trying to develop a state trust land reform package that will work for all interests.**
- The original motion was voted on as Motion #6:

Motion #6:

That the Pima County Board of Supervisors be requested to give full support to a constitutional amendment that would provide the opportunity to conserve biologically important state trust lands in perpetuity.

Action: Passed

Present: 48

Yes: 37

No: 11 Abstain: 0

Additional for Open Space Bond:

Steering Committee member, Carolyn Campbell presented a motion that originally read: The Steering Committee recommends that the county place the highest priority on acquisition and protection of lands necessary to achieve the goals of the MSHCP over the duration of the permit. The Steering Committee understands and acknowledges that in order to implement the MSHCP, public support will be needed to gain a successful vote for an open space bond measure and the county will need to acquire lands to attain the goals of the broader Sonoran Desert Conservation Plan. This includes but is not limited to lands included in the 1997 open space bond that are yet to be acquired. The county should acquire as many 1997 open space bond parcels as feasible as soon as possible. The Steering Committee also recommend that where feasible, the county pursue means to protect lands within the CLS not identified in the habitat protection priorities either through ordinance or through open space bonding.

- While some members felt this motion was necessary because it would ensure that the Steering Committee has not inadvertently excluded parcels that will be necessary from the Board's point of view in order to successfully pass an open space bond, other members felt this would be double billing the public.
- After accepting some friendly amendments and declining others, the final motion presented to the Steering Committee for voting as Motion #7 was:

Motion #7:

The Steering Committee recommends that the county place the highest priority on acquisition and protection of lands necessary to achieve the goals of the MSHCP over the duration of the permit. The Steering Committee understands and acknowledges that in order to implement the MSHCP, public support will be needed to gain a successful vote for an open space bond measure and the county will need to acquire lands to attain the goals of the broader Sonoran Desert Conservation Plan. This includes but is not limited to lands included in the 1997 open space bond that are yet to be acquired. The county should acquire as many 1997 open space bond parcels as feasible to implement the goals of the MSHCP, as soon as possible. The Steering Committee also recommends that the county pursue means to protect lands within the CLS not identified in the habitat protection priorities.

Action: Passed

Present: 48

Yes: 35

No: 9

Abstain: 4

Amendments to the Steering Committee Report to Board of Supervisors:

Steering Committee member, Mitch McClaran proposed two changes to the report the Steering Committee will be presenting to the Board of Supervisors. The change to page 18, line 19 was presented and accepted by the Steering Committee as an improvement that more accurately described the voting procedures used by the Steering Committee. As a result, the line that originally read: "However, consensus describes the process by which agreement was achieved.", will be changed to read: "However, the committee attempted to reach consensus on all issues, and where that did not occur they relied on a voting procedure where a super-majority of 66% + 1 was needed to move forward all issues of substance."

The second change was presented as a motion to insert a statement under the heading entitled, "Consolidated and Improved Land Use Regulations". Mitch stated that while he agrees that the Steering Committee has adopted the Conservation Land System and some priorities based on the distribution of 55 species, he believes the Steering Committee has not had the discussion about what kinds of regulations ought to be applied to existing land uses that would address those priorities in the Conservation Land System. He wanted to transmit to the county that Steering Committee hasn't had that discussion so that there would be no misunderstanding as to what the Steering Committee has agreed upon. His original motion read: Insert the following text on page 16, line 44, after the word, 'activities': The Committee did not discuss regulations concerning the continuation or modification of current activities taking place on land within the proposed Conservation Land System.

- Some members agreed that this change was accurate and necessary, however, other members did not agree and offered friendly amendments which Mitch declined. His motion was presented as originally stated for voting by the Steering Committee as Motion #8.

Motion #8: Insert the following text on page 16, line 44, after the word, 'activities': The Committee did not discuss regulations concerning the continuation or modification of current activities taking place on land within the proposed Conservation Land System.

Action: Failed

Present: 48

Yes: 21

No: 23

Abstain: 4

Rectify motion made on May 10, 2003:

Larry Berlin presented this procedural motion.

- When the priorities for protection were adopted, the topic of that presentation and motion was priorities for protection, not a property rights issue. Language was added at the end that included the concept of willing sellers. A property rights concept which, although discussed in the context of the priorities for protection, should not have been part of the motion.
- The difference between a sale, a purchase and sale of property and the condemnation of property, which is not a purchase or a sale, but the exercise of the sovereign's right of eminent domain, power of eminent domain, to take property, at which point begins constitutional rights of the landowner.
- The original language in the context in which the willing seller language was offered by the original motion tends to confuse these concepts.
- **The original motion read: The adoption of the recommendation presented in this document which consists of four pages and a map. The adoption subject to the takings analysis that will be necessary for MSHCP approval and permitting, and with the deletion of item 2(C) on page 3 of the document, and with the formal inclusion of the fact that the priorities are only addressed to willing sellers of private property.**
- The proposed motion was presented to the Steering Committee for voting as Motion #9:

Motion #9:

To determine (A) Whether this is a procedural issue, and then (B) To follow accordingly on whether or not to excise the "willing seller" provision only of the motion offered on May 10, 2003.

Action: Passed

Present: 48

Yes: 35

No: 12

Abstain: 1

Motion Proposed by Ranch Stakeholders Group

Steering Committee member Mrs. Pat King read the motion being presented by the Ranch Stakeholder Group. The floor was then opened for questions and discussion.

- Some members questioned the Transfer of Development Rights as an incentive in this motion.
- While there were some members that questioned whether this motion would open the door for abuse of the system for compensation, there were other members that felt that although there may be some limitations proposed to stocking rates, seasons, grazing, abilities to harvest fuel wood or have a prescribed fire, which wouldn't change the zoning of a piece of property, it would impact the ability to perform activities that are currently accepted under current zoning. Consequently, there should be compensation for the loss of that ability.
- No amendments were made to this motion and it was presented to the Steering Committee for voting as Motion #10.

Motion #10:

The constitutional protection against taking of private property without just compensation must apply strictly and absolutely throughout any habitat conservation plan for all taking of private property, whether by outright acquisition or by any restriction resulting from the plan. Compensation must be provided for onsite restrictions such as limitations on farming and ranching activities to protect habitat species where property may not be purchased by local government, and for offsite restrictions such as any kind of setback or limitation on farming and ranching on properties adjacent to the habitat conservation area. Compensation must be provided through payment or incentives without threat of penalty and at current fair market value without influence from habitat plan restrictions. The full cost of all such compensations must be determined and disclosed in a cost analysis.

Action: Failed

Present: 47

Yes: 12

No: 33

Abstain: 2

Motion Proposed Concerning Landowner Rights—Recommendation Two:

Steering Committee members Larry Berlin and Michael Zimet were the proponents of this motion. This motion came about after much discussion with County staff. In order to achieve their goal this group was willing to divide the original two-recommendation motion, into two separate motions. The motion as originally proposed read: The Steering Committee recognizes the possibility that there may be instances in which implementation of the MSHCP compels the county to restrict the use of private land within the CLS, even if the recommended reassurances are included in the plan. Therefore, the Steering Committee further recommends that the Board of Supervisors include provision in the MSHCP to the effect that: When the county purchases from willing sellers, they will do so at fair market value, in good faith and unaffected by land use restriction that may be created following the date this recommendation is adopted by the Steering Committee. To the extent the county may need to restrict the use of lands and that the owners are not willing to agree to the restriction(s) and are not willing to sell, the county shall have the option to offer a Transfer of Development Rights, which shall be the preferred option. When Transfer of Development Rights is not feasible or is unacceptable to the landowner, the county shall also have the option to condemn such properties by the power of eminent domain, which option shall trigger the Constitutional Rights of the landowner(s).

- **The friendly amendment was made to remove word, 'shall' from the phrase, 'shall trigger the Constitutional Rights of the landowner(s). This amendment was accepted.**
- **Other members questioned the Transfer of Development Rights portion of the motion because their understanding was that there are many rights that come with a deed to a piece of property, including water, minerals, vegetation, or aspects of the soil; all which could be transferred without deeding the property itself. The owner of the property could sell the water, mineral or vegetation rights, but keep the surface. So if the definition of development rights was broad enough to include stocking rates, ability to have a fire, or perform concurrent practices, one could presumably sell those rights and it would be covered by this proposal.**
- **The point of clarification was made that although there are many forms of Transfer of Development Rights, fire management practices and carrying capacity for a given pasture are not included in the concept of the Transfer of Development Rights. Moreover, that Transfer of Development Rights as they are applied within the state of Arizona specifically deal with commercial and residential types of development. And it establishes a sending and a receiving area. The sending area is where you transfer them out of and the receiving area is where you put them in. Currently in the state of Arizona, the only entities that have the legal authority to utilize transfer of development rights are incorporated municipalities.**

- **The friendly amendment to copy the parenthetical statement from the introductory paragraphs to be placed as part of Recommendation Two was accepted.**
- **Recommendation Two was amended and put to vote as Motion #11.**

Motion #11:

The Steering Committee recognizes the possibility that there may be instances in which implementation of the MSHCP compels the county to restrict the use of private land within the CLS, even if the recommended reassurances are included in the plan. Therefore, the Steering Committee further recommends that the Board of Supervisors include provision in the MSHCP to the effect that: When the county purchases from willing sellers, they will do so at fair market value, in good faith and unaffected by land use restriction that may be created following the date this recommendation is adopted by the Steering Committee.

To the extent the county may need to restrict the use of lands and that the owners are not willing to agree to the restriction(s) and are not willing to sell, the county shall have the option to offer a Transfer of Development Rights, which shall be the preferred option. When Transfer of Development Rights is not feasible or is unacceptable to the landowner, the county shall also have the option to condemn such properties by the power of eminent domain, which option triggers the Constitutional Rights of the landowner(s). (The references to 'existing' and 'current' zoning and other land use restrictions and legislation are intended to mean those that are in place at the time of the Steering Committee's adoption of this recommendation.)

Action: Passed

Present: 46 Yes: 38

No: 8

Abstain: 0

Motion Proposed Concerning Landowner Rights—Recommendation One:

The same members, Larry Berlin and Michael Zimet, then presented the first half of their original motion which read: The Steering Committee is concerned that changes in land use restrictions that may result directly from our community's adoption of the MSHCP, which changes are likely to enrich our community overall, may also have the potential to unfairly diminish the value of some properties within the Plan area.

In that respect, by letter from county Administrator Chuck Huckleberry dated April 5, 2002, the county has offered reassurances to the effect that it does not intend for the MSHCP to impair or inhibit uses of land within the CLS that are consistent with existing zoning and other land use restrictions. Although new restrictions may be imposed on property owners requesting legislative changes in permissible land use, no such new restrictions will be imposed on property owners whose proposed uses are consistent with the county's current land use legislation and that do not require action by the Board of Supervisors. (The references to 'existing' and 'current' zoning and other land use restrictions and legislation are intended to mean those that are in place at the time of the Steering Committee's adoption of this recommendation.)

- The Coalition for Sonoran Desert Protection offered a friendly amendment that would include the first two paragraphs of their resolution ending with "the Steering Committee recommends that the Board of Supervisors formally incorporate the assurances described above into the MSHCP"; instead of the first two paragraphs, plus recommendation one.
- **Other members stated that there was a different interpretation of what the county has assured and these members disagree with Larry that that's the assurance the county has provided and further, they voiced regret that that's not the direction that they thought this should go.**
- **There were some members that felt they could not support this motion because they felt this motion was stating that if there isn't a currently designated protected peak and ridge any new designation that were to occur after this is null and void; if there's a new preserve that's created as a part of the MSHCP, that the Buffer Overlay Zone Ordinance (BOZO) won't apply to that and if the riparian mitigation ordinance is amended or changed as a basis of adaptive management to the plan, that it won't apply.**
- Larry declined all friendly amendments and stated that the point of this motion was to reflect what the county has already given and put it into this document. It's the county's the county's assurance that this motion intended to make a part of this document.
- **The original motion was put to vote without any changes as Motion #12.**

Motion #12:

Conveyance of Steering Committee Report:

The Steering Committee was asked to make one final decision and that was to transmit the final report with the additions from the May 21st; meeting to the Board of Supervisors.

Motion #15;

To transmit the report entitled Sonoran Desert Conservation Plan Steering Committee Report to the Pima County Board of Supervisors with the additional changes adopted on May 21, 2003, to the Pima County Board of Supervisors.

Action: Passed

Present: 44 Yes: 38 No: 6 Abstain: 0

New Business:

Future Steering Committee Activities:

David Steele informed the Steering Committee members that details regarding a future social event would be sent out to members.

Call to the Public:

None

Adjourn: 10:35pm