



**PIMA COUNTY
REGIONAL FLOOD CONTROL DISTRICT**
97 EAST CONGRESS STREET, THIRD FLOOR
TUCSON, ARIZONA 85701-1797

**SUZANNE SHIELDS, P.E.
DIRECTOR**

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October 9, 2009

David Godlewski
Southern Arizona Homebuilders Association
2840 N. Country Club Road
Tucson, AZ 85716

Subject: Floodplain and Erosion Hazard Management Ordinance – Requested Revision of Chapter 16.30 – Watercourse and Riparian Habitat Protection and Mitigation

Dear Mr. Godlewski:

As you are aware, the District, through the Mitigation Working Group, has been drafting new onsite mitigation guidelines to support the riparian habitat protection regulations found in the Floodplain and Erosion Hazard Management Ordinance (Ordinance). We were hoping to be able to adopt this guidance entitled, *Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines* (Guidelines).

Separately, the District is proposing modifications to the Ordinance in areas unrelated to the provisions associated with riparian habitat protection. The District appreciates your thoughtful and relevant comments associated with this action, and modifications have been made to the proposed revisions as a result of your input.

Although the Ordinance and Guidelines revisions are happening concurrently, they each address different needs. The District is proposing revisions to the Ordinance in response to changes to policy from the state (expanded enforcement authority for administrative hearing and civil penalties), at the federal level (modified levee standards, and greater inclusion of Clean Water Act requirements), and by the Board of Supervisors (modified definition of Floodway). These issues have been proposed by the District, reviewed by relevant stakeholders and improvements made through a process that took the greater part of two years.

We have received comments on the Guidelines from your organization and others that would require revisions to Chapter 16.30 of the Ordinance. Specifically, changing the one-third of an acre trigger for mitigation and creating exemptions. Such a change would require considerable effort to coordinate with all stakeholders, but would have little chance of approval. The original riparian habitat regulations required mitigation for any disturbance and it was very difficult to establish the one-third of an acre trigger that is in the current ordinance. Creating exemptions for roadways or other public infrastructure would be even more problematic and the Board of Supervisors' position has been to hold public improvements to the same standard if not a higher standard.

David Godlewski, Southern Arizona Homebuilders Association

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I do understand your interest in developing flexibility for mitigation, both onsite and offsite, and for monitoring requirements. For the past two months, we have been working on new language for the Guidelines as well as offsite mitigation standards.

I have asked staff to compile the concerns and comments you have to the Guidelines and Chapter 16.30 of the Ordinance. We will be holding additional meetings with the Mitigation Working Group to discuss comments received along with alternative language/revisions. SAHBA has a representative on the Mitigation Working Group and the meetings are open so that interested parties may attend.

Once again, I appreciate the valuable insight and thoughtful input you have provided to both the Ordinance revisions and Guidelines development processes.

If you have any questions, or if you would like to schedule a meeting, please call me at 243-1880.

Sincerely,



Suzanne Shields, P.E.
Director and Chief Engineer

SS/tj

c: Eric Shepp, P.E., Manager – Floodplain Management Division
Carla Danforth, Environmental Planning Manager – Water Resources Division
Marisa Rice, Senior Hydrologist – Water Resources Division