

Proposed City of Tucson  
Avra Valley Habitat Conservation Plan  
Environmental Assessment

# Scoping Report

September 2, 2009

United States Department of the Interior  
U.S. Fish & Wildlife Service, Region 2  
Arizona Ecological Services, Tucson Sub-Office

And

City of Tucson Office of Conservation and Sustainable Development

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## 1. SUMMARY

The City of Tucson (City) intends to apply for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act) through the development and implementation of a Habitat Conservation Plan (HCP) for City-owned lands in unincorporated Pima County, as required by the Act. Based on comments received during scoping and in accordance with the National Environmental Policy Act (NEPA) and U.S. Fish & Wildlife Service (Service) guidance, an Environmental Assessment (EA) will be completed to meet NEPA requirements. Comments received as part of the scoping period and public open house did not provide any indication to the Service that the proposed Federal Action (issuance of an ITP) will significantly affect the quality of the human environment.

## 2. INTRODUCTION

### 2.1 Background

The City's Avra Valley HCP planning area includes approximately 20,000 acres of former agricultural lands in unincorporated Pima County, west of the Tucson Mountains in Avra Valley. The City purchased these lands in the 1970s and 1980s to acquire their water rights. Non-City parcels under private, county, state, tribal and Federal ownership surround the former farm properties. Most of the lands within the HCP planning area have been disturbed by past agricultural activities, including irrigated farming that occurred before their purchase by the City. Vegetation includes upland and riparian communities, both of which have been extensively modified by past human activities.

The goal of this conservation planning effort is to promote the preservation of natural resources while providing water security for the Tucson community. The City seeks to accomplish the following objectives with the Avra Valley HCP: Facilitate compliance with the Act for City water supply and renewable energy projects and associated capital improvement projects; promote achievement of regional economic objectives, and; complement other regional conservation planning efforts, such as Pima County's Sonoran Desert Conservation Plan and the Town of Marana HCP project.

### 2.2 National Environmental Policy Act

Council on Environmental Quality (CEQ) and Service documents provided guidance on the appropriate approach to NEPA compliance in term of whether to pursue an EA or an Environmental Impact Statement (EIS). According to the CEQ's "Regulations for Implementing NEPA" (40 CFR 1501):

*Sec. 1501.3 (a) Agencies shall prepare an environmental assessment (Sec. 1508.9) when necessary under the procedures adopted by individual agencies to supplement these regulations as described in Sec. 1507.3.*

Furthermore, according to 516 DM 6 Appendix 1, Fish and Wildlife Service (Federal Register Vol. 62, No. 11, pp. 2380-2382):

*1.5 Actions Normally Requiring an EA*

- A. Proposal to establish most new refuges and fish hatcheries; and most additions and rehabilitations to existing installations.*
- B. Any habitat conservation plan that does not meet the definition of "low effect" in the Section 10(a)(1)(B) Handbook.*
- C. If, for any of the above proposals, the EA determines that the proposal is a major Federal action significantly affecting the quality of the human environment, an EIS will be prepared. The determination to prepare an EIS will be made by a notice of intent in the Federal Register and by other appropriate means to notify the affected public.*

Based on this guidance, local Service staff members advised the City on the need to establish a public comment period and hold at least one open-house informational meeting. Comments received during this scoping period provided the basis for the Service decision that, at this point, completion of an EA would be the appropriate next step to address NEPA requirements for the proposed Federal Action.

## **2.3 Proposed Federal Action**

The proposed action is the issuance of an ITP for listed and sensitive species in Pima County, pursuant to section 10(a)(1)(B) of the Act. The City's Avra Valley HCP will provide measures to minimize and mitigate the effects of the taking on listed and sensitive species and their habitats. The biological goal of the HCP is to provide long-term protection for multiple species of concern and key natural communities. This will be accomplished by maintaining or improving the habitat conditions and ecosystem functions necessary for their survival, and to ensure that any incidental take of listed species will not appreciably reduce the likelihood of the survival and recovery of those species. Activities proposed for coverage under the ITP include lawful activities that would occur consistent with the City's General Plan and include, but are not limited to, implementation of water supply and renewable energy projects and associated capital improvement projects.

For the Avra Valley HCP, the City is expected to apply for an ITP for up to seven vulnerable species that would be protected within the proposed HCP planning area. The seven species include the Federally listed lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*). In addition, the City will seek to address and cover the Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), a candidate for listing. The City is also seeking to address and cover additional rare and/or sensitive species that occur within the planning area, including the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), Tucson shovel-nosed snake (*Chionactis occipitalis klauberi*), ground snake (*Sonora semiannulata*), Western burrowing owl (*Athene cunicularia hypugaea*), and the pale Townsend's big-eared bat (*Corynorhinus townsendii pallescens*).

Unlisted species covered by the HCP are protected as if they were listed, and, if the Service finds they are adequately conserved by the Avra Valley HCP, will automatically be permitted for incidental take should they be listed as Federally threatened or endangered species in the future.

Numerous other listed and sensitive species for which the City is not seeking permit coverage will also benefit from the conservation measures provided in the HCP through protection of similar or overlapping habitat conditions and ecosystem functions.

## **2.4 Alternatives**

The proposed action and alternatives that will be developed in the EA will be assessed against the No Action/No Project alternative, which assumes that some or all of the current and future projects proposed by the City would be implemented individually (i.e., one at a time), and be in compliance with the Act.

The No Action/No Project alternative implies that the impacts from these potential projects on sensitive species and habitats would be evaluated and mitigated on a project-by-project basis, as is currently the case. For any activities involving take of listed species due to non-Federal projects/actions, individual Section 10(a)(1)(B) permits would be required if there is a Federal nexus. A coordinated, comprehensive ecosystem-based conservation approach for the region would not be developed to more efficiently address the conservation of listed species, and unlisted candidate and sensitive species would not receive proactive action intended to preclude the need to list them in the future. A landscape level approach to conservation and mitigation would not occur to help Federal and non-Federal agencies work toward recovery of listed species. Current independent conservation actions would continue, although some of these are not yet funded.

Other alternatives that may be considered in the EA include issuance of an ITP for some subset of proposed covered species and/or covered activities. In addition, alternatives may consider varying levels of take anticipated and amount, type, and location of mitigation.

## **2.4 Purpose and Need**

The purpose for which the EA is being prepared is to respond to the City's application for an ITP for the proposed covered species, related to activities that have the potential to result in take of species listed pursuant to the Act. The City's proposed Avra Valley HCP will mitigate, to the maximum extent practicable, the anticipated effects of the covered activities, while striving to balance the protection and conservation of unique natural resources on City lands in Avra Valley with the community's need for water supply and renewable energy infrastructure. The City recognizes that the quality of life of its citizens is dependent upon an integrated environment, which balances the needs of listed species and their habitats with human needs. The HCP will protect and conserve the covered species and their habitats for the continuing benefit of the people of the United States, as well as provide a means to conserve the ecosystems upon which the covered species depend. The HCP will ensure the long-term survival of the covered species through protection and management of the species and their habitats and ensure compliance with the Act, NEPA, and other applicable laws and regulations.

The need for this action is based on the potential that activities proposed by the City on lands under its ownership could result in take of covered species, thus requiring an ITP. The proposed permit would allow approved incidental take that is consistent with the conservation guidelines in the City's Avra Valley HCP.

Section 10(a)(1)(B) of the Act contains provisions for issuing ITPs to non-Federal entities for take of endangered and threatened species, provided the following criteria are met: The taking will be incidental; the applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking; the applicant will ensure that adequate funding for the HCP will be provided; the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP. The development and implementation of the HCP will ensure that the City meets the provisions for issuance of the ITP.

### 3. SUMMARY OF SCOPING PROCESS

The Avra Valley HCP scoping process involved a 60-day comment period and a public open house. Service and City staff developed a list of stakeholders with input from the City’s HCP Technical Advisory Committee. Information about the HCP, public comment period, and open house was distributed to the stakeholders (Table 1) and the general public through various outreach activities.

**Table 1. Stakeholder list**

<u>Stakeholder/Interested Parties</u>
<b>HCP Technical Advisory Committee Members</b>
Arizona Game and Fish Department
City of Tucson, Tucson Water Dept.
Coalition for Sonoran Desert Protection
EPG, Inc.
U.S. Fish & Wildlife Service
University of Arizona, School of Natural Resources
<b>Agencies and Jurisdictions that Manage Land in the Vicinity of the HCP Planning Area</b>
Arizona State Land Department
Bureau of Land Management
Central Arizona Project
National Park Service
Natural Resource Conservation Service
Pascua Yaqui Tribe
Pima County
Tohono O’odham Nation
Town of Marana
U.S. Forest Service
<b>Non-profit Organizations</b>
Altar Valley Conservation Alliance
Coalition for Sonoran Desert Protection
Rincon Institute
Sky Island Alliance
Sonoran Institute
The Nature Conservancy
Tucson Airport Authority
Tucson Audubon Society

<u>Stakeholder/Interested Parties (continued)</u>	
Other	Pima Association of Governments
Tourism	Arizona-Sonora Desert Museum Old Tucson Studios
Wildlife Management Agencies	Arizona Game and Fish Department

These outreach activities are listed in Table 2. Media outlets (Table 3) were also informed of the scoping period and open house via two media releases. Additional efforts were made to inform residents of Avra Valley by posting flyers in community centers and local library branches and posting notices in community (e.g., Robles Junction/Three Points Community Newsletter) and utility newsletters (Trico Electric Cooperative).

**Table 2. Scoping outreach activities**

<u>Activity</u>	<u>Date or Week Completed</u>
Media release and Frequently Asked Questions (FAQ) document distributed to local media through the City's Public Information Office	March 18
E-mail announcement and FAQ document sent to identified stakeholders	March 18
Information, including an electronic comment form, posted on City web pages	March 18
Comment period and public open house announced at HCP Technical Advisory Committee meeting	April 1
Information flyers posted in Avra Valley community centers and library branches as well as a Town of Marana public building	Week of April 6
Follow-up media release and FAQ document distributed through the City's Public Information Office	April 8
Comment period and public open house announced at City Resource Planning Advisory Committee meeting	April 9
Public open house held at Ryan Airfield	April 16
Follow-up e-mail announcement and FAQ document sent to stakeholder list	May 8

**Table 3. List of media outlets and others that received the media releases**

<u>Media Outlets</u>			
1	Arizona Daily Star	22	KMSB KTTU
2	Arizona Daily Star, Metro Section	23	KOLD
3	Associated Press	24	KQTL
4	Associated Press, Phoenix	25	KRQQ
5	City of Tucson Dept. Directors	26	KTKT KLPX
6	City of Tucson Public Information Officers	27	KUAT
7	City of Tucson Manager's Office	28	KVOA
8	City of Tucson Mayor's Office	29	KWBA
9	City of Tucson Ward Offices	30	KWFM
10	Comcast	31	KXCI
11	Cox Communications	32	La Voz
12	El Independiente	33	LA Z KZLZ
13	Green Valley News	34	Marana Weekly News
14	Hispanic Press	35	MIX FM 94.9
15	Kaneen Public Relations	36	Outlook
16	KEVT	37	Sun Sounds of Arizona
17	KFLT PRNT	38	Territorial Newspapers
18	KGUN	39	Tucson Citizen
19	KHRR	40	Tucson Weekly
20	KIIM KCUB	41	Univision
21	KJLL		

The public open house was held on Thursday, April 16 from 6:30 to 8:00 p.m. at Ryan Airfield in Avra Valley. Four people, including one City Mayor and Council Aide, attended. Service and City staff delivered PowerPoint presentations that provided information on the Act, HCPs in general, the City's Preliminary Draft Avra Valley HCP, and how to comment as part of the NEPA process. Service and City staff members also provided handouts and maps about HCPs in general, the Avra Valley HCP, and Tucson Water Department's Clearwater program, which has facilities in Avra Valley.

Several staff members from the City's Office of Conservation and Sustainable Development and Water Department (Tucson Water), as well as the Service, answered questions from attendees. Comment forms and a comment box were provided.

## 4. SCOPING RESULTS

### 4.1 Summary of Comments Received

As part of the 60-day comment period and public open house, letters from two sources were received and split into four separate comments. Comments were organized based on three categories of 1) general support, 2) 'hazardous' wildlife, and 3) transportation planning. Table 4 lists these comments by topic category, summary, and type of commenter.

**Table 4. Categorized comments**

<u>Topic Category</u>	<u>Summary of Comments</u>	<u>Type of Commenter</u>
General support	<ul style="list-style-type: none"><li>• Supports the effort to preserve and protect vulnerable plant and animals in future land use decision</li></ul>	Non-profit organization
“Hazardous” wildlife	<ul style="list-style-type: none"><li>• Because of potential hazards, recommend working with the City if any property within 5-mile radius of Ryan Airfield is considered for habitat enhancement, creation of new habitat, or other action that may potentially attract wildlife</li></ul>	Non-profit organization
Transportation Planning	<ul style="list-style-type: none"><li>• Arizona State Transportation Board’s proposed I-10 bypass will negatively impact wildlife and community if implemented</li></ul>	Resident
Transportation Planning	<ul style="list-style-type: none"><li>• City needs to oppose proposed I-10 bypass</li></ul>	Resident

## 4.2 Conclusion

The Service and City appreciate the comments received from the public and stakeholders regarding the proposed Federal Action. While a proposed freeway bypass would most likely have negative impacts on wildlife in Avra Valley, including some of the HCP Covered Species, this comment is considered outside the scope of this project. This is because the decision to build a freeway bypass is, ultimately, beyond the City’s control since it would be a State of Arizona project.

With regard to Ryan Airfield and habitat conservation activities, it is the Service’s understanding that there is no habitat for the Covered Species identified on the proposed HCP Planning Area property adjacent to Ryan Airfield (formerly “Hill” farm), which is still degraded from former agricultural activities. Should the City consider any Avra Valley HCP Planning Area lands within a 5-mile radius of Ryan Airfield for habitat enhancement, creation of new habitat, or other action that may attract wildlife, the Service recommends that the City cooperate with the Tucson Airport Authority.

The Service concludes that the scoping period, open house, and associate outreach adhered to NEPA requirements. The comments received do not indicate that the proposed Federal Action is likely to significantly affect the quality of the human environment. Therefore, at this point, the Service recommends proceeding with an EA to meet the requirements of NEPA.

## 5. APPENDICES

## Appendix A: Comments received

**From:** nobody@www.tucsonaz.gov  
**To:** <jamie.brown@tucsonaz.gov>  
**Date:** 04/10/2009 1:30 PM  
**Subject:** WWW Form Submission

Name: Albert Lannon

Address: 13141 W. Camino de Conejo

City: Tucson

State: AZ

Zip: 85743

Email: bluemoon@dakotacom.net

Comments: Perhaps the most important issue facing development of any HCP for the Avra Valley is the State Transportation Board's proposed I-10 Bypass. That would wipe out protections now in place and have a huge negative impact on wildlife and community. Pima County Board of Supervisors are on record unanimously opposing the Bypass; Saguaro NP, federal Bureau of Reclamation, and AZ Fish and Game all oppose it, as do the residents of the Avra Valley. The City of Tucson needs to join in preserving the Avra Valley to protect its water resources, as well as our wildlife.

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Friday, April 10, 2009 at 13:30:14

Jamie Brown, Environmental Planner  
Conservation and Sustainable Development  
201 N. Stone, 3<sup>rd</sup> Floor  
P.O. Box 27210  
Tucson, AZ 85726

May 7, 2009

**RE: Avra Valley Habitat Conservation Plan and Ryan Airfield**

Dear Jamie,

Thank you for facilitating the public workshop April 16<sup>th</sup>. I appreciated the presentation and discussion of the Habitat Conservation Plan for City-owned land in Avra Valley.

The Tucson Airport Authority has reviewed the plan and supports the effort to preserve and protect vulnerable plants and animals in future land use decisions. The map of the planning area indicates that at least one property included in the HCP is located in close proximity to Ryan Airfield. Because of this close proximity, TAA has an obligation to the Federal Aviation Administration and to the traveling public to make you aware of the potential hazard of attracting wildlife to areas on or around public-use airports.

The FAA guidance document, Advisory Circular No. 150/5200-33B, titled 'Hazardous Wildlife Attractants on or Near Airports', is available at the FAA website [faa.gov](http://faa.gov) for your review. The guidance discusses land use practices that can potentially attract wildlife and provides separation criteria to help protect airports from wildlife hazards. A 5-mile separation distance is indicated for Ryan Airfield. TAA would like to work together with the City of Tucson should any property within a 5-mile radius of Ryan Airfield ever be considered for habitat enhancement, creation of new habitat, or any other action that may potentially attract wildlife.

Thank you again for the opportunity to review the plan and attend the presentation. TAA appreciates the cooperative effort of the City of Tucson to ensure the safety of operational activities at Ryan Airfield. If you have any questions, please feel free to contact me at (520) 573-5155.

Sincerely,



Judy Alexander  
Sr. Director, Regulatory and Environmental Studies

Appendix B: Media and outreach materials  
(Media releases, FAQ document, flyer, web page screen captures, announcements printed in local media)



CITY OF TUCSON

# MEDIA RELEASE

FOR IMMEDIATE RELEASE

**Contact:** Jamie Brown, Environmental Planner  
Conservation and Sustainable Development  
(520) 837-6933  
jamie.brown@tucsonaz.gov

**Date:** March 18, 2009  
**TTY:** (520) 791-2639

## **PUBLIC COMMENT PERIOD UNDERWAY FOR AVRA VALLEY HABITAT CONSERVATION PLAN; OPEN HOUSE IN APRIL**

The public is invited to comment on a proposed Habitat Conservation Plan (HCP) for City-owned lands in Avra Valley. This planning tool helps ensure that steps to preserve and protect vulnerable plants and animals are included in future land use decisions. The U. S. Fish and Wildlife Service evaluates HCPs to ensure they provide sufficient protection.

As part of developing an HCP, U.S. Fish and Wildlife will review and consider the possible effects of its approval. Interested stakeholders and residents are invited to provide comments on issues or possible effects of an approval of an HCP and associated permit for the lands in Avra Valley. The comment, or scoping, period will end on Monday, May 18, 2009. The City of Tucson offers several ways to provide written comments. For information, go to [www.tucsonaz.gov/ocsd/HCP](http://www.tucsonaz.gov/ocsd/HCP)

The City and the U. S. Fish and Wildlife Service will also hold a public open house to provide an opportunity for the public to learn more and ask questions. The open house is scheduled for Thursday, April 16, 2009, from 6:30 to 8:00 p.m. in the Javelina Room of Ryan Airfield, 9700 W. Ajo Way.

*Background:* Approximately 20,000 acres of properties in Avra Valley were purchased in the 1970s and 1980s for their water rights. These lands provide habitat for several vulnerable species, including the federally-endangered Lesser Long-nosed Bat. In addition to species protection, the proposed HCP will facilitate compliance with the Endangered Species Act for potential City water supply and renewable energy projects on the Avra Valley properties.

A preliminary draft of the Avra Valley HCP, frequently asked questions, and a map of the planning area are online at: [www.tucsonaz.gov/ocsd/HCP](http://www.tucsonaz.gov/ocsd/HCP)

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CITY OF TUCSON

# MEDIA RELEASE

FOR IMMEDIATE RELEASE

**Contact:** Jamie Brown, Environmental Planner  
Conservation and Sustainable Development  
(520) 837-6933  
jamie.brown@tucsonaz.gov

**Date:** April 8, 2009  
**TTY:** (520) 791-2639

## AVRA VALLEY HABITAT CONSERVATION PLAN OPEN HOUSE ON APRIL 16; PUBLIC COMMENT PERIOD CONTINUES

The public is invited to an open house for a proposed Habitat Conservation Plan (HCP) for City-owned lands in Avra Valley. This planning tool helps ensure that steps to preserve and protect vulnerable plants and animals are included in future land use decisions. The U. S. Fish and Wildlife Service evaluates HCPs to ensure that they provide sufficient protection. The open house is scheduled for Thursday, April 16, 2009, from 6:30 to 8:00 p.m. in the Javelina Room of Ryan Airfield, 9700 W. Ajo Way.

As part of developing an HCP, U.S. Fish and Wildlife will review and consider the possible effects of its approval. Interested stakeholders and residents are invited to provide comments on issues or possible effects of an approval of an HCP and associated permit for the lands in Avra Valley.

The comment (scoping) period will end on Monday, May 18, 2009. The City of Tucson offers several ways to provide written comments. For information, go to [www.tucsonaz.gov/ocsd/HCP](http://www.tucsonaz.gov/ocsd/HCP)

*Background:* Approximately 20,000 acres of properties in Avra Valley were purchased in the 1970s and 1980s for their water rights. These lands provide habitat for several vulnerable species, including the federally endangered Lesser Long-nosed Bat. In addition to species protection, the proposed HCP will facilitate compliance with the Endangered Species Act for potential City water supply and renewable energy projects on the Avra Valley properties.

A preliminary draft of the Avra Valley HCP, frequently asked questions, and a map of the planning area are online at: [www.tucsonaz.gov/ocsd/HCP](http://www.tucsonaz.gov/ocsd/HCP)

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Initial Public Comment Period Underway for Avra Valley Habitat Conservation Plan; Open House in April
The public is invited to comment on a proposed Habitat Conservation Plan (HCP) for City-owned lands in Avra Valley. This planning tool helps ensure that steps to preserve and protect vulnerable plants and animals are included in future land use decisions. The U. S. Fish and Wildlife Service evaluates HCPs to ensure they provide sufficient protection.
As part of developing an HCP, U.S. Fish and Wildlife will review and consider the possible effects of its approval. Interested stakeholders and residents are invited to provide comments on issues or possible effects of an approval of an HCP and associated permit for the lands in Avra Valley. The comment, or scoping, period will end on Monday, May 18, 2009. The City of Tucson offers several ways to provide written comments. To learn how to provide comments, click here.
The City and the U. S. Fish and Wildlife Service will also hold a public open house to provide an opportunity for the public to learn more and ask questions. The open house is scheduled for Thursday, April 16, 2009, from 6:30 to 8:00 p.m. in the Javelina Room of Ryan Airfield, 9700 W. Ajo Way. After this initial scoping period and beginning next year, there will be opportunities to provide comments on the final draft HCP and other documents.
Background: Approximately 20,000 acres of properties in Avra Valley were purchased in the 1970s and 1980s for their water rights. These lands provide habitat for several vulnerable species, including the federally-endangered Lesser Long-nosed Bat. In addition to species protection, the proposed HCP will facilitate compliance with the Endangered Species Act for potential City water supply and renewable energy projects on the Avra Valley properties.



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City of Tucson Home

Clicking here will open a Frequently Asked Questions document about the Avra Valley HCP and scoping comment period. To view a preliminary draft of the HCP click here and to view a map of the HCP planning area, click here. For additional information on the HCP, contact Jamie Brown at 520-837-6933 or at jamie.brown@tucsonaz.gov.



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### Avra Valley HCP Public Comments

The City and U.S. Fish and Wildlife Service welcome your thoughts, suggestions, statements of support, or concerns about the possibility of the Fish and Wildlife Service issuing an Incidental Take Permit for a Habitat Conservation Plan (HCP) on City-owned land in Avra Valley.

There are several ways you can share your comments, which will be accepted until the end of the scoping period on **May 18, 2009**. These different ways are described below (*Please note that your comments and personal identifying information may become part of the public record*).

Electronically:

- Send an e-mail message to Jamie Brown at the City of Tucson's Office of Conservation and Sustainable Development at [jamie.brown@tucsonaz.gov](mailto:jamie.brown@tucsonaz.gov)

- Complete the electronic comment form on the side of this page (This compiles the information you provide into an e-mail to City staff)

Postal mail:

- Send a letter to:

Jamie Brown  
Office of Conservation and Sustainable Development  
City of Tucson  
P.O. Box 27210  
Tucson AZ 85726-7210

In person:

- Attend the Public Open House on April 16, 2009 ([click here](#) for details) and use a comment card provided at the meeting to share your thoughts

**CONTACT US**

Office Of Conservation and Sustainable Development  
201 N Stone Ave  
3rd Floor  
P.O. Box 27210  
Tucson, AZ 85726  
(520) 791-4675  
(520) 791-4089 Fax

Contact Us Online

City of Tucson Home

### Comment Form

Name

Address or P.O. Box

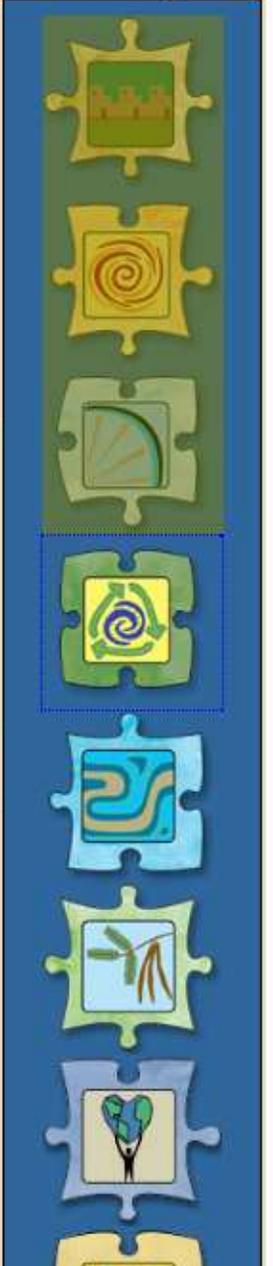
City

State

Zip

E-Mail

Comments:



March 18, 2009

## **Public Comment Period Underway for Avra Valley Habitat Conservation Plan; Open House in April**

The public is invited to comment on a proposed Habitat Conservation Plan (HCP) for City-owned lands in Avra Valley. This planning tool helps ensure that steps to preserve and protect vulnerable plants and animals are included in future land use decisions. The U. S. Fish and Wildlife Service evaluates HCPs to ensure they provide sufficient protection.

As part of developing an HCP, U.S. Fish and Wildlife will review and consider the possible effects of its approval. Interested stakeholders and residents are invited to provide comments on issues or possible effects of an approval of an HCP and associated permit for the lands in Avra Valley. **The comment, or scoping, period will end on Monday, May 18, 2009.** The City of Tucson offers several ways to provide written comments. For information, go to [http://www.tucsonaz.gov/ocsd/HCP\\_comments](http://www.tucsonaz.gov/ocsd/HCP_comments)

The City and the U. S. Fish and Wildlife Service will also hold a public open house to provide an opportunity for the public to learn more and ask questions. The **open house** is scheduled for **Thursday, April 16, 2009, from 6:30 to 8:00 p.m. in the Javelina Room of Ryan Airfield, 9700 W. Ajo Way.**

Background: Approximately 20,000 acres of properties in Avra Valley were purchased in the 1970s and 1980s for their water rights. These lands provide habitat for several vulnerable species, including the federally endangered Lesser Long-nosed Bat. In addition to species protection, the proposed HCP will facilitate compliance with the Endangered Species Act for potential City water supply and renewable energy projects on the Avra Valley properties.

A preliminary draft of the Avra Valley HCP, frequently asked questions, and a map of the planning area are online at: [http://www.tucsonaz.gov/ocsd/HCP\\_PublicParticipation](http://www.tucsonaz.gov/ocsd/HCP_PublicParticipation)

Finally, please feel free to share this e-mail message with those in your organization who may have an interest in the Avra Valley HCP or who may wish to provide comments. Should you have any questions, please feel free to contact me at (520) 837-6933 or [jamie.brown@tucsonaz.gov](mailto:jamie.brown@tucsonaz.gov).

Thank you,

Jamie Brown, Environmental Planner  
City of Tucson's Office of Conservation and Sustainable Development

Attachment: Avra Valley HCP Frequently Asked Questions document



# City of Tucson Avra Valley Habitat Conservation Plan

# FAQ

## FREQUENTLY ASKED QUESTIONS

### WHAT IS A HABITAT CONSERVATION PLAN?

A Habitat Conservation Plan, or HCP, is a planning tool that helps ensure that steps to preserve and protect vulnerable plants and animals are included in future land use decisions. An HCP allows communities to set aside and protect essential habitat so that other, less sensitive property can be used for other public benefits. The U. S. Fish and Wildlife Service evaluates HCPs to make sure they provide sufficient protection.

### WHY IS IT IMPORTANT?

Part of what makes Tucson a special place to live is the variety of plants and animals that share our desert environment. Some of these species are vulnerable to the impacts of human activities that occur within their living space. The Avra Valley HCP will allow the City and Tucson Water to build critical water resource and renewable energy projects while protecting habitats where these sensitive species live or find shelter.

### WHAT PROPERTY IS INCLUDED IN THIS PLAN?

The Avra Valley HCP covers about 20,000 acres of City-owned former farm land in Avra Valley. The City of Tucson purchased the properties in the 1970s and 1980s to preserve the groundwater for the future.

### WHAT PROJECTS DOES THE CITY HAVE OR PLAN TO HAVE IN AVRA VALLEY?

Tucson Water currently has a number of groundwater wells in northern and southern Avra Valley. The valley is also the location of Tucson's Clearwater facilities, where Colorado River water is percolated into the ground, mixed with groundwater, and delivered as part of Tucson's drinking water supply. In the future, Tucson Water may be expanding its water recharge and recovery facilities. The utility may also install solar power facilities that will help bring renewable energy supplies to the Tucson region.

### HOW DOES THE HABITAT CONSERVATION PLAN PROTECT WILDLIFE?

The HCP describes the measures that the City will take to minimize impacts on vulnerable animals and their habitats and promote the preservation of native desert vegetation.

### WHAT VULNERABLE SPECIES ARE PROTECTED BY THE PLAN?

Up to seven vulnerable species would be protected within the proposed HCP planning area, including Lesser Long-nosed Bat (*Leptonycteris curasoae yerbabuena*), Pale Townsend's Big-eared Bat (*Corynorhinus townsendii pallescens*), Western Yellow-billed Cuckoo (*Coccyzus americanus occidentalis*), Cactus Ferruginous Pygmy-owl (*Glaucidium brasilianum cactorum*), Western Burrowing Owl (*Athene cunicularia hypugaea*), Tucson Shovel-nosed Snake (*Chionactis occipitalis klauberi*), and Groundsnake (*Sonora semiannulata*).

### HOW CAN I GET INVOLVED?

The U.S. Fish and Wildlife Service is responsible for evaluating and approving the City of Tucson's HCP permit application and will conduct an Environmental Assessment. This Assessment will consider the potential impacts of issuing the HCP permit. Therefore, the City and the Fish and Wildlife Service welcome comments on any issues or concerns you may have. This comment period will end on May 18, 2009. Additional opportunities to comment will take place in 2010. Written comments can be submitted to Jamie Brown at the City of Tucson's Office of Conservation and Sustainable Development via e-mail at [jamie.brown@tucsonaz.gov](mailto:jamie.brown@tucsonaz.gov) or sent to him at the following address: City of Tucson, OCS&D, P.O. Box 27210, Tucson AZ 85726-7210.

You may also submit comments online at [www.tucsonaz.gov/ocsd/HCP\\_comments](http://www.tucsonaz.gov/ocsd/HCP_comments). Finally, written comments will be accepted at the April 16, 2009 Public Open House (6:30 to 8:00 p.m. in the Javelina Room of Ryan Airfield, 9700 W. Ajo Way). For additional information on the HCP, visit [www.tucsonaz.gov/ocsd/HCP](http://www.tucsonaz.gov/ocsd/HCP). Or, contact Jamie Brown at 520-837-6933 or [jamie.brown@tucsonaz.gov](mailto:jamie.brown@tucsonaz.gov).



CITY OF TUCSON

# ANNOUNCEMENT

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## **Public Comment Period Underway for Avra Valley Habitat Conservation Plan**

You are invited to comment on a proposed Habitat Conservation Plan, or HCP, for City of Tucson lands in Avra Valley. The Plan will help the City comply with the Endangered Species Act and ensure that steps to protect vulnerable plants and animals are included in future City water supply and renewable energy projects on the Avra Valley properties.

The City of Tucson and the U. S. Fish and Wildlife Service are hosting an Open House where you can learn more and ask questions.

**Date: Thursday, April 16, 2009**

**Time: 6:30 to 8:00 p.m. (brief presentation at 7:00 p.m.)**

**Location: Javelina Room of Ryan Airfield**

(9700 W. Ajo Way, Tucson, AZ)

We also welcome your written comments. For more information, visit [www.tucsonaz.gov/ocsd/HCP](http://www.tucsonaz.gov/ocsd/HCP), or contact Jamie Brown with the City of Tucson's Office of Conservation and Sustainable Development at (520) 837-6933 or [jamie.brown@tucsonaz.gov](mailto:jamie.brown@tucsonaz.gov).

**The comment period will end on Monday, May 18, 2009.**

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**From:** Jamie Brown  
**To:** Avra\_Valley\_HCP\_stakeholders  
**Date:** 05/08/2009 10:57 AM  
**Subject:** Avra Valley Habitat Conservation Plan Comment Period  
**Attachments:** Avra Valley FAQ\_FINAL.pdf

## **Public Comment Period Continues until May 18 for Avra Valley Habitat Conservation Plan**

The public is invited to comment on a proposed Habitat Conservation Plan (HCP) for City-owned lands in Avra Valley. This planning tool helps ensure that steps to preserve and protect vulnerable plants and animals are included in future land use decisions. The U. S. Fish and Wildlife Service evaluates HCPs to ensure they provide sufficient protection.

As part of developing an HCP, U.S. Fish and Wildlife will review and consider the possible effects of its approval. Interested stakeholders and residents are invited to provide comments on issues or possible effects of an approval of an HCP and associated permit for the lands in Avra Valley. The comment period will end on **Monday, May 18, 2009**. The City of Tucson offers several ways to provide written comments. For information, go to [http://www.tucsonaz.gov/ocsd/HCP\\_comments](http://www.tucsonaz.gov/ocsd/HCP_comments)

*Background:* Approximately 20,000 acres of properties in Avra Valley were purchased in the 1970s and 1980s for their water rights. These lands provide habitat for several vulnerable species, including the federally endangered Lesser Long-nosed Bat. In addition to species protection, the proposed HCP will facilitate compliance with the Endangered Species Act for potential City water supply and renewable energy projects on the Avra Valley properties.

A preliminary draft of the Avra Valley HCP, frequently asked questions (attached), and a map of the planning area are online at:  
[http://www.tucsonaz.gov/ocsd/HCP\\_PublicParticipation](http://www.tucsonaz.gov/ocsd/HCP_PublicParticipation)

Finally, please feel free to share this e-mail message with those in your organization who may have an interest in the Avra Valley HCP or who may wish to provide comments. Should you have any questions, please feel free to contact me at (520) 837-6933 or [jamie.brown@tucsonaz.gov](mailto:jamie.brown@tucsonaz.gov).

Thank you,

Jamie Brown, Environmental Planner  
City of Tucson's Office of Conservation and Sustainable Development

Appendix C: Open house materials  
(Planning document, Comment Form, PowerPoint slides)

**Avra Valley HCP Public Open House**  
NOTES (revised 4-16-09)

**Date, Time, Location**

Thursday, April 16, 2009, 6:30 to 8:00 p.m., Javelina Room of Ryan Airfield (9700 W. Ajo Way). Marit Alanen (USFWS) and Jamie Brown (OCSD) will deliver brief PowerPoint presentations beginning at 7:00 p.m.

**Format**

“Open House” in which there will be staff available to talk with members of the public at three stations (listed below). A half-hour after the beginning of the open house, USFWS and City staff will provide a brief PowerPoint presentation. Comment cards and flip charts will be available at each station to record comments. Should anyone wish to address all staff together, time will be made available at the end of the meeting for such comments.

**Staff Planning to Attend**

- Marit Alanen (USFWS)
- Chris Avery (COT-Water)
- Jamie Brown (COT-OCSD) – Jamie plans to arrive at 6:00 p.m. to set-up.
- Vikki Hibberd (COT-Water) – Vikki will arrive at 3:00 p.m. as Ryan Airfield staff leave at 3:30 p.m.
- Dee Korich (COT-Water)
- Leslie Liberti (COT-OCSD)
- Ries Lindley (COT-Water)

**Presentation** (begin at 7:00 p.m.)

*Content Areas*

- The Endangered Species Act and Habitat Conservation Plans (HCPs) (Marit)
- The Avra Valley HCP and the National Environmental Policy Act (NEPA) (Jamie)

**Stations**

*Station 1*

Topics: The ESA, HCPs, and the NEPA process

Materials: USFWS HCP fact sheet

Staff: USFWS

*Station 2*

Topics: The Avra Valley HCP: Planning Area, Covered Species, Covered Activities

Materials:

- 1) Large map of Avra Valley HCP Planning Area
- 2) Avra Valley HCP FAQ document
- 3) Comment form and box

Staff: COT-OCSD

*Station 3*

Topics: Tucson Water and the Clearwater Project

Materials: Various Maps

Staff: COT-Tucson Water

**Materials**

- Avra Valley HCP FAQ (*Jamie will bring 25 copies*)
- USFWS HCP Fact Sheet (*USFWS staff will bring at their discretion*)
- Comment forms (*Jamie will bring 25 copies*)
- Name badges for staff (*Jamie will bring "Name Badge Labels". Names and affiliation can be written on these. Please let Jamie know if different name badges are needed.*)
- Laptop, projector, and screen for presentation (*Jamie will bring this checked-out TDOT equipment*)
- Large format maps (*Jamie will bring large map of the Avra Valley HCP Planning Area*)
- Flip charts, easels, and markers (*Jamie will bring easels (3), flip charts (3), and markers (3)*)
- Refreshments (*Not an allowable grant expense and no COT funds available. Jamie will purchase water.*)



# Habitat Conservation Plans

## Requirements and Opportunities

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### Prohibition of take:

Section 9 of ESA prohibits unauthorized "take" of listed wildlife

- Definition of "take" includes killing, injuring, harming, or harassing
- Harm can include habitat modification

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### Authorization of take:

ESA authorizes incidental take of listed wildlife

- Section 7 for Federal actions
- Section 10(a)(1)(B) for non-Federal actions

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### Incidental take permits for non-Federal activities

- Authorized by Section 10(a)(1)(B) of the Endangered Species Act
- Require a Habitat Conservation Plan
- Available to private landowners, corporations, Tribal governments, State and local governments, and other non-Federal landowners

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### Purpose of HCPs:

- Provide a means for permitting non-Federal projects that will result in "incidental take" of Federally listed wildlife
- Describe anticipated effects of the proposed taking on affected species and how those impacts will be minimized and mitigated
- Submitted with an incidental take permit (ITP) application and fee

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### Types of activities addressed in HCPs:

- Development (e.g., construction of housing, commercial, industrial, infrastructure)
- Sustainable Uses (e.g., forest, water, and rangeland management)

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### Elements of an HCP:

- Impacts to species
- Measures to minimize, mitigate, and monitor impacts
- Funding to implement the HCP
- Other alternatives considered
- Additional measures as required

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### Species that can be included in HCPs:

- Listed species—at least 1 animal **must** be present
- Proposed species
- Candidate species
- Non-listed species

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### Benefits of HCPs:

- Provide a forum for long-term, regional planning
- Reduce conflicts between endangered species and economic activities
- Allow non-Federal projects that impact listed species to proceed

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### Benefits of HCPs (continued):

- Provide regulatory certainty (“no surprises”) and streamlining
- Develop creative partnerships between the public and private sectors
- Provide for the conservation of species and their habitats, which enhances quality of life for residents

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### Permit Issuance Criteria:

- The taking will be incidental
- The Applicant will avoid, minimize and mitigate impacts to the maximum extent practicable
- The Applicant will ensure that adequate funding is available
- The taking will not appreciably reduce the likelihood of survival and recovery in the wild

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### The “No Surprises” rule:

Additional conservation and mitigation measures will not involve the landowner committing any additional land, water, or financial compensation, or additional restrictions on the use of his/her land, water, or other natural resources, other than those agreed to in the HCP

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### HCPs completed in Arizona:

- El Coronado Ranch (1998) Yaqui fish
- Lazy K Bar Ranch (1998) pygmy-owl
- SRP Roosevelt Dam (2003) flycatcher, cuckoo, bald eagle, YCR
- Sky Ranch (2004) pygmy-owl
- Lower Colorado River (2005) multi-spp
- Malpai Borderlands Group (2008) multi-spp
- Horseshoe-Bartlett (2008) multi-spp

05/22/2009

Habitat Conservation Plans

## Habitat Conservation Plans

### HCPs in Progress in Arizona:

- Town of Marana (Draft) multi-spp
- Pima County (Draft) multi-spp
- City of Tucson multi-spp

05/22/2009

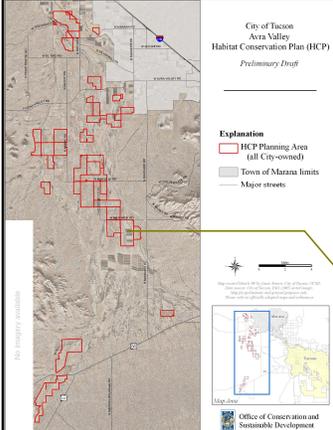
Habitat Conservation Plans



## The City of Tucson's Avra Valley Habitat Conservation Plan

*Preliminary Draft*

April 2009

City of Tucson  
Avra Valley  
Habitat Conservation Plan (HCP)  
*Preliminary Draft*

**Explanation**

- HCP Planning Area (all City-owned)
- Town of Marana limits
- Major streets

**Avra Valley HCP  
Planning Area**

- Purchased in the 1970s and 1980s for water rights
- Consists of nearly 20,000 acres
- Avra Valley is also the location of Tucson's Clearwater facilities, where Colorado River water is percolated into the ground, mixed with groundwater, and delivered as part of the drinking water supply

Office of Conservation and Sustainable Development



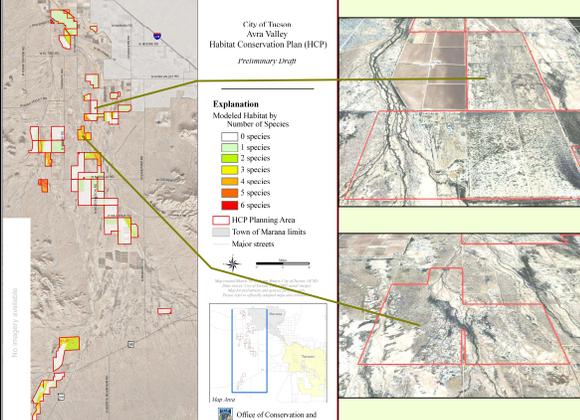
## Avra Valley HCP Covered Activities

- Tucson Water may be expanding its *water recharge and recovery facilities*.
- The utility may also install *solar power or other renewable energy facilities* that will help bring renewable energy supplies to the community.




## Avra Valley HCP Covered Species

Species	Federal Status
Lesser Long-nosed Bat ( <i>Leptonycteris curasoae yerbabuena</i> )	Endangered
Pale Townsend's Big-eared Bat ( <i>Corynorhinus townsendii pallascens</i> )	Species of Concern
Western Yellow-billed Cuckoo ( <i>Coccyzus americanus</i> )	Candidate
Cactus Ferruginous Pygmy-Owl ( <i>Glaucidium brasilianum cactorum</i> )	Delisted May 15, 2006, currently under 12-month status review
Western Burrowing Owl ( <i>Athene cunicularia</i> )	Species of Concern
Tucson Shovel-nosed Snake ( <i>Chionactis occipitalis klauberi</i> )	Currently under 12-month status review
Groundsnake (valley form) ( <i>Sonora semiannulata</i> )	None

City of Tucson  
Avra Valley  
Habitat Conservation Plan (HCP)  
*Preliminary Draft*

**Explanation**

Modeled Habitat by Number of Species

- 0 species
- 1 species
- 2 species
- 3 species
- 4 species
- 5 species
- 6 species

HCP Planning Area

Town of Marana limits

Major streets

Office of Conservation and Sustainable Development



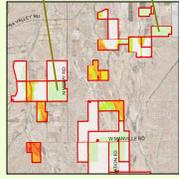
## Avra Valley HCP Other Elements

**Minimizing and Mitigating Impacts**

- *Example:* If impacts are planned, then lands will be set-aside based on species-specific mitigation ratios

3 to 1 mitigation example

30 acres set-aside here      10 acres of impact here



**Monitoring and Funding**

- Under development with guidance from the Technical Advisory Committee





## Avra Valley HCP Public Participation

### The National Environmental Policy Act, or NEPA

The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation: and to establish a Council on Environmental Quality

Source: 42 USC § 4321




## Avra Valley HCP Public Participation

### Possible alternatives for consideration

- *No Action alternative*
  - ESA compliance on a project-by-project basis
  - No comprehensive, regional approach to species conservation
- *Other possible alternatives*
  - An HCP for some subset of proposed covered species and/or covered activities
  - An HCP with varying levels of take anticipated and amount, type, and location of mitigation

### Comment period will help determine alternatives




## Avra Valley HCP Public Participation

### Timeline

Open House (Apr. 16)

Complete report on comments received (date TBD)

Complete draft Environ. Assess. (early 2010)

2009

2010

Beginning of 60-day Comment period (Mar. 18)

End of 60-day Comment period (May 18)

Complete final draft HCP (Nov. 30)

Additional opportunities to comment (dates TBD)




## Avra Valley HCP Public Participation

### Comment period: How to submit comments

- Comment form provided at this meeting
- Send a written letter or e-mail to:
 

Jamie Brown, Office of Conservation and Sustainable Development,  
City of Tucson, P.O. Box 27210,  
Tucson AZ 85726-7210  
jamie.brown@tucsonaz.gov
- Complete the electronic comment form at [www.tucsonaz.gov/ocsd/HCP\\_comments.php](http://www.tucsonaz.gov/ocsd/HCP_comments.php)

### Deadline: May 18, 2009




## The City of Tucson's Avra Valley Habitat Conservation Plan

*Preliminary Draft*

Photo credits: Tom Brennan, Bob Miles, C. Schwalbe, J.A. Spindlow, Bruce Taubert, AGFD, USFWS

