

**HABITAT CONSERVATION PLAN**  
**Technical Advisory Committee**  
**Tuesday, October 25, 2005 1:00 – 4:00pm**  
**Arizona Game and Fish Department Meeting Room**  
**555 North Greasewood Road**  
**Tucson, Arizona 87545-3612**

**MEETING SUMMARY**

Attendees: Ann Phillips, Dennis Abbate, Trevor Hare, Ralph Marra and Bruce Prior (City of Tucson – Tucson Water), Linwood Smith, Rich Glinski, Daniel DeBorde (City of Tucson – Environmental Services), Marit Alanen (USFWS), 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:*

- **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:*

- **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 said that, at the last SAC meeting, there was a follow-up discussion on community facility districts (CFDs) and a presentation on conservation easements by Jean Emery from Pima County Real Estate Division. Leslie said that Jean provided a detailed handout on conservation easements and said she could send that out to the TAC. Dennis asked about enforcement. Leslie said it is the conservation easement holder’s responsibility to enforce it. She said that there are also certain regulations about access to the conservation easement. Leslie said that Jean also said that it is important that an appropriate baseline study is done so that monitoring and management can ensure that the condition of the land relative to the easement is not impaired over time. She said that a lot of time and money could be spent to monitor the condition of the land over time. She said that sometimes conservation easements are more expensive than just purchasing the land. Rich said that conservation easements now usually come with a large endowment for managing, monitoring and enforcement. Jean also said that people look at non-profit trusts as the “owner” of the conservation easement, but that there is no guarantee that the organization will not become defunct. Linwood asked about how the enforcement works. Leslie said that the violation has to be documented, and then the only recourse is to take the landowner to court. Damage has to be proven, but if the land is heavily disturbed an argument could be made that the land was so damaged that the purpose of the conservation easement can no longer be supported. She stressed the

importance of the relationship with the landowner and noted that specific language should be written into the contract for the conservation easement to protect the land from future changes, such as if the owner wants to sell the land. Rich asked if Jean defined "in perpetuity." Leslie said that she did make a statement about it, and from a legal perspective it means "a lifetime plus 25 years," which usually translates into 99 years. Trevor said that Pima County tried a conservation easement on a ranch, but the landowners wanted 80 percent of the appraised value. Michael said that is about right, because Jean said that the value of the conservation easement probably would not be less than 50 percent. Leslie said that "the right to develop it" is the key for valuation. Ann noted that the landowner gets a tax break too. Leslie said yes, and if the conservation easement is done correctly, (e.g. in perpetuity), then the tax break is tied to the loss in value from not developing the land. Leslie said it seems to work in areas where there is ranching and the landowner values a rural way of life and wants to keep development away. According to Jean, all conservation easements are different and are tailed for the particular piece of land and the interests.

Leslie said that the SAC has two more meetings scheduled through the end of the year. She said that the staff made a commitment to Mayor and Council to have a preliminary draft plan by early next year. Leslie said that, during Phase 2 of the HCP, the committees will look at expanding the planning area in order to tie into larger issues such as working with ASLD on the "greater southlands conceptual land use plan", City issues such as annexation and ultimate growth areas, and coordination with Pima County. Leslie said that at their next meeting, the SAC is planning to start looking at what the next phase of the planning process should look like and what coordination opportunities there may be. She said the last SAC meeting would be rescheduled for a couple weeks after the last TAC meeting.

## **2) Old Business**

### *a. Meeting Minutes – August 9, 2005 Minutes*

Leslie asked the TAC if anyone had comments to the meeting minutes. Leslie said the August 23 meeting notes are done and that they would be sent out soon. Michael suggested sending comments on the August 23 minutes by email so we can get those wrapped up by the last meeting. The TAC approved the meeting minutes.

Trevor noted the numbering is messed up in the YBC account. Ann said that the City would like to do buffelgrass treatments by February and March. Leslie asked if there are any questions about the buffelgrass presentation. Ann said that there is a need for a technical committee to do baseline research on invertebrates. Ann said a new professor at the University of Arizona in the Natural Resources Department might be interested in getting involved. Leslie said that any buffelgrass research would benefit Tucson Water. Dennis said that the presentation was very powerful to him and that the issue of invasive species and fires in these areas are a very real threat. Dennis wondered if the TAC and other groups are giving this issue enough concern and whom the TAC could pass on their concern on to. Linwood said that the buffelgrass presentation was powerful, but thinks that the problem is even worse than that presentation portrayed. Dennis said that, since the presentation, he has been out in the field in the Silverbell Mountains and that he noticed that buffelgrass is all over out there. Dennis asked the TAC what they thought about the issue and the possible role the committee could play. Rich said that he is also very concerned and said that he shared the presentation with his staff in Phoenix.

Dennis said that while the TAC is trying to protect native habitats, buffelgrass could easily wipe it out. Leslie said that there is room in the HCP to make recommendations regarding buffelgrass management. Leslie noted that only a multi-jurisdictional effort would be able to tackle the buffelgrass problem. Leslie said that is why she is excited about the possibility of doing experimentation on buffelgrass eradication on the City-owned lands in Avra Valley. She said that the City would be establishing a Natural Resource Advisory Committee in the future. She said that one issue this committee could take on would be buffelgrass. Rich asked Leslie about the process of the TAC making recommendations. She said that the TAC makes recommendations to the SAC, and then the SAC would make formal recommendations to Mayor and Council. Rich suggested writing a recommendation on buffelgrass eradication and getting the TAC to approve it. Rich recommended Ann to write the draft language. Ann said she would do that. Dennis said that the sense of urgency should be noted, because this crisis could get much worse in the next couple years. Linwood said that in his opinion buffelgrass is the most significant problem in the Sonoran Desert, worse than urban sprawl. Leslie said she would explore the best mechanism for communicating TAC's concerns to Mayor and Council. She noted that copies of the buffelgrass presentation could be obtained from Travis Bean at the UA Desert Lab.

Trevor said that the Regional Transportation Authority (RTA) is asking for \$45 million to build and retrofit wildlife-friendly structures. Trevor said he believes that some City transportation people are iffy on it. Trevor said that he would like the TAC to communicate with the City how important we feel wildlife crossings are. Leslie said that she has talked with Jim Glock about any concerns the Tucson Department of Transportation has regarding the funding of wildlife crossings through the RTA. She said that while she has not heard any criticism from the Department, they are just not sure what this means in terms of specific projects. Trevor said that about two percent of the total funding is slated for wildlife. Trevor said that in other parts of the country, there is 10 percent being invested. Rich asked how much of that money has to go into the research and identification of wildlife corridors. Trevor said that the two percent is just going to cover time and materials of construction, but said that there is interest from researchers around the state. Leslie said that Carolyn did ask for the TAC's feedback on projects in the RTA. Leslie said that this is particularly important regarding the alignment and design of roads in Southlands and potential wildlife crossings over the Central Arizona Project (CAP) canal in Avra Valley. Leslie said that the City has put together language, to be included in the draft Southeast Arterial Transportation Plan, saying that the road alignments are conceptual, and when the alignments and road designs are finalized they need to be consistent with the City HCP. She said that the language has been sent to PAG. Michael said that for alignments within the City, the alignments would be established through the Mayor and Council process so that the public can be involved in the process. Leslie said that she likes how the HCP is not being done in isolation, but rather is being tied to these other regional planning issues.

Rich suggested discussing Phil Rosen's draft report before the Tucson Water presentation. Rich said that he thinks Phil did a great job defining the areas. Rich wanted to point out how Phil talked about the Sonoran Desert savanna and it being in existence with fires. He noted that buffelgrass is spread by fire. Rich said that this savanna would be subject to buffelgrass. Leslie said that the best strategy might be to eradicate everything with an herbicide, then replant with native seeds. Leslie said that some points Phil mentioned are social-cultural, including wildcat development. She said the he makes the point that development occurs with very short term planning, which is unlike

the long-term planning of the HCP. She said that he is concerned how these two timelines might result in conservation losing to development. She said that he also pointed out that in Avra Valley the land ownership is a patchwork, so management of natural resources will be difficult. Ralph suggested said that Phil reword his comment, "...looks like third world developments." Leslie said that Phil was stunned at the rate and the type of development that is happening on private lands in Avra Valley. Michael said that Pima County reported a couple years ago that approximately 40 percent of the Pima County lands is wildcat development. Trevor noted that Pima County is trying to get the law changed that would help stop the spread of wildcat developments. Michael said he would look into how to get wildcat development issues into a lobbying effort. Leslie noted that "Summit View" are those lots that are built near the Santa Cruz River along (and in\_ the washes that cross the northern portion of the Southlands. Leslie said that Phil noted in the "landscape and ecology issues section" that there has been some succession on some of the properties, where the landscape is turning back to a more natural and diverse landscape. She said that he is concerned with the modification of the Brawley Wash drainage. She said that while there is now talk about restoring the Brawley Wash it to its natural drainage, wildcat development has now been built in the natural floodway. Leslie said it would be a challenge to figure out how to enhance Brawley Wash without creating a situation that threatens current development. She said that there is a resurfacing of the efforts to restore the Brawley Wash; a project that has been proposed by the Natural Resources Conservation District. Ralph noted that this effort was begun back in the early 1990s. Leslie noted that Phil said that the rainfall should be supplemented through some sort of catchment to minimize flooding and create larger habitat areas. Ralph said that some of the ranchers were trying to apply best management practices (BMPs), while some ranchers were not. Trevor and Rich said that the ranchers have gotten better since then. Rich said that the ranchers are now more open to collaboration. Leslie said that Phil does not really provide restoration recommendations to the Brawley Wash itself, but does advocate capturing sheet flow through a series of detention basins to create small pockets of habitat areas. Ralph mentioned that this might increase flood liability on those lands. Leslie said that Phil emphasized creating stormwater basins along the washes, so that water is captured within a property. Ralph said that there are many hydrology issues in Avra Valley because many existing canals and berms being altered. Leslie said that this is an opportunity to do something that has habitat benefits on public lands, which could also provide community value in terms of flood control. She noted that such an effort would take a comprehensive look at the entire drainage and work with Pima County Flood Control District (PCFCD). Rich noted that it is important to start in the headwaters where the local ranchers are trying to do work on the Brawly Wash flood issue. Ann asked if it is possible to know how far until build out in Avra Valley so we could know the timeline of development. Leslie said that, without going on a parcel-by-parcel basis, it is hard to know. Ralph said along the west and south side of SAVSARP, the wildcat development is becoming thick. He said that new land subdivisions are beginning to show up on the north side as well. He said that are mainly trailers and a few random houses in those developments. Ralph noted that there is also wildcat development west of San Xavier District.

Rich said that Phil mentioned the Blanco Wash system because it contains a higher proportion of natural habitat than Brawley Wash, and that it might have higher restoration potential. Leslie said Blanco Wash is not identified as a priority in the SDCP because the County is not proposing to cover the ground snake in their HCP. Leslie said that unless Pima County chooses to include the snakes in their plan, that there is not

much the City could do. According to Phil, the ground snake is found in the Blanco Wash. Ann asked Trevor why the ground snake is not in the SDCP. He said that the SDCP science team came up with conservation levels for the conservation land system (CLS), which range from 70-90 percent preservation of open space. He said that the ground snake was dropped because the County decided it could not guarantee the designated conservation levels for the snake under the CLS. Leslie said that it is different with the Tucson shovel-nosed snake because it is petitioned to be federally listed. According to Phil, if a jurisdiction wants to mitigate for the ground snake, he suggests doing the mitigation in Pinal County because the snake has been found up there recently. Leslie said that this might change how the TAC is treating both snakes in the HCP because a regional effort would likely be required for these species. She noted that it would be difficult to demonstrate the impact of development on the snakes because there is so little baseline information. Leslie said it would also be difficult to demonstrate the adequacy of proposed mitigation measures. She asked the TAC how they feel about the snakes in the HCP. Trevor asked if this could be a topic for next time so he could talk to people. Ann asked is there anything else with Blanco Wash that would affect another species that would warrant it being protected. Rich suggested maybe a CFPO corridor. Dennis said he was not sure if CFPO use the wash for dispersal. Trevor noted its general riparian value.

*b. Avra Valley Conservation Strategies*

The TAC reviewed ortho maps provided by Tucson Water showing in detail Avra Valley land ownership, including Pima County priority acquisition areas. Other maps showed possible conservation priority areas that could maintain an east-west corridor between Ironwood Forest National Monument and Saguaro National Park West. The committee discussed whether there were any lands in Avra Valley that would be set aside if the ASLD reform initiative is passed. Leslie thought that the closest parcels would be in Tucson Mountain Park. The committee discussed trade-offs between quality and quantity of restoring lands. Leslie said, ignoring the snakes for the moment, that there are three riparian species to focus on including pygmy owl, the pale Townsend's big-eared bat, and the yellow-billed cuckoo. Leslie asked the TAC what they think about these species and connectivity. Ann asked Tucson Water how many acres should be reserved for future City-water activities. Ralph said that Tucson Water wants all the land reserved because the specifics future of water development is unclear. He noted that many of the good riparian areas are lands that Tucson Water wants to avoid developing in anyway. Ralph said the proximity to CAP is important because of the conveyance cost. Ann asked Tucson Water about the potential with working with ASLD to do a density land transfer. Leslie said that ASLD wants a comprehensive land use plan in place first as the basis for evaluating density transfers. She said that ASLD has limited resources, and so they cannot take on too many comprehensive land use plans at once. She said they are prioritized by proximity to urban areas and potential for near-term development. Ralph said that the community is going to have to first decide if they want desalinated CAP water, because that will require a need for hundreds of acres for evaporation and brine ponds. He said that then the next phase would be to see if the community wants to desalinate effluent. Ralph said that evaporation ponds are the cheapest way to go even though they are very expensive. Ralph noted that technology is getting better in the desalinization process so in the future evaporation ponds might not be needed.

Rich said that a topographic map showing Avra Valley could be helpful to in identifying drainage issues. The committee spent time discussing connectivity for pygmy owl on a small and regional scale. Dennis noted that the two riparian qualities are different for two owl species: burrowing owl prefers open areas that are degraded, while pygmy owls prefer areas with thicker vegetation. Ralph asked how scientists know their hypotheses of a species' habitat preferences are correct. Trevor said it is based on best information possible, but leaving flexibility on management and monitoring as more information is obtained. Rich noted that is why Critical Habitat for pygmy owl was a difficult process to identify. Leslie said it might be helpful to categorize the habitats. Leslie said that category one could include areas that contain existing natural riparian habitat. She said then the second category could be focused on areas that have connectivity value. Ann showed on the aerial map where on the Simpson Farm site yellow-billed cuckoo and burrowing owls are found, noting that while these species prefer different types of riparian habitat, they can still be found close together.

Ann suggested that since the Tucson Water developments are 10 to 20 years away, it is important to keep the ASLD lands in the picture because there could be the potential for a land density transfer. Leslie said that ASLD cannot do land trades. Leslie said that the current ASLD reform would enable ASLD to do land trades, based on assessed land value. Several TAC members noted that riparian areas do not have high development potential, unlike uplands areas. Leslie noted that because Tucson Water wants to avoid putting basins in riparian areas, that there would be little impact to these areas, thus few mitigation requirements. The TAC talked about connectivity opportunities in both the east to west, and north to south directions. Rich said that he believes that a northeast to southwest corridor is important for the pygmy owl. Trevor agreed, saying that the opportunities were promising due to the configuration of Ironwood Forest National Monument and Saguaro National Park West. Leslie suggested that the TAC focus on prioritizing properties that connect these two land reserves together. Linwood agreed. It was pointed out that this area is north and west of the proposed CAVSARP project. Leslie highlighted the connectivity for CFPO that was mapped out by Dennis Abbate and Scott Richardson in Avra Valley, including the Altar Valley to Silverbell Mountains. A question was posed regarding whether the CAP fence is a barrier for pygmy owl dispersal. Trevor said that it depends what the vegetation is like around the fence, and that it is not necessarily a problem if there is sufficient vegetation cover close to both sides of the fence. Ann suggested planting trees to create hopping points. Ann asked if it was worth talking to the Tohono O'odham Nation concerning natural resource issues in Avra Valley. Leslie said yes, but that no one had done it yet. There was a suggestion that Julia Fonseca, with PCFCD, talk with the Nation. Rich suggested making a priority conservation area where there is already crossing over the CAP. Leslie suggested making a list of criteria that describe what makes an areas priority for conservation. These criteria could include existing natural habitat, connectivity, and proximity to adjacent habitat.

Leslie reminded the TAC that the first step is to identify which City-owned properties could be conserved/restored to maintain connectivity. She said that then the second task is for the TAC to identify mitigation requirements in case the City needs to develop in the priority conservation area. Ann asked if, in the Phase 2 of the HCP, there would be an emphasis on more regional coordination. Ann asked if more species would be picked up in Phase 2. Leslie said it is likely. Ann asked if the City might develop their list similar to the Pima County species list.

The committee discussed possible corridors through Avra Valley. Ann suggested a third connection near the Simpson Farm site, which are in close proximity to Pima County acquisition lands. Leslie noted that the actual characteristics of the corridors would vary depending on the vegetation and needs of the species. Rich suggested rating parcels into high, moderate and low connectivity value. Leslie suggested labeling parcels as “A” if they have existing riparian and upland habitat, “B” for parcels with connectivity and revegetation potential, “C” as features with other habitat values, and “D” if the parcel could buffer better areas or is adjacent to existing habitat. Rich said that he did not want to label the lands like these because those characteristic are based on subjective values rather than having empirical data. Ann pointed out lands that had little conservation value. These lands were crossed off the map. Bruce said that Tucson Water has not identified areas they are not interested in, but rather categorized them by possible development phase one, two, and three. The TAC drew many arrows on the map in the southwest to northeast direction trying to identify where areas could be conserved for connectivity. Leslie said they would make a new iteration of the map based on the suggestions the TAC had provided.

### **3) New Business**

No items of new business.

### **4) Call to the public**

No members of the public were present.

### **5) Next Steps/Future Meetings**

Leslie said that at the next meeting, the TAC would be revising the conservation measures summary for the Southlands. She said that they would bring the updated Avra Valley maps to the next meeting and leave approximately 30 minutes to finish up discussing the conservation strategy for Avra Valley.