

**Pima County Conservation Acquisition Commission Meeting**

**MEETING MINUTES**

**Pima County Natural Resources, Parks and Recreation Building**

**3500 West River Road**

**Thursday, February 28, 2013**

**2:00 p.m.**

**MOTIONS**

**MOTION:** Commissioner Gardner moved, seconded by Commissioner Johnson to approve the September 13, 2012 meeting minutes. Motion approved 7-0 (Commissioners Corey, Marshall, and Smith absent).

**MOTION:** Commissioner Marian moved, seconded by Commissioner Sheridan to accept the semi-annual bond update report for fiscal year 2012/2013. Motion approved 7-0 (Commissioners Corey, Marshall, and Smith absent).

**MOTION:** Commissioner Johnson moved, seconded by Commissioner Pettis to recommend an ordinance amendment to the 1997 Bond Ordinance project SD-10 Tumamoc Hill to expand the scope of the project to include a statement on the remaining funds spent and extend the implementation period through period 8. Motion approved 8-0 (Commissioners Corey, Marshall, and Smith absent).

**MOTION:** Commissioner Gardner moved, seconded by Commissioner Hare to recommend to the Bond Advisory Committee that they confer with the Conservation Acquisition Commission before any future deliberation on cutting future open space bond funding. Motion approved 8-0 (Commissioners Corey, Marshall, and Smith absent).

**SUMMARY OF MEETING**

1. Roll Call

The Commission meeting began at 2:10 p.m.

Commissioners Present

Helen Gardner  
Trevor Hare  
Jan Johnson, Vice-Chair  
James Marian  
Chuck Pettis  
Tim Prouty (arrived at 2:30)  
Bill Roe, Chairman  
Tom Sheridan

Commissioners Absent

Les Corey  
Rob Marshall  
Corey Smith

2. Executive Session

None.

3. Approval of the September 13, 2012 Meeting Minutes

**MOTION:** Commissioner Gardner moved, seconded by Commissioner Johnson to approve the September 13, 2012 meeting minutes. Motion approved 7-0 (Commissioners Corey, Marshall, and Smith absent).

Nicole Fyffe updated the Commission on the current status of Painted Hills and the amendment process being put on hold for now. The property owners are not willing to take a loss on the property and discussions are on hold for now.

4. Update on Audit of Pima County's General Obligation Bond Programs

Nicole Fyffe updated the Commission on the findings of the Auditor General's Office regarding the audit they conducted on Pima County's 1997, 2004 and 2006 bond programs. The audit's results were very favorable and found that the County's process is collaborative, transparent and comprehensive.

Mr. Roe commented that it is very gratifying to hear, and that Pima County sets a standard for the state.

5. Update on 1997/2004 Conservation Bond Program Expenditures

Nicole Fyffe reported that all of the 1997 Bond monies have been expended now. Ms. Fyffe noted that the County purchased 1,400 acres of State Trust land at auction in late December to expand Tortolita Mountain Park using an Arizona State Parks matching fund, and also used the last remaining funds in the 1997 bond program that had been earmarked for purchases in the Tortolita Mountains area. Under the 2004 Conservation Acquisition Bond program, the only significant expense was \$1.5 million for the Tortolita Mountain Park expansion purchase. The remaining funds are all under Jurisdictional requests for City of Tucson and the Town of Sahuarita.

Mr. Sheridan asked if there was a statute of limitation on jurisdictional requests. Ms. Fyffe responded that there is no time limitation and said that the City of Tucson requested that their remaining funds be earmarked for Painted Hills, and the Town of Sahuarita's funds will be used towards the purchase of State Trust land along the Santa Cruz River, which is currently in progress.

6. Accept 1997/2004 Semi-Annual Bond Program Report

Twice a year, the Commission is tasked with reviewing and accepting the bond program update reports. Nicole Fyffe presented the report and map depicting all projects. Materials are available online and on cd. The Commission received the open space portion of the report for review and approval. Once the brochure is completed, it will be sent to the Commission.

**MOTION:** Commissioner Marian moved, seconded by Commissioner Sheridan to accept the semi-annual bond update report for fiscal year 2012/2013. Motion approved 7-0 (Commissioners Corey, Marshall, and Smith absent).

7. Proposed Amendment to 1997 Bond Ordinance to Project SD-10 Tumamoc Hill

Nicole Fyffe said that there was \$18,000 left in the 1997 SD-10 Tumamoc Hill project after it was acquired from the State Land Department in 2009. In late December, Pima County was the successful bidder for the purchase of 1,400 acres of State Trust land to expand the Tortolita Mountain Park. The purchase cost was \$3.78 million, with half of the funding coming from an Arizona State Parks Growing Smarter matching grant. The majority of the funding came from the 2004 County bond funds allocated to the Town of Oro Valley. Additional funding was needed to complete the acquisition. This ordinance amendment would expand the scope to include the use of these monies and extend the implementation period through period 8 for Fiscal Years 2011/2012 and 2012/2013 to account for the \$18,000 used.

**MOTION:** Commissioner Johnson moved, seconded by Commissioner Pettis to recommend an ordinance amendment to the 1997 Bond Ordinance project SD-10 Tumamoc Hill to expand the scope of the project to include a statement on the remaining funds spent and extend the implementation period through period 8. Motion approved 8-0 (Commissioners Corey, Marshall, and Smith absent).

8. Future County Bond Election – Review of County Administrator Recommendation to Decrease Bond Advisory Committee's Recommended Funding for Project OS2 Habitat Protection Priorities and Associated Lands

Nicole Fyffe said that the Bond Advisory Committee began planning for a future bond election in 2006. To date, they have tentatively approved 93 projects totaling \$649.8 million. Due to the amount of time that has elapsed since these projects were proposed, the Committee requested that the 93 projects be reviewed for updates to scopes, funding and need. On February 12, 2013, the County Administrator forwarded recommended changes and updated to the Committee for their review, including a reduction in funding for project OS2 Habitat Protection Priorities and Associated Lands from \$110 million to \$90 million. The reduction is due to the amendments to the Marley Ranch options agreements that decrease the future purchase prices. The project was reduced by that savings amount. Ms. Fyffe indicated that a copy of the meeting summary of the Bond Advisory Committee discussing this issue was provided to Commission members as part of the materials.

Commissioner Gardner expressed concern over supporting any reduction in funding for Habitat Protection Priorities and felt the County has not completed purchasing needed mitigation lands. Commissioner Hare likewise expressed concern and wanted to let the Bond Advisory Committee know of their reluctance to support any reduction.

**MOTION:** Commissioner Gardner moved, seconded by Commissioner Hare to recommend to the Bond Advisory Committee that they confer with the Conservation Acquisition Commission before any future deliberation on cutting future open space bond funding. Motion approved 8-0 (Commissioners Corey, Marshall, and Smith absent).

9. Clean Water Act Section 404 In-Lieu Fee Mitigation Program for Santa Cruz River Basin

Suzanne Shields gave a presentation on the County's proposed In-Lieu Fee Mitigation Program. The Pima County Regional Flood Control District (RFCD) made a proposal to the Army Corps of Engineers for mitigation. Pima County proposes to use a fee-in-lieu

program. The program would use RFCD lands for public and private sector to use towards their mitigation requirements. Ms. Shields noted it was important to keep these monies and mitigation here in the County. RFCD is working with the Tucson Audubon Society in selecting a number of sites in each of the watercourses throughout Pima County. The Corps accepted the County's proposal and will move forward with developing the program.

Mr. Sheridan asked if there is a mitigation ratio associated with the program. Ms. Shields responded that the Corps determines what the ratio would be. Typically, a temporary loss ranks as a lower ratio as opposed to projects with permanent loss to vegetation.

#### 10. Recent Regional Flood Control District Land Acquisitions Related to Conservation

Suzanne Shields updated the Commission on acquisitions completed under the Floodprone Land Acquisition Program (FLAP). Under the FLAP program, RFCD has acquired: a portion of the M Diamond Ranch, Rincon Institute property along the Tanque Verde Creek, another segment for the river park between La Cholla and La Canada, CalPortland property along the Santa Cruz River, and are in the process of purchasing another segment for the river park from La Canada downstream to Overton.

#### 11. Update on Pima County's proposed Multi-Species Habitat Conservation Plan and Environmental Impact Statement

Julia Fonseca, with the County's Office of Conservation and Sustainability, provided a brief report on the County's Multi-Species Conservation Plan report. The plan proposal is for a 30-year term. The review comment period ends on March 15, 2013. The U.S. Fish and Wildlife Service will then review all comments submitted and approve a final EIS. Staff has held 5 public open houses and attend all invites for presentations of the plan.

#### 12. General Updates

A. Proposed Development Activities on Bond Parcels: No update.

B. Painted Hills: Discussed earlier.

C. Catalina/Tortolita Wildlife Corridor

- State Trust land application to acquire land to expand Tortolita Mountain Park and conserve wildlife corridor: Discussed at length earlier.
- ADOT/RTA wildlife crossing project: In December, the RTA Board was presented with a revised project scope. After refining the budget costs, costs increased by \$11 million, features were adjusted, fencing was moved for one segment of Innovation Park and the project is now down to two wildlife crossings. The RTA approved the revised concept and budget. ADOT will announce bids this spring and construction is scheduled to begin in 2014. The County is applying to the State Land Department to purchase a perpetual easement for access to the crossing. Chris McVie added that they are currently working with the adjacent Catholic Church to buffer the area as well.
- Kelly Ranch – Desert Springs Oro Valley General Plan Amendment: At their December hearing, the Oro Valley Town Council voted to continue the

project, and directed the applicant to further deliberate and address ongoing concerns. The Council asked for more job employment centers, lower residential densities and increase in buffer areas, annex into the Town and to reach out to Catalina State Park. The Town also asked that resources on the property be mapped per their ordinance. There is no current timeline as to when this will come back to the Council.

- D. Avra Valley-Interstate 10 Tucson-Tortolita Mountain Wildlife Corridor: ADOT is in the early stages of working on a design concept report on widening of I-10, which encompasses the wildlife crossing area. There will be a meeting with ADOT to place appropriate place-holder language early on in the process to accommodate our needs.
- E. State Trust land conservation efforts within the Town of Sahuarita: In early December, Pima County submitted an application to purchase 300 acres of State Trust land along the Santa Cruz River around the County's Green Valley Wastewater Reclamation Facility. The State Land Department is currently processing the application.
- F. Marley Ranch: No update.
- G. Recent offers to sell to the County: The County recently accepted the donation of the Mary Henderson property from the Arizona Sonoran Desert Museum, located south of the Painted Hills property. The County also received a call from the Laos property owners, interested in donating their property to the County. This property is located south of the County's Madera Highlands property and north of the Buenos Aires National Wildlife Refuge, which the County had attempted to purchase several years ago.
- H. Rosemont Mine: The County received information on the new leach field design and change to pit. We received assurance that there will be no spillage over the crest from the Service. There will be a staff report on the changes.
- I. Saguaro National Park Boundary Adjustment Act H.R. 715: The National Park Service contacted the County asking if the County would still be a willing seller or willing to do an exchange for those properties identified for acquisition adjacent to their boundary. The Park Service is calling all land owners within the proposed expansion area.
- J. SunZia Transmission Line Project: In May 2012, the Bureau of Land Management (BLM) released the draft EIS for comments for a 90-day review period. The final EIS is scheduled to be released spring 2013.
- K. Sasabe Lateral Project: The project is now called Sierrita Pipeline, LLC. In early February, Kinder Morgan filed their application with the Federal Energy Regulatory Commission (FERC) for a 59-mile pipeline through the Altar Valley. This will allow Sierrita to provide natural gas deliveries to a new export point at the U.S./Mexico border near Sasabe, Arizona. The County is opposed to a pipeline siting through this area. However, if it is sited through here, the preference would be a route along the existing highway through the Refuge. The application submitted shows the western route as the preferred alternative. The County is considering filing as an intervener.

L. BLM Solar EIS: The record of decision was released establishing the proposed Solar Energy Zones (SEZ) and Renewal Energy Development Areas (REDA) on BLM-administered lands. This includes provisions to have future environmental reviews of individual sites within a SEZ or REDA. Outside of these areas, any request will be treated on a case by case basis.

M. Future Bond Election Update: The Bond Advisory Committee is scheduled to meet on May 17, 2013. The Committee will be hearing all proposed new bond projects.

13. Next Commission Meeting

There is no scheduled meeting at this time.

14. Call to the Public

Carolyn Campbell thanked the Commission for their motion on the future OS2 bond project. She said that due to competing needs and the economy, the Bond Advisory Committee did not allocate the full requested \$285 million and instead allocated \$110 million. She suggested that the Conservation Acquisition Commission become more proactive on this issue, and the Chairman go to the Bond Advisory Committee to make a presentation. She also reminded the Commission that the conservation program is not just about one ranch.

Mr. Roe mentioned that the Arizona Land and Water Trust conserved two more parcels near Aravaipa.

15. Adjournment

The meeting adjourned at 4:15 p.m.