
SENT VIA ELECTRONIC MAIL

August 26, 2011

Suzanne Shields
Director, PCRFC
97 East Congress, 3rd Floor
Tucson, AZ 85701

**Re: Proposed Onsite Riparian Habitat Mitigation Guidelines and Proposed
Offsite Riparian Habitat Mitigation Guidelines**

Dear Ms. Shields:

Metropolitan Pima Alliance (MPA) and the Southern Arizona Homebuilders Association (SAHBA) have been pleased to participate in the stakeholder discussions with Pima County Regional Flood Control District (PCRFC) on issues relating to Regulated Riparian Habitat and Onsite and Offsite Mitigation Guidelines. We appreciate the time you and PCRFC staff have taken to listen to the respective concerns of our organizations. We are in receipt of the most recent draft of the Offsite Mitigation Guidelines. While the process has been productive, there are a few issues of importance to the real estate construction and development professions in Southern Arizona we would like to bring to your attention. Furthermore, we ask these issues to be remedied, prior to Board action.

Title 16 Floodplain and Erosion Hazard Management Ordinance (Ordinance)

As you know, this Ordinance has been in effect for six years. Through the stakeholder process of the onsite and offsite mitigation guidelines, it has become apparent that many of our concerns are related to the Ordinance. We think it is an appropriate time to make the following modifications to Title 16 based on the recommendations of industry representatives:

- Reduce maintenance and monitoring requirements from five (5) years to three (3) years. Based on professional input we have received, this is a sufficient time period to determine viability of the restored area.
- Revise the one-third (1/3) acre mitigation threshold. We feel it is appropriate that the disturbance threshold be based a sliding scale based on the size of the project.
- Eliminate Xeroriparian Habitat D from the regulations. The emphasis of protecting our riparian areas should be placed on riparian types with the highest biological values. Provided that these areas are protected, development should be encouraged in other areas. Requiring mitigation and mitigation planning for Xeroriparian D habitat presents a

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significant regulatory and cost impediment for new development without an associated biological benefit.

- The PCRFCO Director, in consultation with the PCDSO Director, should have more discretion in interpreting ordinance requirements on a project by project basis.

Riparian Habitat Onsite Mitigation Guidelines

- In the current draft, mitigation must be provided for all Riparian Habitat disturbed. This requirement does not take into consideration disturbances that are required by Pima County or any other government entities in association with the proposed development. While there should be an appropriate level of mitigation for the new development project, mitigating for disturbances due to a jurisdictional mandate (such as roads, drainage, trails) should not be included in the calculation.
- We believe mitigation ratios greater than 1:1 are excessive and, in some cases, can lead to overplanting, reducing the likelihood of healthy riparian vegetation establishment. The 80% success threshold for new plantings ensures plant survivability, and eliminates the requirement for higher mitigation ratios. We would like the County to consider a lower mitigation ratio and allowing greater discretion for the PCRFCO Director and staff to adjust ratios accordingly to maximize the economic utility of the parcels. The cost associated with mitigation in some cases challenges the feasibility of new projects.

Riparian Habitat Offsite Mitigation Guidelines

- Using the offsite mitigation option should be available for any riparian class if avoidance cannot be achieved. We anticipate that in some cases it will be very difficult to show that avoidance is not possible and that mitigation entirely onsite is not feasible. The documentation required to support these determinations made by the County would be highly subjective and could result in additional and unreasonable costs which may not be viable for a proposed community to bear.
- The current draft of the guidelines requires that all disturbances of riparian habitat have a multiplication factor for the associated mitigation. Other than IRA and Class H Riparian Habitat, the multiplier should be removed.
- The increased cost to mitigate based on the riparian classification and percentage of habitat disturbance should be eliminated. An applicant is already paying a higher cost for Important Riparian Areas and Class H Habitat restoration costs and this is enough of an incentive for avoidance.

ILF Calculation and Fee Collection.

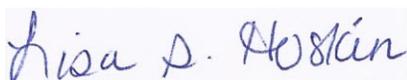
The proposed in lieu fee calculation – while well thought through - equates to fees that we believe are excessive. Costs of \$50,000 or more per acre do not pose a legitimate option to the development community. As you are aware, the average per acre cost for the 1997 Acquisition Bond properties is \$3,900 per acre and the average per acre cost for the 2004 Acquisition Bond properties is \$3,500 per acre. This is substantially less than the proposed ILF calculations. Instead, we propose a flat fee alternative of \$15,000 per acre for planned residential and commercial projects over 10 acres in size. This amount includes a multiplier for management and monitoring costs that the County will incur. This proposed in lieu fee should make a significant contribution toward the County's overall riparian protection and environmental preservation goals while representing a more fair and reasonable cost to be incurred by the development community.

ILF Land Purchase

A property owner should have the option of providing biologically rich resource value acreage in lieu of on-site mitigation, when avoidance is not possible and payment of an in lieu fee is not selected. Pima County has identified land that is desirable for acquisition under the Pima County Conversation Lands System and these lands, or others which possess specific environmental resource attributes, should serve as potential off-site mitigation parcels.

In conclusion, we believe the proposed changes outlined in this letter represent a reasonable compromise. Incorporating them into the final version allows for the protection of our region's riparian habitat while ensuring a regulatory environment that fosters economic growth and development.

Sincerely,



Lisa Hoskin
Government Relations Director, MPA



David Godlewski,
President, SAHBA