

HABITAT CONSERVATION PLAN
Technical Advisory Committee
Wednesday, September 28, 2005 1:00 – 4:00pm
Arizona Game and Fish Department Meeting Room
555 North Greasewood Road
Tucson, Arizona 87545-3612

MEETING SUMMARY

Attendees: Marit Alanen (USFWS), Guy McPherson, Mima Falk, Dennis Abbate, Trevor Hare, Bruce Prior (City of Tucson – Tucson Water), Linwood Smith, Rich Glinski, Eileen Finnerty Rae (SAHBA), Cathy Blasch (AGFD), Daniel DeBorde (City of Tucson – Environmental Services), Michael Wyneken (City of Tucson – Planning), Leslie Liberti (City of Tucson – City Manager’s Office), Jessica Lee (SWCA)

1) Update on Recent SAC Meetings/Upcoming Meetings

a. *Scheduled SAC Meetings:*

- **October 5**, 3-5 pm, @ AGFD. Tentative Topics: Southlands conservation strategies and implementation/funding options.
- **October 19**, 3-5 pm, @ AGFD. Tentative Topics: Preliminary Avra Valley strategies.
- **November 2**, 3-5 pm, @ AGFD. Tentative Topics: Continued discussion of Avra Valley strategies and initial recommendations for Santa Cruz River.
- **November 16**, 3-5 pm, @ AGFD. Tentative Topics: Monitoring and Adaptive Management Program and implementation/funding options; Next steps – beginning Phase 2 of the HCP process.

b. *Scheduled TAC Meetings:*

- **October 11**, 1-4 pm, @ AGFD. Tentative Topics: Recommendations for Avra Valley.
- **October 25**, 1-4 pm, @ AGFD. Tentative Topics: Monitoring and Adaptive Management Program; feedback from SAC on conservation program, especially funding and implementation issues.
- **November 15**, 1-4 pm, @ AGFD. Tentative Topics: Monitoring and Adaptive Management Program; feedback from SAC on conservation program, especially funding and implementation issues.
- **November 29**, 1-4 pm, @ AGFD. Tentative Topics: Next steps – beginning Phase 2 of the HCP process.

Leslie gave an update on the SAC. She said that the City Attorney’s Office gave a presentation about possible funding options. Leslie said that the SAC is planning to further explore the potential of community facility districts (CFDs) to generate revenue for land acquisition. She said that there are some regulations that define how CFDs can be formed, for example, they require approval of between 25-50 percent of the landowners. She said that this is problematic because the only landowner in the Southlands is Arizona State Lands Department (ASLD); this would require ASLD being involved in the creation of the CFD. She said that the district is a defined area that cannot be expanded over time.

Trevor mentioned that Pima County has made an offer for the City of Tucson to sign on to the Sonoran Desert Conservation Plan (SDCP). He said that Pima County has a

significant amount of open space mitigation, and could have enough to cover the City's HCP mitigation needs. Trevor said the problem in the SDCP is that State law restricts the ability of Pima County to implement impact fees. He said that Pima County has made an offer to the City Manager, Mike Hein, to sign off on the SDCP and provide a rooftop or other impact fee to pay for the mitigation, management and monitoring of the lands that Pima County has acquired. He said this offer has floated through Pima County and has been offered to Tucson and Marana. He said that the SDCP implementation committee has sent a letter to both the City and County to recommend a joint HCP. Leslie responded by saying that the City is working on an official response to the letter and said it would be completed soon. She said that while a joint HCP sounds simple in concept, there are some significant issues with it. She said that it isn't clear that from a cost perspective that it is in the City's best interest to pay for mitigation, management and monitoring when this has to be done in perpetuity. She said it is estimated that this would cost \$2-5 million per year. She said that this amount might be more costly for the City rather than doing their own HCP. She also said that the City does not have the legal authority to do an impact fee in this capacity. By law, an impact fee has to have a designated benefit proportional to the cost, and the way the law reads it does not seem it will support being used for conservation purposes of management of lands that are outside the City. She said impact fees are susceptible to legal challenge because there must be a clear nexus, and that the cost has to be proportional to the benefits. She said that would be difficult for the City to demonstrate. Trevor said that an impact fee could not be used to fund land acquisition outside the City boundaries. Trevor said this option is attractive to him because it requires a more ecosystem, regional focus. He said he supports the TAC looking at impacts in and around the planning areas. He said he supports a regional planning effort because the HCP critters are regional in scale. Leslie responded that Trevor is addressing two different issues. First, is the topic of regional scale planning outside the efforts of the City HCP, and the second is actually opting to do a joint HCP. She mentioned that a joint HCP is not required in order to have regional coordination. Leslie said the City has been coordinating with the County and USFWS on a regional Pima pineapple cactus (PPC) mitigation strategy. Leslie said the City will be involved in the Greater Southlands planning effort and is using what the HCP committees have developed to expand conservation of natural resources to a regional level. She also mentioned that the City is currently reviewing Tucson's annexation policy in the context of what makes sense from urban development and conservation perspectives. She said if the City then annexes into a biologically sensitive area there would be standards in place. Trevor said he is a fan of the conservation land system (CLS) designation and would like to see Tucson respect it when the City annexes. Leslie said that the City is trying to make it clear to people that they shouldn't annex into the City just to get out of the CLS. Trevor said that the SDCP was not entirely created by the County, but rather a committee of the most dedicated and knowledgeable scientists in Southern Arizona. Leslie said that the City isn't necessarily arguing against the science of the CLS, but rather acknowledging that the two jurisdictions have different goals. Leslie said there are many people in the City who do not feel comfortable signing onto the CLS. Trevor stressed that the turf battle between the City and County needs to stop because we are all talking about the future of biodiversity in the area. Leslie said that any disagreement stems from the fact that the two jurisdictions have different priorities. She said that Tucson is an urban area and a focus on large reserve areas within the City is less appropriate than in the County. She said that many lower income and disadvantaged constituents would not be able to take advantage of reserve areas that are out in the County. Trevor said he agrees with the idea of defining the urban and non-urban areas and making the Southlands compatible with conservation. Leslie noted that

approximately one million people will be moving into this area and she doesn't feel that there has been an adequate discussion about where those people are going to live. Leslie said that that is why we need to focus on what the urban landscape is going to look at while looking at it from the broadest possible perspective including land use, transportation, infrastructure and conservation planning. She thinks we have the potential to do something significant here. Leslie stressed the importance of looking at regional coordination in parts rather than trying to tackle a full joint HCP initially. She said that the Greater Southlands and annexation issues are topics, which can be more easily discussed. She said that she is working on creating a coordinated effort with the Santa Cruz River restoration since the U.S. Army Corps of Engineers has not expressed a willingness to integrate the planning areas, and in fact, the three projects even have separate project managers. Leslie said that by tackling regional coordination in specific areas, we can build a basis for larger coordination efforts.

Trevor said that he fears that this planning process will follow in the path of the Marana HCP, where after all the hard work the HCP was put on the shelf. Leslie said that she doesn't think that will happen with the City's HCP or larger planning efforts. Mima said that there has been more coordination between the jurisdictions than ever before.

Rich asked Leslie what the City's plans are for annexation to the east of the city. Leslie said that there is no timeline for annexation, but that some portions of this area will become part of Tucson in the future. Rich said the land to the east would increase the PPC mitigation boundaries. He noted that one of the difficulties regarding mitigating PPC is that the project area in the Southlands is relatively small. Trevor said the City couldn't surround the Cienega Creek National Conservation Area (NCA) because Pima County just acquired land there. Trevor said that he would like to see north of 1-10 along Cienega Creek be included in the HCP planning area because it is a sensitive area that hosts a handful of sensitive species. Leslie said that is one of the ideas for the next phase of the HCP process to expand the area that we are looking at.

Leslie announced that the City got their HCP phase II planning grant \$250,000 to do the next phase. She said that part of the second phase of the planning effort could be coordinated with other efforts such as ASLD's conceptual land use process. ASLD will be collecting baseline data in this area over the next year. She said there are a lot of resources that can be brought to the table in the future. Leslie said the potential annexation boundary does extend around a portion of Cienega Creek, and could follow the border of Saguaro National Park and the Coronado National Forest to the north. To the east it cuts between Tucson Mountain Park and the Tohono O'odham Nation. Trevor said that he encourages the City to look closer into the Cienega Creek area because wildcat development is going to affect it. Leslie said that the City could do a lot to stop wildcat development where the County cannot. Trevor said that he would continue to push for the strongest conservation possible.

2) Old Business

a. Meeting Minutes – August 9, 2005 Minutes

Leslie apologized for not having the August 9 meeting minutes ready in time for the TAC members to review before the meeting. The August 9 minutes will be considered at the next TAC meeting.

b. *Topics Held Over from Previous Meeting – TAC Charter*

Leslie said that at the joint committee meeting Sept 6, there was some miscommunication about the language of the charters. She said that the language of the charter in the presentation was actually language from the TAC charter, not an overall HCP charter. She said that each committee has their own charter, but because the SAC is the committee actually making the recommendations to the City, the SAC charter is in essence the overall HCP charter. She said the TAC charter is a subset of the SAC charter because the TAC is making recommendations to the SAC, and that the SAC charter is much more broader. The TAC charter is more focused on the impacts and how to mitigate the impacts. Leslie read the guiding statement aloud from the TAC charter, which basically states that the committee will be using the best science to make recommendations to the SAC. Leslie said that the SAC approved a revised charter last March, and at their last meeting said they were still happy with it. She said that Carolyn Campbell suggested that the TAC consider revising their charter if they wanted to. The TAC members noted that the new SAC charter language was not updated in their charter. Leslie said that this updated charter would be sent out to the committee.

3) New business

a. *Finish Southlands Conservation Strategies*

Leslie clarified the two lists of the conservation principles because there was some confusion about why the lists were different. The list that was compiled at the August 9 TAC meeting is the original list. The list that was sent out in the email and passed out at this meeting is the list that was reorganized for the Sept. 6 HCP presentation, plus it has suggestions added by Phil Rosen. Leslie said since the August 17 meeting, she has met with Phil Rosen and Michael Rosenzweig (University of Arizona – Department of Ecology and Evolutionary Biology) to see what conservation recommendations they might have. Leslie went over Phil's ideas about how the urban landscape can be modified to help species, including using native vegetation in landscaping, creating variation in topography, and using landscaping materials such as rock piles to create habitat for reptiles.

Leslie introduced the conservation measures summary matrix. Leslie suggested the TAC work through and fill out the empty boxes, and figure out next steps; for example, where the TAC needs more information, new work, change in City ordinances, etc. She reviewed the two conservation reserve strategies (Harris riparian verses watershed reserve model). Trevor suggested there should be one more column in the matrix that would include protecting 100 percent of the planning area. She explained that the various element categories came out of the goals and objectives for each species. Trevor noted that when thinking about critical linkages, it is important to keep in mind the exit and entrance points into the watersheds. Leslie said that Fagan and Petty Ranch Washes run into the Lee Moore Wash diversion, which does not connect to the Santa Cruz River right away. She said that several miles of Lee Moore Wash is on ASARCO-owned lands as it travels north to the Santa Cruz River. She said that ASARCO bought the land for its water rights, and doesn't think there is any indication that they are going to develop that portion of their property. Leslie said she hopes there might be a potential relationship between the City and ASARCO to work on maintaining and restoring the Lee Moore Wash. She said that Tucson Water already has a lease for recharge basins on portions of the ASARCO property. Trevor thought that Pima County had identified

that piece of land for potential open space acquisition, but Leslie didn't believe it was the same parcel. Mima suggested that elements such as "critical linkages" aren't necessarily species specific, but rather on an ecosystem level, and wondered if this element should be put into its own category. Leslie said that is one of the information gaps the TAC currently has, where the washes connect, and how the connections affect specific species. She said that many of the species' dispersal corridors are not known. Trevor brought up the fact that both the Fagan and Petty Ranch watersheds are degraded, thus he would support efforts to enhance and resort the entire watersheds. Trevor said that if the TAC walked the watersheds and look at vegetation from a viewpoint of a dispersing cactus ferruginous pygmy owl (CFPO), he believes that there would be some areas identified for restoration. Leslie asked the TAC if they thought habitat restoration would improve the habitat for CFPO. Dennis said one could argue for habitat restoration almost anywhere. Dennis said that sometimes CFPO surveys are done in less than optimal habitat because there is a slight possibility of an owl flying through the land or that they heard reports from someone who thought they heard an owl. He said that dispersing owls in the last few years have shocked researchers for what type of habitat an owl will travel through. Dennis said he would lean towards saying the Southlands could be dispersing habitat, but that the area will never be high quality breeding habitat. He said that there is a valid argument to try to maintain enough vegetation patches to allow some stray owls to potentially move through. Leslie said that based on earlier discussions, critical linkages that need to be considered in the Southlands are those in a southwest to northeast direction. Rich asked Dennis if he thought Las Cienegas could be potential CFPO habitat. Dennis said that researchers have done surveys through there and put up nesting boxes, but they haven't detected any owls. Rich noted that the local rivers have been heavily degraded by multiple factors over the last 150 years, thus have changed the species that now occur there. The TAC discussed possible corridors for various species in the area. They discussed whether CFPO disperses across uplands or in riparian areas. Dennis said that for years, CFPO researches believed owls traveled along linear wash corridors. But he said that since they have been following owls by radio transmitters, they have discovered that owls actually hop out of the washes, go up and over the uplands, back into another wash. He also noted that three owls have traveled over the Baboquiveri Mountain range, through high elevations. He said that they have also tracked owls through what they consider "CFPO heaven," but that the owls didn't stop but traveled into less desirable habitat. Rich suggested that perhaps a southwest to northeast corridor is not needed in the Southlands, but rather have connectivity through patches of vegetation.

Leslie noted that the watershed reserve conservation strategy establishes a good west to east corridor, but that it will not provide connectivity to the Rincon Mountains. Leslie asked the group if they felt a southwest to northeast corridor was important for any of the HCP species. Trevor noted that some of the linkages would be on Pima County and Forest Service lands. Leslie said that on the west side, the best points of connectivity are through the southwestern portion of the Southlands because will likely be less in that area. Trevor noted that the best crossing at I-10 is at Cienega Creek in Davidson Canyon. Trevor noted that that crossing supports the most trees. Leslie suggested that looking further into crossings over I-10 and Sonoita Highway would help fill in data gaps for critical linkages. She suggested that as the Lee Moore Watershed Basin Management Study continues, there would be the potential to integrate stormwater management with habitat restoration. Leslie suggested that perhaps Dennis could assist in the efforts of how to enhance the area for dispersing CFPO. Leslie asked the TAC if they are going to want to recommend one conservation reserve approach over the other.

Trevor said yes, but after the matrix is filled out so a biological comparison can adequately be made.

Leslie continued going through the conservation measures summary by reviewing the burrowing owl (BUOW). Trevor brought up the fact that BUOW likes disturbed desert habitat, and suggested that be captured in the matrix. Trevor said he thinks there might be BUOW in the Southlands. Leslie said there are records of dispersing owls in the Southlands, but that there haven't been any dedicated surveys in the area. Dennis asked if the Southlands is considered good habitat, even through the density of burrows is low. Leslie said that BUOW habitat in the Southlands isn't optimal because the vegetation density is too high. Trevor noted the fact that when the area is developed, it is going to enhance BUOW habitat. He suggested that BUOW should be monitored and managed outside the conservation areas because of that. Leslie suggested that the TAC consider recommendations for using both parks and washes to enhance BUOW habitat. Dennis noted that BUOW has the ability to fly higher and longer, thus critical linkages are not as important for the species. He said that the owls just need places to rest and feed while they move through the Southlands. Dennis said that the environment in the Tucson basin has been altered in the last 100 years to make better habitat for the owl. He said that development in Southlands would enhance habitat for BUOW, as long as there is food availability. Leslie said that there are opportunities to improve habitat for the owl, including, storm water drainages, washes and their buffers, and regional and municipal parks (with more natural open space) if there are City standards put in place. Rich said that owl populations near neighborhoods would be affected by urban conditions such as cats, kids, etc. Dennis brought up that utility corridors might provide useful habitat for BUOW. Leslie asked Marit about how she feels about prey availability and native vegetation in the Southlands, and asked her if this might be an opportunity for modifying City ordinances to come up standards to maintain the habitat elements. Marit said she thinks this idea would be feasible and worth looking into. Rich noted that it is important for BUOW to have open space for them to catch their prey. Leslie said that the City does not have undisturbed natural park standards, and suggested that the TAC might want to make recommendations to the Parks and Recreation Department with respect to BUOW. Rich said that the more he thinks about it, he doesn't think the Southlands would ever be a good area for BUOW breeding. Linwood agreed with Rich. Leslie said that Avra Valley and the Santa Cruz River are much better areas for BUOW breeding. Dennis noted that while the Southlands is currently considered marginal for breeding, as the area is developed the new land characteristics could support breeding in the future. Dennis mentioned that off-road vehicles (ORVs) drive in open space and utility roads, and that without a City ORV ordinance, they might continue to disturb BUOW. Marit said that perhaps it might be better to let ORVs use utility corridors, and then restrict them in other open space areas.

Michael presented two maps made by the Department of Urban Planning and Design of the two conservation reserve options for the Southlands. The maps had various GIS layers, including species habitat and land ownership. Dennis asked about the Davis Monthan Air Force Base paddles. Michael said those designations still allow for development in them, like low-intensity industrial and retail, where large amounts of people will not gather. He said that there must be a lot of open space (approximately 80 percent) incorporated in developments in the paddle, but that parking lots count as open space. Michael said that Mayor and Council adopted the paddle development restrictions recently. Dennis asked if the TAC could take advantage of the paddle development restriction for conservation concerns. Michael said that theoretically the

answer is yes, but it still depends on working with ASLD. He noted that this could be an opportunity for ASLD because it would give certainty of land use in that area. Leslie pointed out that that the paddles run along I-10, and asked what the conservation strategy might be appropriate in the paddle. Trevor asked what designation the paddle has in the Pima County Pima pineapple cactus (PPC) priority conservation area (PCA). Mima asked if Marc looked for PPC in that area. She said she thinks that there is an overlap of PPC and needle-spined pineapple cactus (NSPC) habitat. She said that there would be high-density development in that area along I-10 and said there would need to be meaningful connectivity between those populations and the Southlands. Leslie and Mima looked at the PPC map showing Marc Baker's transects, and it appeared he did do some transects in the area but did not find any cacti. Leslie asked if there is a link between the Southlands and the Cienega Creek area. Bruce asked Michael if there is a transfer station between rail and truck commerce near the Southlands. Michael said that it was planned closer to the airport area.

Leslie said the other challenge is the potential Pima Mine Road. Trevor said that there might be good mitigation potential because the roads might bring in federal money. Trevor said that this alignment does not have to be a problem if it is engineered correctly and it is mitigated. Leslie said she was curious to know what jurisdiction is going to build the road. Michael said he isn't sure, but thinks it might be the State. Mima said that ESA section 9 permits do not apply to plants, but the federal government does have to assist with recovery. Leslie said that she understands Pima Association of Governments (PAG) is funding a study to look at the alignment more closely, including environmental constraints. Michael said that original alignment was at El Toro, but that Sahuarita has changed it back to Pima Mine Road. Leslie said that the TAC could make recommendations regarding the road alignment, in addition to the general road guidelines that TAC already drafted. Leslie said that she would mention to PAG that she hopes they keep the efforts of the HCP in mind in their arterial alignments.

Leslie pointed out that the habitat of several of the species overlap within the watershed reserve area. Trevor suggested that the habitat models be applied to the greater Southlands planning effort and the CLS. Leslie reviewed the percentages of habitat each species covered in the matrix while the group looked at the map and compared the two the two reserve strategies. The group mentioned that Hurricane Katrina has affected of the budgets to the regional master plans (RMPs) in the greater area. Mima noted that the Pima County Park has significant cacti populations and that as of now, the map does not show any connectivity between the park and the Southlands reserves. She said that incorporating the park could provide the north-south corridor that we thought before was not possible. Mima said that it is important to see what the exact developments are in that area. Trevor asked if the sensitive areas are fenced off, and Mima said she only knew of one area that was. Leslie said that in terms of improving the map, she would like to see layers added that show the CLS outside the City planning area and the national priority areas, so the TAC can see what areas do not have a potential conservation designation as well as to see where we'll have to make the sure there are connections. Guy asked what the land ownership is east of Mt. Fagan. The group thought that it seems that some of it is ASLD and other is private land where wildcat development is occurring. Guy asked if there are natural connections between the Forest Service lands and Mt. Fagan.

Leslie reviewed the habitat opportunities captured in the watershed reserve. She said that for pale Townsend's big-eared bat (PTBB), she thought that municipal and regional

park standards would enhance habitat. She said that for PPC, the watershed reserve gets about 35 percent of the potential “higher density” PPC habitat that Marc mapped. Leslie said the potential for off-site mitigation is being talked about with Pima County and USFWS. Leslie said that Marc only found a small area with NSPC. She suggested that perhaps the City could just create a aside and preserve those cacti in place. Marit suggested she has some of the old priority conservation area maps that could be useful.

Leslie suggested the TAC members split up the task of filling in the rest of the conservation measures summary. Trevor asked how the City native plant preservation ordinance (NPPO) compares to the different jurisdictions. Leslie thinks that the City code is fairly similar to the County, and Mima agreed. Mima also noted that the NPPO has nothing to do with the State protected plant list. Leslie said that ERZ designations and NPPO are two ordinances that could be applied in the Southlands to protect habitat elements. She suggested the TAC members to look through the ordinances and see how they would help achieve the conservation goals, and/or what gaps there are in the ordinances. The TAC members divided up the responsibilities: Dennis chose CFPO, Marit and Rich chose BUOW, Linwood chose PTBB, Guy chose PPC, Mima chose NCPS, and Trevor said he would work on filling out the chart for the two listed species. Trevor suggested that Ann be involved in this process too, and Leslie said she would sit down with her. Trevor suggested keeping all road alignments on the maps. Trevor thinks there are signs enforcing ORVs in washes east of town, and there was some discussion whether this was on City-owned lands or not. Leslie said she was told by the City Attorney’s Office that the City had no ORV ordinance.

b. *Finish City of Tucson HCP Presentation*

There was not enough time at the meeting for Leslie to finish this presentation that was started at the Sept. 6 joint committee meeting.

4) Call to the public

No members of the public were present.

5) Next steps/Future Meetings

Leslie said that Southlands discussion will continue in November, and at the next meeting the discussion will switch to Avra Valley lands.