

Stakeholder Advisory Committee Meeting Summary
August 24, 2004 1:00 – 4:00 pm
City of Tucson Planning and Urban Design Conference Room

Attendees: Sherry Barrett, David Goldstein, Marit Alanen (alternate for AGFD), Carolyn Campbell, Nina Chambers, Brooks Keenan, Lori Lustig, Karen La Martina, Fran LaSala (City of Tucson – Environmental Services), 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)

1. Introductions

Michael introduced himself as the Project Leader for the HCP and introduced the Planning support staff and the consultants for the project. Everyone on the committee introduced himself/herself. Most Stakeholder Advisory Committee (SAC) members were in attendance. SAC members absent at this meeting were Cheryl Doyle, Kathleen Longnecker, James Stahle, Michael Reuwsaat, and Dennis Alvarez. The alternate TAC member for Arizona Game and Fish and an alternate for Tucson Environmental Services were present.

2. Project Background

Leslie provided an overview of the basic elements of the Endangered Species Act and the required components of an HCP. Michael described some of the benefits of pursuing an HCP, then introduced the City of Tucson habitat conservation planning process and discussed the goals and objectives for this process. Among the benefits noted was that several other jurisdictions are doing habitat conservation planning at some level and the City's effort is important for consistency. Michael also noted that much of the study area was designated as an urban growth area and the HCP planning process would be part of a larger open space strategy in the urban planning of this area. 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 (SDCP) and the Town of Marana HCP planning process. She highlighted the differing goals for the two plans, the processes used to develop each plan, and the current status of both planning processes. She emphasized the broader goals of the SDCP that went above and beyond the requirements of an HCP.

Brooks asked what steps the City would have to go through after the draft HCP was completed. Sherry responded that the draft HCP would be submitted with a permit application, all of which would be reviewed and analyzed through the NEPA process. The NEPA process is run by the U.S. Fish and Wildlife Service (USFWS), but the permittee typically pays. This process takes about one year. Sherry did note that there is a possibility that the City could tier off of Pima County's EIS. As part of the NEPA process, the USFWS would hold hearings to gather public comments and then address those comments. Separate from the NEPA process, the USFWS would have to produce a Biological Opinion on the effects of the HCP because their issuance of a permit to the City would constitute a federal action subject to Section 7 consultation requirements. The USFWS would also have to respond to all of the HCP issuance criteria. In all, approximately 15 documents are required in order to issue an incidental take permit.

3. Charter

Michael summarized the Technical Advisory Committee (TAC) charter, which was included as an exhibit in the SAC charter handout. He explained that the TAC's role was to provide biological recommendations, based on the best science available, to the SAC. Leslie briefly explained how the set of target species was initially chosen for the City's HCP process and noted that this process was described in more detail in the memorandum, which had been handed out to the SAC. Leslie noted that any species with federal, state, or local conservation status were on the initial list and that this included all listed, candidate, proposed, and species of concern recognized by USFWS; all wildlife species of concern identified by Arizona Game and Fish Department (AGFD) and all plant species with Arizona Department of Agriculture's 'highly safeguarded' status; and all species included in either the County's Priority Vulnerable Species list and Marana's initial HCP target species list.

Karen asked why the TAC needed to create a list of target species if the County had already done so in the SDCP. Leslie responded that there might be species that were significant at the scale of the City, but had not been a concern countywide. She also explained that the City was concerned with potential listing status of the species and the County had not distinguished between species likely to become listed in the permit period and those not likely to be listed. Sherry also added that, from a permitting perspective, the County and City needed to get individual permits because they have separate authorities, so the City would have to go through its own HCP planning process. She also noted that by undergoing a separate planning process, this allowed the City to use different tools to achieve conservation goals. This is important because some options that are available to the County (such as property tax) might not be available to the City and vice versa (e.g., sales tax). The key is that the different plans would need to be consistent.

Fran noted that, if the City did not do an HCP, developers would have to get permits individually. He asked if the City then was actually acting as the permitting authority. Sherry responded that the City cannot issue permits, but that the authority to permit actions under an approved HCP just 'trickled down' to them from the USFWS via the take permit. Fran asked what the incentive was for the City to do this. Ken Kertell said that one benefit is that since the plan also covers City projects, it is more efficient because the City does not have to go through individual consultations on each one. He also noted that it makes for better long-term planning in general. Carolyn pointed out that the best plan would have multiple funding sources.

Karen asked whether having multiple plans would address ESA needs on a regional scale. Sherry replied that was actually one of the real benefits to the species. Michael also noted that another benefit was that conservation planning would not be done in a vacuum from urban planning.

Fran asked if the TAC had already been selected. Carolyn noted that the TAC had already met. Ken Kertell pointed out that both committees (the TAC and SAC) were welcome to attend each other's meetings. Michael noted that the meetings dates, times, and locations would be available on the City's HCP website.

Ken Kingsley added a final comment about the benefits of the City doing an HCP, noting that it would protect the City from liability associated with accidental incidental take. Karen said that the HCP did not provide total liability protection. Ken Kingsley agreed and explained that the issue of liability was still being addressed by the courts.

Michael explained that another aspect of this planning process was to determine if, and for which species, either a Safe Harbor Agreement or a Candidate Conservation Agreement might be

appropriate. He noted that the Santa Cruz River, which runs the entire length of the city, from north to south, was the subject of several Army Corps of Engineers restoration studies. Michael referenced the article that had been in the newspaper recently regarding one of these projects, Paseo de las Iglesias.

Karen asked about whether any proposed annexations would be addressed. Michael said that a final decision had not been made, but the City was considering a tiered approach that would allow some annexation areas to be carried through the process as far as possible using existing data. The City was looking into whether additional funding was available to support this expansion in the planning area.

Carolyn asked what happened, with respect to permit coverage, to areas in Pima County that become incorporated. Sherry replied that she was not sure if Pima County, under their HCP, could require anything of areas that became annexed. Ken Kertell noted that new annexations, if they were not covered under the original HCP, would require an amendment to the permit to receive coverage. Brooks asked if these potential annexation areas could be addressed by both the City and the County in their respective HCPs. Sherry responded that this would be the best approach to covering the broadest area possible. Carolyn asked how the analysis of impacts would be done if this happened. Sherry said that the impacts would have to be analyzed for both scenarios, i.e., whether the City annexed these areas or not. She explained that the plans would need to specify the number of acres outside the city and the plan and permit would be structured so that coverage would only occur for any of these lands when they are annexed.

Fran asked how the General Plan related to the City limits. Michael responded that the General Plan only addressed areas currently within the City limits.

Karen asked who was doing any studies for the planning. Leslie responded that there had been two 2003 studies on the Southlands and the Avra Valley holdings. Ken Kertell explained that he and Ken Kingsley had used their own experience and the County's SDCP to identify which species might be present in each area. Karen asked if copies of the reports could be made available. Leslie explained that information like this would go on the website and also noted that there would be a spreadsheet from the TAC describing all of the potential species, where in the planning area they occur or are likely to occur, and whether they are listed or likely to be listed.

Carolyn asked whether the TAC was developing science or just reviewing consultant products. Michael replied that it was closer to the later. Leslie added that much of the material, for example the list of initial target species, would be a summary of existing information that has already been developed, but while it was best that the TAC not be asked to 'reinvent the wheel' with respect to technical information, there would be times when new or revised information would be needed, such as modified habitat models, and these would be developed by the TAC and other identified experts. Carolyn responded that a better understanding of the difference between the TAC and SAC was needed.

Carolyn asked if there could be a joint meeting of the two committees. Ken Kertell noted that one immediate opportunity was a field trip that the TAC had planned for the morning of September 30th, Michael added that the SAC was welcome to attend any TAC meetings and the next one would be from 1 to 4pm on the 30th.

Karen asked about the time frame for the overall process. Michael referred to the anticipated timeline in the SAC charter, but noted that this was an ambitious schedule based on the deadline

specified in the City's intergovernmental agreement (IGA) with AGFD and might need to be extended.

Lori asked how often the SAC would be meeting. Michael responded that he felt that it would be no more than once a month. Leslie said that it would probably be less often than the TAC because meetings of the SAC, at least initially, would be to review any draft products generated by the TAC.

4. 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 SAC charter handout.

Marit asked why some of the City's holdings in Avra Valley were excluded from the planning area. Ken Kertell explained that some of them had already been developed. Marit noted that Simpson Farms, which had been excluded, was not developed. Leslie added that some of the parcels might have been left out because there were no plans to develop them.

Carolyn asked if all of the Southlands area was currently in the City. Rafael responded that it was.

Karen noted that she did not think there was actually money to do any of the river restoration projects. Michael replied that there was not at this point and any money would not be allocated until WRDA (Water Resources Development Act) in 2008.

The potential annexation map was displayed and Rafael explained that it had come from the Municipal Planning Area report. Michael noted that the green areas on the map were conceptual but indicated priority areas for annexation. He noted that there were some environmental hotspots in some portions of the southeastern potential annexation area. Rafael added that there were also a few hotspots in the northeast.

Carolyn asked if the City was going to be a sub-area under the SDCP. Leslie said that the City was not a designated sub-area in the SDCP. Sherry explained that "sub-area" was a loose term and that, from a permitting perspective, the City plan would be considered a sub-area if it were consistent with the SDCP. She also added that she hoped that any plans were consistent with the County's Conservation Land System (CLS). Ken Kingsley noted that the sub-area concept, as defined in the SDCP, had more of an ecological basis than a political basis so there was no separate City of Tucson sub-area.

Marit asked when the fieldwork in the previously mentioned studies had been done. Ken Kertell replied that it had been done in 2002, about 2-1/2 years ago. He added that, even though the various planning areas were very disparate, it was more efficient to consider them in a single process.

Sherry asked what was the basic intent of the Avra Valley lands. Michael said that their purpose was future water development, such as CAVSARP. Ken Kingsley explained that the City purchased

old farmland in Avra Valley for their water rights. Facilities like CAVSARP, which stands for Central Avra Valley Storage and Recovery Project, is a way of using CAP water to recharge groundwater and then pump it back up and deliver to the City. Sherry noted that USFWS has consulted on the first block of CAVSARP. Michael added that Tucson Water was well into their 50-year plan development. Karen La Martina verified this and said that the plan would be out soon.

Carolyn asked if City staff listed in the charter are actually members of the SAC. Michael replied that they were and this was important because of the larger City infrastructure, relative to the County and Marana. Carolyn pointed out that she thought a broader representation of interests was needed on the SAC. Melissa noted that a number of people had been invited but had declined; many because they were burned out from participating in so many HCPs. Sherry asked whether Pima County had been invited. Melissa said that Chuck Huckleberry had been invited even though Pima County did not show up on the SAC membership list.

David asked what was the role of the SAC. Michael explained that the SAC was responsible for considering the technical information produced by the TAC and then making recommendations to the City based on that information. Leslie added that the SAC would provide recommendations on how to implement the technical strategies developed by the TAC, such as appropriate mechanisms for carrying out the strategies and funding options. She said it was difficult to anticipate the exact role of the SAC because the City wanted this process to be flexible and dynamic. Carolyn noted that the SDCP had no guidelines for the Steering Committee but, in the Marana process, the Stakeholder Committee was restricted to review only. She felt the City's process should be somewhere in between. Ken Kingsley added that the SAC's role was also to translate the science from the TAC into real-world language and suggest acceptable means of reaching the TACs goals.

Ken Kertell suggested that additional SAC members might need to be identified if all of the appropriate interests were not represented. Carolyn felt that it was not appropriate to have so many City staff members on the SAC. She asked whether Oro Valley had been invited. Leslie answered that Oro Valley had not been asked, as they were not adjacent to, or near, any of the planning areas and in the past they had not shown much interest in HCP planning.

Melissa was established as the point of contact for the City HCP. She would make sure that all information coming in went to all of the appropriate people.

5. Next Meetings

A tentative meeting was scheduled for October 19 from 3 to 5pm. The location of the meeting will be determined later.

The SAC is also invited to the TAC field trip on the morning of September 30th. The trip will be to one of the three planning areas, but the exact location will be determined by the TAC at the September 2nd meeting.