

# PIMA COUNTY FLOOD CONTROL DISTRICT REVISION OF RIPARIAN HABITAT MITIGATION MEASURES

## Mitigation Working Group Meeting

### Meeting No. 6

November 4, 2009, 3:00 pm

Location: 97 E. Congress St., Tucson

#### Attending:

David Godlewski	MWG - SAHBA
Karen Cesare	Novak Environmental
Robert Tucker	MWG - Diamond Ventures
Priscilla Storm	MWG - Diamond Ventures (attended via phone)
Suzanne Shields	Pima County RFCD
Carla Danforth	Pima County RFCD
Marisa Rice	Pima County RFCD

The focus of this meeting was to review and discuss revisions made to the July 2009 draft of the Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines (Guidelines).

#### **Item 1: Introductions**

#### **Item 2: Discussion with Suzanne Shields, RFCD Director, regarding MWG members request to revise Chapter 16.30 of the Ordinance**

Due to low attendance with the passing of Maeveen Behan, the MWG was unable to achieve consensus on current revisions. Suzanne recommended scheduling another meeting within the next couple of months to discuss revisions and come to a consensus on language.

Suzanne also emphasized that the District does not want to rush the revision process and is willing to allow adequate time to resolve the few remaining issues with current draft language. Given the group has come to a consensus on a majority of the language included within the new draft, Suzanne will sign a memo allowing use of the Revised Guidelines in implementing onsite mitigation requirements for Chapter 16.30. Those sections still unresolved will be excluded from use until consensus is achieved among members and the document is reviewed and approved by the Board of Supervisors.

#### **Item 3: Review Revisions to July 2009 draft Guidelines**

With the limited number of MWG members in attendance, a brief discussion ensued concerning revisions to the July 2009 draft Guidelines and Chapter 16.30 of the Ordinance. The following items were discussed:

Suzanne briefly discussed requests by MWG members to revise Chapter 16.30 of the Ordinance. She explained that delays in adoption of the Ordinance would occur if the one-third acre mitigation trigger was revised and emphasized the importance of moving forward on the currently revised draft (revisions including but not limited to; enforcement authority to administrative hearing and civil penalties, modified levee standards, greater inclusion of Clean Water Act requirements, and modified definition of Floodway). Two concerns that were

commented on consistently by MWG members were (1) Allowing boundary modifications of IRA and (2) Revising the mitigation trigger for larger developments.

She recommended item no. 1 be addressed through the planning process (rezonings, comprehensive plan amendments, etc.) and not through Title 16. This would allow for public review of any boundary modifications and review and approval by the BOS.

Item no. 2 may be addressed through the Conservation Plan by allowing relief from the 1/3 mitigation trigger in exchange for assessing and preserving the most important biological resources of a particular project site and/or providing alternative mitigation methods to achieve similar results to those proscribed in the onsite mitigation Guidelines. Stated another way, the Conservation Plan must emphasize preservation with only necessary impacts to riparian and other biological resources allowed. In this way, required infrastructure, such as roadways and utilities that may exceed one-third acre, would not require mitigation if every effort was made to minimize impacts by siting development outside of ecologically sensitive areas and development met the minimum Conservation Plan requirements. Suzanne emphasized the importance of the Conservation Land System (CLS) in guiding development.

Suzanne briefly discussed the Conservation Plan (CP) language/concept. She explained the CP would give credit for preserving areas that were not mapped as habitat and credit for preserving upland areas adjacent to riparian corridors (upland buffers).

Priscilla mentioned she had spoken to Carolyn Campbell about the concept, prior to the current revised language, and Carolyn's concern was that the language placed very little constraints on applicants and did not proscribe minimum mitigation requirements.

Karen felt the revised CP language was well drafted and provides adequate guidance for larger development projects.

The members present came to a consensus that the CP should be revised to incorporate minimum requirements. Ideas included not disrupting/fragmenting riparian corridor connectivity and maximum disturbance allowed. The following tiered table, created by Westland Resources, was proposed by members present, who felt the table increases protection of higher value habitat over lower value habitat:

*"The levels of disturbance that trigger mitigation requirements for the various regulated habitat types are based upon the following preservation and conservation objectives. The following conservation objectives presume that mitigation impacts will not block or eliminate connectivity of riparian areas to upstream and downstream habitat.*

*When the Conservation Plan option is chosen, the following minimum requirements must be met:*

- *Important Riparian Area – 95% conservation*
- *Hydroriparian and Mesoriparian Habitat (inside and outside of an IRA) – 100% conservation*
- *Xeroriparian Class A and B – 95% conservation*
- *Xeroriparian Class C – 75% conservation*
- *Xeroriparian Class D – 70% conservation"*

Priscilla stated that Diamond Ventures, working with Westland Resources, had come-up with the tiered table and worked diligently to sell the concept to the development community, not all

of which were accepting of the idea at first. She believes consensus has been reached within the development community to accept the proposed tiered concept.

Suzanne offered to set-up individual meetings with interested MWG members to discuss concepts further, prior to the next MWG meeting and is open to incorporating Conservation Plan language into Chapter 16.30, only if consensus among all of the MWG members is reached.

The next item discussed was the five year maintenance and monitoring requirement. Priscilla felt that the requirement was excessive given establishment times for native vegetation. She felt monitoring costs for larger projects would be excessive and had concerns over how to implement a monitoring plan with phased projects (when impacts/mitigation occur in phases, over a number of years). She also mentioned staff's concerns over invasive species control and stated that ADEQ has invasive species control requirements and that the District's requirement result in overlapping regulations.

Suzanne stated that for larger projects, aerial photographs may be a more cost effective option to capture the mitigation area. Both Carla and Suzanne emphasized that monitoring plans do not require plant surveys, only photographs of the mitigation area and a brief summary of problems encountered and/or health of the mitigation area.

Another concern by members present was the five year maintenance requirement, even though "success" of the mitigation area may be reached within a shorter time period. Suzanne responded that, depending upon the type of habitat to be established and site conditions, after the first couple of years, maintenance cost should taper off, with maintenance consisting of invasive species control, irrigation if needed, and/or assessing general plant health. Language will be added to the maintenance appendix to clarify.

Group members requested waiting until the offsite mitigation guidelines were complete before sending onsite mitigation guidelines to the BOS. Suzanne was okay with this recommendation and will draft a memo allowing staff to use the onsite mitigation guidelines (excluding the Conservation Plan) in the interim.

Members present requested individual meetings with the District prior to the next MWG meeting to discuss language and requirements.

Priscilla briefly commented on the offsite mitigation guidelines. She requested that land acquisition guidelines allow some flexibility and not be too prescriptive.

#### **Item 4: Action Items**

The District will revise language for subdivision plat and development plan monitoring plan requirements and post on the RFCD website for MWG member review. Memo for Suzanne's signature will be drafted that allows for use of the revised Guidelines in implementation of Chapter 16.30 (in particular, onsite mitigation requirements).

The District requests MWG members review and provide detailed comments on the current revisions, in particular, the Conservation Plan language. This may include revised language and/or concepts. Comments received will be presented and discussed at the next MWG meeting. The District would like to get comments back from the MWG as soon as possible to prepare for and schedule the next MWG meeting.

Meeting no. 7 will be scheduled for early January, based upon MWG member availability. Individual MWG members may schedule a meeting with the District in the interim to discuss language and requirements.

END NOTES