



RESOURCE PLANNING ADVISORY COMMITTEE

August 14, 2008

MEETING MINUTES

Thursday, August 14, 2008, 8:00 AM at the City of Tucson Community Services Center, 310 N. Commerce Park Loop, Tucson, Arizona.

RPAC Members in Attendance

- Karolyn Kendrick, Arizona Native Plant Society representative
- Tim Johnson, At-Large Member, The Planning Center
- John Hale, Tucson Association of Realtors
- Chad Kolodisner, Diamond Ventures, Inc.
- Carolyn Campbell, Coalition for Sonoran Desert Protection
- Matt Clark, Defenders of Wildlife
- Mike Baruch, At-Large Member

Proposed Ex-officio Members in Attendance

- Orlanthia Henderson, Ex-Officio member, Town of Sahuarita
- Karen Berchtold, Town of Oro Valley
- Locana de Souza, Arizona Game and Fish Department
- David Jacobs, Ex-Officio member, AZ Attorney General's Office, State Land Dept.
- Marit Alanen, USFWS
- Dennis Dickerson, PAG

Staff in Attendance

- Ann Audrey, OCSD
- Leslie Liberti, Director, OCSD
- Frank Sousa, OCSD
- Jamie Brown, OCSD
- Nicole Urban-Lopez, OCSD
- Adam Smith, Tucson Urban Planning and Design
- Ries Lindley, Tucson Water
- Glenn Hicks, Tucson Parks and Rec Department
- Holly Lachowicz, Ward 3

Public in Attendance

- Lori Woods, RECON
- Amy McCoy, Sonoran Institute
- Amanda Best, Westland Resources

AGENDA ITEMS

1. Call to Order / Roll Call

A quorum was established and the meeting commenced at 8:19 a.m.

2. Approval of Minutes for June 12, 2008

Chad Kolodisner moved to approve the June 12, 2008 minutes. Motion was seconded by Karolyn Kendrick. Motion was approved by a voice vote of 7-0.

3. Re-vote on Co-Chairs and update on RPAC membership

Staff reported that the RPAC voted on Co-Chairs before Mayor and Council adopted the revision to the RPAC ordinance that allows for the co-chair structure, so the committee must vote again on this item now that the ordinance has been officially revised. A motion was made by Karolyn Kendrick that Carolyn Campbell and Greg Shinn will serve as Co-Chairs of the RPAC for a 1 year term. The motion was seconded by Tim Johnson. Motion approved by a voice vote of 7-0.

The RPAC members requested that the list of Ex-Officio members be clarified and would also like Ex-Officio members to sit at the table during meetings with the other RPAC members. Staff reported that the City Clerk's Office has a memo from the City Manager requesting approval of the proposed Ex-Officio members. The Clerk's Office will put the item on Mayor and Council's agenda and the Mayor and Council will likely vote on the Ex-Officio members in September.

Staff read a list of the pending Ex-Officio committee members:

- Joan Scott, Arizona Game and Fish Department
- Carla Danforth, Pima County Regional Flood Control District
- Charles Barclay, Arizona Department of Transportation
- David Jacobs, Arizona Attorney General's Office for Arizona State Land Department
- Orlanthia Henderson, Town of Sahuarita
- Dennis Dickerson, Pima Association of Governments
- Jennifer Christelman, Town of Marana
- Sherry Barrett, US Fish and Wildlife Service
- Karen Berchtold, Town of Oro Valley

Staff reported that Ramon Gaanderse is no longer with MPA. Amanda Best has been put forward by Metropolitan Pima Alliance to replace him. Amy McCoy is the person put forward by the Sonoran Institute to replace Jason Meinenger. The Sierra Club will be recommending a new representative to replace Jenny Neeley due to schedule conflicts.

It was clarified that neither full members nor ex officio members can have official alternates attend meetings in their absence. They can send other people from their organizations to sit as a member of the audience but these people cannot vote nor do they count toward quorum.

4. Discussion of change in standing meeting schedule

This item was tabled due to the resignation of the committee member who was having scheduling issues. This item will be revisited when the Sierra Club puts forward a replacement for the RPAC. The committee will continue to meet according to the current schedule for now unless members are notified otherwise.

5. General schedule and components for watercourse ordinance revision

Carolyn Campbell and Greg Shinn met with City staff to work on a schedule for RPAC to undertake the preparation of a new riparian ordinance. The following tentative schedule was outlined:

- September 2008- Presentation by Carla Danforth of the Pima County Regional Flood Control District will do a presentation on the County's riparian habitat protection requirements.

- October and November 2008- Discussion of what members want to see as outcomes for riparian habitat in the future, what they see as goal statements for a new ordinance, and what the objectives are that would meet these goals.
- December 2008- Ann Audrey will report back about the last two years of implementation of the current watercourse policy and development standard. The group will revisit the goals of the existing ordinances and compare them to the goals the RPAC has developed for the new ordinance.
- January, February and March 2008- Flesh out the new ordinance language and the regulatory process it would follow. Determine what goes into the ordinance (which Mayor and Council adopt and which provides a basic framework) compared to what goes into the development standard (which is typically prepared by staff and which describes how the ordinance will be implemented in specific terms). The RPAC will give staff direction as to what they want included in the documents and will review what staff drafts.
- April 2008- RPAC members report back on feedback from their stakeholder groups on the proposed new ordinance.

Other subjects will be addressed by RPAC during this period as the need arises, such as the Habitat Conservation Plans, buffelgrass, wildlife crossings and other environmental issues.

6. Updates

- Navigability determination for the Santa Cruz River was reported on by Carolyn Campbell
 - The determination has an effect on the protection of riparian areas found along rivers that are deemed “navigable,” as well as all streams and washes that have a nexus to those rivers.
 - This process affects implementation of the US Clean Water Act, Section 404 - The EPA oversees this, but the Army Corps of Engineers implements it by determining whether 404 permits will be given to those requesting encroachment into watercourses
 - The Santa Cruz River has been protected as a navigable waterway since 1972 when the Clean Water Act was passed. This had the effect of protecting its tributaries as well.
 - Changes to the process have recently occurred due to court rulings, though the latest Supreme Court ruling did not have a majority opinion. As a result, the Corps had to go back and re-determine the navigability of all watercourses.
 - The Corps determined that the Santa Cruz River has 54 miles of stream that are deemed navigable, not the entire watercourse as was previously classified. This determination is currently under review in the national headquarters, so the determination could be rescinded.
 - There are bills in the U.S. House and Senate to change the use of the word “navigable” in the Clean Water Act to more accurately reflect the goal of protecting watercourses from pollution, rather than serving commerce, as is implied by use of the term navigability.
 - The Pima County Board of Supervisors recently voted to uphold the previous classification that the entire Santa Cruz River as navigable, but the vote has no legal bearing on the process.
 - Currently, most of the water that flows in the Santa Cruz River on a year-round basis is effluent.
 - A committee member pointed out that developers struggle with protection measures on watercourse that clearly are not navigable and should not be federally protected. It can get tricky when you are looking at the nexus between tributaries and the river itself to determine which portions should be protected.

- Regional Transportation Authority – Wildlife Linkages element was report on by Carolyn Campbell

- The RTA was passed in May 2006 and included \$45 million for wildlife crossing infrastructure, research, fencing, etc.
- The RTA has a wildlife linkages workgroup that reviews proposals for spending this money.
- Much of what has been funded so far has been research- a culvert study, a fencing study, the Ajo Road study, a road kill study, mule deer crossing, etc.
- Two projects in Marana have been funded for infrastructure construction.
- Ann Audrey reported that OCSD will be working with TDOT to determine what projects the City wants to pursue for this funding. Projects of interest include the south end of Houghton Rd. (expanding to 6 lanes), Silverbell Rd., and a possible ecoduct, or vegetated overpass for wildlife, between A Mountain and the Santa Cruz River.
- Arizona Game and Fish Department (AGFD) is viewing Houghton Road as an appropriate barrier to wildlife that will keep them out of high density development that is currently present and will continue to grow along Houghton Road.
- Approved projects do not have to be RTA funded projects. The committee is currently focused on research to ensure that money invested in infrastructure projects is well spent.
- Dennis Dickerson reported that wildlife crossing infrastructure projects have been slow in coming. The funding exists but RTA is waiting for creative ideas on how to spend the money.
- The County may propose an ecoduct at Robles Pass.
- Marana is studying Mule deer crossings on Camino de Mañana.

7. Presentation and discussion on the City of Tucson’s Habitat Conservation Planning effort for the Greater Southlands by Jamie Brown

Jamie began the presentation by mentioning that a revision to the Preliminary Draft Greater Southlands Habitat Conservation Plan (HCP) was completed in February and that he wanted to report on the draft conservation program that was developed with the help of the City’s Habitat Conservation Plan Technical Advisory Committee (TAC).

- Background of the Endangered Species Act (ESA) and (HCPs)
 - o The Endangered Species Act was passed in 1973
 - o The ESA provides a means to conserve endangered and threatened species and their habitat, and prohibits “take,” meaning killing, harming, wounding, shooting, harassing, etc. an endangered or threatened species.
 - o In 1982 there was an amendment to the ESA that allowed for incidental take, which is take that results from otherwise lawful activities. An incidental take permit can be issued by the U.S. Fish and Wildlife Service (USFWS) if you develop a HCP documenting how you will minimize and mitigate the impacts of your otherwise lawful activity on the endangered or threatened species.
 - o The benefits of an HCP are that they protect species at an ecosystem/landscape level, not just a piecemeal approach; they streamline the regulatory process and provide certainty for a given length of time; and the community benefits from habitat protection.
- Elements of the Southlands HCP
 - o Delineate the Plan Area
 - The City used to have only one HCP, but it was split into two HCPs: Southlands and Avra Valley
 - The Southlands Planning Area was expanded beyond its initial area, and additional species were added to the list of Covered Species. It includes

130,000 acres, but only 34,500 acres are within current City limits. The Planning Area includes land that may be annexed. If the City does not annex the land, it will remain under Pima County's HCP. The land is covered by the HCP of the regulatory entity (jurisdiction) it is in.

- Collect/Synthesize Biological Data- determine what federally-listed species, or those likely to be listed, occur in the Planning Area and what constitutes habitat for those species. These species are the "Covered Species" being planned for under the HCP.
- Identify Proposed Activities
 - Development and capital improvements over the 50-70 year length of the permit.
- Quantify Anticipated Take Levels
 - There are 14 covered species in the Southlands HCP. Not all are currently listed as endangered or threatened.
 - Delineating the habitat for each species was done by geo-spatial analysis based on expert/USFWS/AGFD consultations, and from models used by other jurisdictions.
- Identify Measures to Mitigate Impacts
 - Block 1 Conservation Measures focus on watercourse habitat protection and the City's Native Plant Preservation Ordinance (NPPO). There are additional measures as well.
 - Riparian habitat protection- WASH, ERZ, Floodplain Ordinance, Development Standard 9-06. The new ordinance developed by the RPAC will supersede these regulations.
 - Minimize impacts from roadways. Regional retention/detention basins as potential dispersal habitat if allowing for the growth of native vegetation does not compromise the main purpose of the basins. Develop a management plan for Burrowing Owl Management Areas (BOMAs).
 - Pima pineapple cactus habitat protection and mitigation outside planning area.
 - Require burrowing owl pre-construction surveys within mapped habitat.
 - Require desert tortoise pre-construction surveys within mapped habitat.
 - Survey for bats prior to bridge maintenance activities.
 - Blocks 2-4 Conservation Measures focus on Pima County's Conservation Lands System (CLS), although there are additional measures.
 - Require future annexations to comply with the CLS.
 - Protect hillsides and ridges within bat roosting habitat through the Hillside Development Zone (HDZ) Ordinance.
 - Require pygmy owl surveys prior to construction.
 - All other measures in Block 1 are included, except the burrowing owl measure because suitable habitat does not occur within Conservation Blocks 2 through 4.
- Create Funding Mechanisms

- Complete the National Environmental Policy Act (NEPA) Process
- HCP Timeline
 - The HCP process began in 2004. Two committees were established: the Technical Advisory Committee (TAC) which meets monthly and the Stakeholder Advisory Committee (SAC) which was replaced by the RPAC.
 - The HCP is still in preliminary draft form. A revised preliminary draft was completed in February 2008.
 - Staff requests written comments from individual members of the RPAC initially, and then RPAC will discuss the Southlands HCP and submit recommendations as a whole to Mayor and Council.
 - The next HCP draft won't be complete until the end of 2009. The final draft probably won't be complete until late 2010. Other milestones along the way may be brought to the RPAC, such as a revised draft Pima pineapple cactus conservation section.
- Questions/Discussion
 - Staff reported that the HCP TAC is reviewing the impacts of climate change and how they will affect habitat. For example, the range for some species may shift and no longer occur in our planning area. Likewise, some species that don't currently occur may move into the HCP planning area. USFWS does not have a policy for dealing with climate change, but the City is trying to include it in the HCP and may be the first in the country to do so. The City is trying to figure out what species can be modeled and where FWS is going to draw the line. Hopefully there will be federal level policy on how to address climate change in HCPs.
 - Matt Clark pointed out that modeling of species range shifts is being done by the California Academy of Sciences and may be useful for this process.
 - Although other natural changes are always impacting habitats/species, the impacts of climate change are occurring much faster than other historical effects. Trying to determine what impacts are resulting from City activities versus climate change is a focus.
 - In Avra Valley the habitat is primarily riparian. Climate change probably won't be fully addressed before that HCP is completed.
 - There are other planning efforts in the Southlands. The Houghton Area Master Plan (HAMP) covers an area north of I-10 and is outside of the Southlands HCP Planning Area. However, the Houghton Road Corridor Project includes the HAMP and an additional 4,000 acres that are within the Southlands HCP.
 - Questions were presented regarding the Desert tortoise habitat model developed by Pima County and how suitable habitat versus occupied habitat was determined. Jamie Brown reported that consensus among TAC members is that the model does a good job delineating suitable habitat. However, at this time, the TAC recommends that a presence/absence survey be conducted to provide additional evidence in support of the suitable habitat model. All models are uncertain to some degree, so the TAC wants to verify to some extent that the model is reliable, not necessarily to determine suitable versus occupied habitat. It was suggested that suitability be looked at and considered.
 - Committee members confirmed that they are interested in Pima pineapple cactus information in the HCP. Leslie told the RPAC they are welcome to attend the TAC meetings. Staff will add RPAC members to their email list announcing upcoming HCP Technical Advisory Committee meetings.
 - Marana has an HCP that RPAC members can review as well.
 - Jamie reported that staff discusses HCP planning with Marana and Pima County regularly, looking for overlaps.

- A comment was made that 70 years is a long time for a take permit. Leslie reported that a permit was issued for 99 years for the Lazy K Ranch by USFWS.
- With all of the different processes, it was asked whose planning process supersedes in the event of conflicting goals? Leslie reported that the City is involved in all planning processes to some extent and tries to insert policies that comply/complement the City's HCP.
- Staff reported some of the specific difficulties associated with managing the Pima pineapple cactus (PPC): the entire Southlands is PPC habitat, not a lot is known about better versus worse habitat (more or less densities), there isn't good information on dispersal, pollination is an issue because the main pollinator only moves short distances, and there isn't much in the way of mitigation banks, although some opportunities may open up. It is difficult to determine how to adequately protect something if you don't know what adequate protection is in an area that is slated for urban development.

8. Future Agenda Items (5 minutes)

- Presentation from Carla Danforth on Pima County riparian protection requirements
- Pima pineapple cactus update
- Input on wash buffers used by HCP
- Update on the results of the current watercourse protection policy and development standard
- Joint meeting with SAC
- Report on the City's Watercourse Maintenance Guidelines that have recently been revised

9. Call to the audience

- Karen Berchtold from Oro Valley announced that Oro Valley is publishing an RFP Monday that involves updates to environmentally sensitive land policies for planned annexations.
- Oro Valley is also in the process of adopting the County's Conservation Land System.
- Lori Woods is a Stormwater Advisory Committee (SAC) member. She pointed out that it is important to think about the relationship between the SAC and the RPAC and suggested they keep each other informed. The technical subcommittee of SAC may be able to help RPAC during reviews, etc.

10. Adjournment at 10:07 a.m.