

Technical Advisory Committee Meeting Summary
August 4, 2004 1:00 – 4:00 pm
City of Tucson Planning and Urban Design Conference Room

Attendees: Mima Falk, Dennis Abbate, Trevor Hare, Rich Glinski, Guy McPherson, Marit Alanen, Ralph Marra, Ann Phillips, Linwood Smith, Bruce Pryor, Michael Wyneken (City of Tucson – Planning), Melissa Antol (City of Tucson – Planning), Rafael Sebba (City of Tucson – Planning), Leslie Liberti (SWCA), Ken Kingsley (SWCA), Ken Kertell (SWCA), Tyler Jones (Town of Marana)

1. Introductions

Michael introduced himself as the Project Leader for the HCP. Everyone in the room introduced himself/herself and said a few words about their background and/or interest in the Tucson HCP planning process.

All Technical Advisory Committee (TAC) members were in attendance. The alternate TAC member for Tucson Water was present. Also present were 3 staff members from Tucson Department of Planning and Urban Design and 3 project consultants from SWCA. In the audience was a representative from the Town of Marana.

2. Project Background

Leslie provided an overview of the basic elements of the Endangered Species Act and the required components of an HCP. Michael then introduced the City of Tucson habitat conservation planning process and discussed the goals and objectives for this process. He pointed out that the City had received a grant from the U.S. Fish and Wildlife Service one year ago and the first phase of the planning process was due to be completed by June 30, 2005. The final product of Phase 1 will be a draft HCP that will go before the City Mayor and Council.

Leslie briefly discussed the Sonoran Desert Conservation Plan and the Town of Marana habitat conservation planning process. She highlighted the differing goals for the two plans, the processes employed to develop each plan, and the current status of each planning process. Leslie emphasized the broader goals of the SDCP that went above and beyond the requirements of an HCP.

Michael asked if the 3 HCPs (County, Marana, and City) could be combined into a single NEPA process. Leslie replied that it was not likely to happen and was probably not the best approach as all three documents would then be inextricably linked and if any one HCP lagged behind, it could hold up the approval of the other two HCPs. Ken Kertell suggested tiering the NEPA documentation for the 3 HCPs. This would involve later NEPA documents referencing those associated with the HCPs first to go through the NEPA process.

Ralph asked if there was any problem with City of Tucson being the last HCP regionally. Mima, Ken Kertell, and Leslie all responded that it was not a concern. Ken Kingsley pointed out that the ESA and related regulations are continually being litigated, so there was always the chance that there could be unfavorable court decisions before a plan was finalized. Rich noted that since the HCP was dealing with a lot of unknowns with respect to species, that the additional knowledge available to later HCPs probably increased planning flexibility. Leslie added that, unlike many HCPs, the local HCPs were fortunate in that no jurisdiction absolutely had to do an HCP in order to grow. In

California, the situation was so constrained that development would come to a halt without the HCPs in place, and in that case, the last plan in the pipeline would have much more limited options.

3. Charter

Michael summarized the charter that was handed out to the TAC. He went through the goals and objectives of the TAC and the operating principles for TAC meetings. Michael went through the list of Stakeholder Advisory Committee (SAC) members and explained that the TAC's role was to provide biological recommendations, based on the best science available, to the SAC. The SAC would in turn make implementation recommendations that would go into the draft HCP that would go before Mayor and Council. Ralph asked if the SAC was making their recommendations directly to Mayor and Council. Michael responded that this was one question that they did not have an answer to at this point. The SAC recommendation could be made directly to Mayor and Council, or alternately, the recommendation could be made to City staff who would then forward the recommended proposal to Mayor and Council.

4. Meeting Logistics

Michael noted that the City would be providing an honorarium to all TAC members that were not government employees. He would discuss the details with the members individually. If the Planning conference room was not large enough for these meetings, alternative locations were the conference rooms at the Water Resources Research Center and the Office of Arid Land Studies, both near the U of A campus. Michael pointed out that, in order to try and meet the one-year schedule, the TAC would be meeting monthly. The Planning Department was also going to set up an HCP website that would provide meeting information and access to agendas, meeting minutes, handouts, and any other important information. Other City departments would also be notified directly about the meetings and invited to attend. Melissa Antol, with the City Planning Department, was identified as the point of contact for the HCP planning process.

5. Planning Process Outline

Michael provided an overview of the proposed planning process. The process begins with an initial planning area and an initial set of conservation targets. The TAC and supporting staff/consultants would review available information and revise the list of conservation targets, and perhaps, the boundary of the planning area. This information would go to the SAC for finalization.

Once the list of targets was identified, there would be an iterative process by which the baseline conditions for each species are identified, additional information is gathered as needed, conservation goals are selected, threats to the species are identified, and strategies are developed to minimize and mitigate these threats. This information would go to the SAC for review and the SAC would make implementation recommendations. These implementation recommendations would be developed iteratively along with monitoring and adaptive management recommendations made by the TAC. The result would be a draft HCP document that would go to the advisory groups, City staff, and the Mayor and Council for review/approval.

If the City decides to proceed with implementing an HCP, the second phase of the planning process would entail a NEPA process, economic analysis, and final HCP leading to an incidental take permit application and, ultimately an approved HCP and implementing agreement with U.S. Fish and Wildlife Service. A copy of the process flowchart was provided as part of the TAC charter handout.

6. Planning Area

Rafael introduced the initial HCP planning area. He explained that the planning area was divided into three subareas, described each planning subarea, and explained why it was included in the process. The 3 planning subareas are the Southlands, City of Tucson holdings in Avra Valley, and the portion within the City limits of the Santa Cruz River corridor being considered as part of three Army Corps of Engineers river restoration studies (Paseo de las Iglesias, El Rio Medio, and Tres Rios del Norte). The total area of the 3 restoration projects is about 23,600 acres; however, only about 5,100 acres are within the City and thus within the HCP planning area. A map of the proposed planning area was included in the TAC charter handout.

Trevor asked about future annexation areas and whether they would be considered in the planning process. Michael replied that the City was discussing how to handle these areas, but staff needed to look at the time and resources available. He asked Rafael to show the map of the ultimate City boundary. The proposed annexation areas are those lands currently outside of the incorporated City, but within the tentatively identified ultimate City boundary. Michael suggested that the City might take a tiered approach, with the area initially proposed being a minimum planning area and any potential annexations being carried through the process as long as there was time and money available. This would provide at least an idea of the potential endangered species issues within the future annexation areas without bogging down the planning process for the key areas already proposed for consideration.

Trevor noted that he was particularly interested in the proposed Rancho del Lago area that had been in the news that week. Rich asked about the Foothills area. Michael said that there was no realistic timeframe for annexation of the Foothills. Ralph confirmed that there were a number of issues that would interfere with the annexation of that area. Trevor suggested that the area around Saguaro National Park East was probably an important area to look at. Rich asked about whether Oro Valley had plans to annex south to the City's northern limits. Michael felt that, as the area was already largely developed, that there was little value to considering this area for annexation. From Michael's perspective, the key potential annexation areas were the lands around the Southlands planning area. Dennis asked if the TAC could get copies of the annexation map. Michael said that they could provide copies of the map.

Michael emphasized that the Southlands had been designated as a future growth area in both the City of Tucson General Plan and the Pima County Comprehensive Plan. This means that the area is intended for higher densities, with a full array of services. This was considered the most efficient use of land and would take the pressure off of lands with higher environmental values. Ralph asked for confirmation that the HCP focus might be expanded to include additional lands around the Southlands planning area. Michael said that the HCP planning area would be expanded if the additional areas could be effectively considered with the existing resources. A decision regarding potential additions to the planning area would, hopefully, be made this month.

Action Items:

- The Planning Department will determine which, if any, potential future annexation areas to include in the HCP planning process.

7. Conservation Targets

Leslie explained how the set of initial conservation targets had been developed. This process was also described in a technical memorandum handed out to the team and the full list of species considered was provided in a spreadsheet handout.

Leslie noted that the criteria for considering a species in the City's HCP (as described in the TAC charter) relate to the current or potential federal listing status of the species and the potential for that species to occur within the planning area. She noted that the purpose of HCPs is to deal with impacts to federally listed species, so any species that was not within the planning area and/or was not likely to be listed anytime soon would not need to be addressed in terms of ESA compliance.

Leslie said that the list of potential targets consisted of any species with federal (USFWS), state (Arizona Game and Fish; Arizona Department of Agriculture), or local (SDCP, Marana HCP) conservation status. She explained that occurrence information (whether the species was present within, potentially present, or absent from the planning area) was derived from two reports done by SWCA, Arizona Game and Fish Department's Heritage Data Management System (HDMS) records, and the professional opinions of SWCA senior scientists. The team was asked to review the list and make any inputs based on their own experience or knowledge.

Leslie then noted that, in addition to an HCP, the City was considering whether Safe Harbor (SHA) and/or Candidate Conservation Agreements with Assurance (CCAA) would be appropriate. The three Army Corps of Engineers river restoration studies, if they are implemented, could improve the quality and quantity of riparian and aquatic habitat such that currently absent species might become established within the planning area. If these species did become established, then some projects that previously had no impact on endangered species may affect these colonizing species. SHAs and CCAAs provide ESA coverage for activities that result in an establishment or increase of covered species in areas where they were absent or rare. These agreements allow the permit holder to implement activities that would have the affect of reducing the number of individuals of a covered species back down to what was present in the area prior to the restoration activities (baseline). The difference between SHAs and CCAAs is that the former is used for currently listed species and the later for candidate species, or species that may become listed during the covered period.

The list of conservation targets is divided further into species that are absent from the planning area, but could be restored with the implementation of one or more of the Army Corps projects and species that are absent, but do not have restoration potential. They were further subdivided into species that could become established naturally and those that would have to be actively introduced in order to become established within the planning area. The species with natural re-establishment potential will be considered as potential candidates for SHAs/CCAAs.

Trevor asked whether only USFWS candidate species could be considered for CCAAs. Mima replied that typically CCAAs were only done for candidate species, but it might be possible to cover proposed, but not yet candidate, species under a CCAA. Rich asked if the restoration areas covered under a SHA/CCAA could be used to satisfy the requirements of an HCP. Mima said that only areas that had long-term protection (for perpetuity) could be used in an HCP. Ken Kingsley pointed out that there had been litigation over SHAs, which raised some question of whether USFWS could legitimately issue SHAs and under what conditions HCPs could be revoked. Trevor noted that there has been two CCAAs approved within Arizona to date and Ken Kingsley said that neither of these CCAAs had been challenged in court to his knowledge.

Leslie then explained that the second criterion used to identify a potential set of conservation

targets was the species' listing status. The SDCP did not explicitly consider this factor, but Marana had decided to consider species that were currently listed or had the potential to be listed within the next 5 to 10 years. The list of conservation targets was divided up based on how each species was or would have been categorized as with respect to listing potential in the Marana plan. Species that are currently listed, candidate, or proposed were classified as "listed". For the remaining species, the final status they were given in the Marana planning process was noted (either likely to be listed or not likely to be listed) or the species was identified as "Not considered" if the listing status was never discussed in the Marana process. Leslie also noted that the information used to categorize species with respect to occurrence and restoration potential, and some of the information that could be used to determine potential listing status, was provided in the "notes" section of the spreadsheet.

Leslie summarized the set of conservation target categories. Of the species present or with potential to be present within the planning area, there are 8 that are listed or likely to be listed, 13 not likely to be listed, and 8 with uncertain status. Leslie pointed out that one of the next tasks for the TAC was to determine the potential listing status (likely/not likely to be listed) for all "uncertain" species. Only those species that end up in the "likely to be listed" category will be considered as candidates for the HCP.

In addition, there are 6 species with potential for natural establishment as a result of river restoration, all of which are listed or likely to be listed; 13 species with potential to be actively restored to the planning area if there is river restoration; and 49 species absent from, occurring accidentally within, or not suitable for restoration within the planning area. Only those species in the first category (with re-establishment potential and listed/likely to be listed) will be considered as potential candidates for SHAs/CCAAs.

Leslie explained that, in the Marana process, potential listing status was chosen based on an evaluation of the 5 USFWS listing criteria for each uncertain species. Leslie showed the 5 criteria to the group and asked how they felt about using these criteria as the basis for the potential listing determination for the City's process. The 5 listing criteria are:

- (A) the present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) overutilization for commercial, recreational, scientific, or educational purposes;
- (C) disease or predation;
- (D) the inadequacy of existing regulatory mechanisms;
- (E) other natural or manmade factors affecting its continued existence.

Trevor said that he agreed with the approach taken in constructing the conservation target spreadsheet and with using the 5 USFWS listing criteria. The rest of the team seemed to agree with this position and no objections were raised.

Leslie then noted that the SDCP had identified a set of landscape features and habitats, referred to as special elements. She explained that Marana had not explicitly considered these elements in the development of conservation strategies, but they had been recognized in the process. Leslie said that there were 7 special elements found within the City's proposed planning area. Three of these special elements are only considered as "accounting" factors and were not specifically targeted in the SDCP reserve design. The other 3 elements were considered to the "constraints" in the SDCP and therefore were more important to the reserve design process. These special elements could be used as a means of prioritizing areas within the planning area. Leslie said that her perspective was that the significance of considering special elements within the City process would be to protect those features/habitats unique to the City's planning area. The table at the end of the technical

memo was intended to show, for each special element, the percentage of the total Pima County extent of that element that falls within the City planning area. The planning team had been unable to get those numbers calculated prior to the meeting, but this information would be provided at the next TAC meeting.

Action Items:

- The TAC will review the technical memo and spreadsheet and provide comments prior to or at the next meeting. The goal is to make sure that all species on the list are appropriately categorized with respect to occurrence potential and listing status.
- SWCA will identify information for each of the “not considered” species to be used to evaluate these listing potential using the 5 USWFS listing criteria.
- The TAC and planning team will consider the need for field trips to each of the 3 planning areas. The location of the first field trip (the morning of September 30) will be determined at the next meeting and dates for the remaining two trips will be selected at that time.

8. Existing Data Sources

Leslie quickly went through the sources of GIS data available for conservation planning. The County has an extensive set of GIS layers, ranging from vegetation to land use, and Marana had revised habitat models for 3 species. Leslie asked the group to think about potential data needs and make suggestions regarding potential sources of information that could be used to support the planning process.

9. Potential Data Gaps

Leslie explained there were many areas of uncertainty with respect to conservation planning and that for many species there was little information available on occurrence/distribution or habitat requirements; however there was insufficient time or money to address many of these data gaps. She noted that the TAC would need to identify which gaps were most critical, but that these priorities would become apparent further into the planning process. Leslie said that a problem that Marana ran into was that by the time a critical species-specific data gap was identified, the survey season for that species was already underway. In some cases, species surveys had to be completed outside of the preferred survey period due to late starts and/or time constraints.

In order to prevent missed opportunities in the City planning process, SWCA put together a chart of accepted survey periods for all of the species present or with potential to be present within the planning area. A handout of this chart was provided to the TAC. Based on this information, there were no species that needed immediate surveys.

10. Next Meetings

The next meetings are scheduled for September 2 and September 30, 1-4 pm. The location for these meetings is to be determined.

There will be an optional field trip on the morning of the 30th to one of the three planning area. The location will be determined at the September 2nd meeting by the TAC and the planning team.