

PIMA COUNTY FLOOD CONTROL DISTRICT REVISION OF RIPARIAN HABITAT MITIGATION MEASURES

Mitigation Working Group Meeting Meeting No. 5

December 11, 2008, 3:00 pm
Location: 201 N. Stone, Tucson

Attending:

Lynsey Miller	MWG - RINCON	Karen Cesare	Novak Environmental
Robert Tucker	MWG - Diamond Ventures	Robert Medler	Chamber of Commerce
Kathleen Kennedy	MWG - CSDP	Dan Signor	Pima County DSD
Carolyn Campbell	MWG - CSDP	Sherry Ruther	Pima County DSD
Tim Johnson	MWG - The Planning Center	Suzanne Shields	Pima County FCD
Priscilla Storm	MWG - Diamond Ventures	Carla Danforth	Pima County FCD
Michael Guymon	MWG - MPA	Marisa Rice	Pima County FCD
David Godlewski	MWG - SAHBA	Ann Donohue	Pima County FCD
Jim Tress	MWG - WestLand Resources	Scott Peters	EPG
		Lori Tuchman	EPG

The focus of this meeting was to review and discuss revisions made to the Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines (Guidelines), and to discuss new concepts to potentially include in the document.

Item 1: Introductions

Item 2: Overview of the proposed adoption schedule and offsite mitigation guideline process

- Carla Danforth with the Pima County Flood Control District (District) presented an overview of the on-site Riparian Habitat Mitigation process to the Mitigation Working Group (MWG). The District anticipates the revised Guidelines will be available for public review and comment in late January, 2009. Public meetings are scheduled for January 27th and 28th, 2009. The Guidelines will be submitted to the Board of Supervisors (BOS) for final approval in March, 2009.
- The District will resume development of the off-site Riparian Habitat Mitigation Guidelines in February, 2009. The process used to develop these guidelines will be similar to the process used to develop the on-site mitigation Guidelines. MWG meetings will resume for public review and input.
- Suzanne Shields, P.E., Chief Engineer for the District explained to the MWG that the District is currently revising their Floodplain and Erosion Hazard Management Ordinance #2005-FC2 (Ordinance). Significant revisions include the following; the first is developing a more accurate definition for canyon washes. These washes tend to be narrower and more constrained, resulting in a more severe impact to adjacent properties when encroachment occurs. The second item is in response to revisions of the Arizona Revised Statutes, which provide authority to flood control districts to enact and enforce floodplain regulations. Prior to the new statute, violations to the Ordinance could only be enforced through criminal penalties

(Class 2 Misdemeanor). The new statute allows flood control districts to enforce floodplain regulations through civil penalties, by imposing fines on property owners in violation of the Ordinance.

At this time, there will be no changes to Chapter 16.30 (*Watercourse and Riparian Habitat Protection and Mitigation Requirements*) of the Ordinance. Information regarding the revisions to the Ordinance is available on the District's web site (www.rfcd.pima.gov).

Item 3: Overview of the changes to the draft mitigation guideline document

Initially the Guidelines were intended for single-lot developments and were seen as a "one size fits all" or cookbook approach to mitigation. The District and the MWG have been working to create a more effective, comprehensive document with consistent guidelines that can be used by applicants for any type of development, small or large.

The revised Guidelines clearly outline the District's priorities when a property owner impacts riparian habitat (avoid, minimize, on-site mitigation, etc.) and alternatives to help applicants work through the mitigation process. Handouts were provided to the group that included:

1. A list of the key changes that occurred when the Ordinance was adopted;
 2. A list of the proposed changes to the Guidelines that will help facilitate implementation of the Ordinance.
- A new concept was presented to the MWG. The District proposed a reduction in mitigation requirements for eradicating target invasive/noxious species on a project site. If a project site is heavily populated (>25%) with invasive/noxious weeds, then eradication of those weeds could mean a reduction in the number of mitigation plants that are required by 20%, if the invasive species are eradicated from the entire property prior to implementing the riparian habitat mitigation plan. It was mentioned that this concept might be more applicable to single-lot or commercial developments and not applicable for larger sites (i.e. subdivisions, master planned communities, or other sites greater than 100 acres). It was explained that this concept was not included in the revised Guidelines, but the District wanted to discuss this concept with the MWG and see if it was an idea they would like to further develop and incorporate into the Guidelines

There was a brief discussion with the MWG regarding the proposed concept. The following is a summary of items discussed:

- Jim Tress asked how the District was defining a project site. Is a project site the entire parcel or is it the areas where disturbance is occurring for construction/improvements? Jim mentioned that you will never be able to eradicate all of the noxious/invasive weeds on a site. If this concept is applied to the whole site, the District may be missing opportunities on larger sites where eradication would be extremely difficult.
- Tim Johnson asked if this concept was applicable to Natural Open Space (NOS). He mentioned that most sites that are developed will be bladed and built on so there would be no invasive species growing in those disturbed areas. It might be beneficial to consider including NOS areas for eradicating noxious/invasive weeds.

Homeowners Associations could incorporate a list of prohibited plants in their CC&R's to ensure common areas or NOS are free of invasive/noxious species.

- Members asked how you manage invasive species coming from other properties. If the District moves forward with this concept, they will look at management strategies for each species that they can provide to applicants. This is also a good opportunity to educate the community. If people realize that invasive species migrate from site to site, they may try to inform their neighbors and other community members of the effects of not eradicating on their property.
 - Many of the MWG members felt as though the 20% coverage was too high for large developments, but overall the group was interested in the District pursuing this concept. The District noted that the 20% coverage was picked arbitrarily as a starting point for discussion.
 - Members felt that incentives for reduction in planting requirements would work. If applicants choose not to do it, then at least it brings some awareness to the community.
- The revised Guidelines also included the addition of methods for conducting on-site plant surveys. If an applicant has Regulated Riparian Habitat on their property, they can either follow the Guidelines or, if they feel that the Riparian Classification Maps do not accurately reflect what is on their property, they have the option to field verify the site conditions and re-delineate if appropriate. Field verification and re-delineation is allowed by the Ordinance, however, until now, a formal procedure has not been established.

There are two methods for field verification that the District has included in the proposed Guidelines:

1. Total Vegetative Volume (TVV)
2. Quadrat Sampling

(Handouts outlining each of these methods were distributed to the group.)

There was a brief discussion regarding the field verification methods. The following is a summary of items discussed:

- Important Riparian Area (IRA) boundaries cannot be re-delineated; however, the underlying riparian habitat class boundaries can be re-delineated if applicants feel that the classification maps do not reflect what is on their property. Disturbance to both IRA and the re-delineated riparian habitat will require mitigation.
- The District wanted to include a method that residents could use so they would not have to hire a professional, therefore, residents can use the Quadrat Sampling method to verify Xeroriparian Class D habitat, otherwise there are too many species to identify and they would need to hire a professional (i.e. Biologist, Landscape Architect, Arborist, etc.).
- Jim Tress felt that only allowing residents to conduct a Quadrat Sampling on a Xeroriparian Class D habitat was too restrictive and noted that some Class D areas have more plant species than some Class A, B, or C. Residents should have the option to perform their own delineation on any Xeroriparian Class.

- It was recommended that the District set a standard or quality of the re-delineation report to be submitted and the District has the option to either accept the report or reject it.
- The District felt that allowing residents to attempt an on-site plant survey of Xeroriparian Classes A-C habitat, would create more work for the District because they would spend more time working with applicants through the procedure/process, and in the end, may still require a qualified professional if the plant survey is found to be inaccurate. This could lead to frustration and anger on behalf of the applicant/property owner resulting from time spent performing the survey and delays in obtaining a permit. Additionally, it would be difficult to verify the applicant/property owner is correctly counting and identifying plant species, without performing site visits to each property that is surveyed. It is assumed a qualified professional has the knowledge and experience to correctly identify plant species and will be sealing the survey. By sealing the survey, the registrant is certifying the information provided is accurate. Staff also noted that typically, Class H and Xeroriparian Classes A-C have greater plant densities and more species diversity relative to Class D, which makes these types of habitat more difficult to survey.
- Jim Tress suggested leaving the Guidelines as they are and adding an additional section which would simplify the process for single-family lots. He recommended that applicants for single-family lots count the number of trees and shrubs that will be disturbed and replace that number. If an applicant does not know what a tree or shrub species is, then have them take photographs and meet with the District to determine what species are on site that needs to be replaced.
- Tim Johnson asked how much of the disturbance to riparian habitat areas is caused by single-family versus larger developments, and asked if we were focusing too much on the small percentage of those causing disturbance. Carla Danforth noted that only a small percentage of the plans they see are single-family developments. The District is concerned with the fragmentation of the riparian habitat that is caused by the single-family parcels. The District will consider options that would make the field verification process easier for residents to conduct themselves.
- There was a brief discussion regarding the 3:1 replacement ratio requirement for trees within Xeroriparian Class D habitat . Karen Cesare noted that there is a consistent methodology for the vegetation requirements for Class H and the Xeroriparian Classes A-C habitats, but the requirements outlined for Xeroriparian Class D seem to be excessive in relation to the value of the habitat disturbed, unless the Class D is underlying IRA, in which case the Ordinance has provisions for “restoring” these areas. Ms. Cesare was not clear as to why the District would require a higher mitigation ratio for Class D than all the other classes of habitat,. Carla Danforth explained that this issue was discussed during previous MWG meetings and decided upon by the group and goes back to the variability found within Class D habitat and trying to determine how to address this variability within the Guidelines.

Jim Tress said that Class D habitat becomes a question of sustainability. If there are only 5 trees on a Class D site, there is a reason why that site is only able to sustain that number of trees. It does not make sense to require more trees when they will most likely not be able to survive. Does it make sense to plant more trees on a site that can only sustain a few?

- The MWG agreed that Xeroriparian Class D habitat located within an IRA would require restoration because they are serving a larger system as linkages between other riparian areas. In those situations a 3:1 replacement might be appropriate for Xeroriparian Class D areas.
- A seedling is to be counted as a mature tree in the field surveys.

Item 4: Discussion of the draft mitigation Guidelines

The District provided the MWG with a handout outlining, by section, revisions to the Guidelines. The following is a summary of the items discussed:

- MWG members wanted to know if an applicant could enhance riparian habitat located within Natural Open Space (NOS), regulated under the Native Plant Preservation Ordinance (NPPO). Sherry Ruther with Pima County Development Services Department (DSD) mentioned that applicants could plant within NOS set-aside areas, if the additional vegetation will be restoring and/or enhancing the existing plant community and if installation is implemented so as to not impact existing vegetation. If the enhancement/benefits outweigh the impacts, then motorized equipment may be allowed. Each project would be reviewed on a case-by-case basis and DSD is willing to work with applicants.

The group asked if the structure of a channel can be modified to increase flows which would enhance riparian habitat. Can that type of disturbance occur? DSD will discuss this issue with developers.

- A water harvesting appendix was developed and added to the Guidelines. The District is encouraging the use of water harvesting techniques and is seeing more people use them on their property. Marisa Rice (District) recently reviewed several projects where mitigation plantings were placed within water harvesting basins.
- Some of the MWG members felt that a sample size of 20% for the Quadrat Sampling method was too much. They indicated that qualified professional using standard sampling procedures can typically gain an understanding of the vegetation communities and densities without needing to sample 20% of the site. It was suggested that the District not specify the percentage required for sampling in the Guidelines and say that applicants must develop a methodology appropriate for the site and have it reviewed and approved by the District. Suzanne Shields (District) mentioned that this is what the District has tried to address in the Guidelines, but that maybe it needs to be clarified further.
- Priscilla Storm informed the group that many investors, especially those from out of state, often opt not to come to the area because when they conduct their due diligence when looking for real estate in Pima County, they conclude that the requirements are too restrictive, the process is too difficult, and it is very costly. A lot of investors' information comes from what they can obtain from the internet. If within the Guidelines it is made known that the District is willing to work with the developers and applicants, they may be more likely to consider investing in the County. Ms. Storm commended the District on their work and their efforts to listen and work with the community on developing a clear, comprehensive set of mitigation riparian guidelines.

Item 5: Action Items

The District would like to get comments back from the MWG as soon as possible so that they can work on incorporating them into the Guidelines, and finalizing the document for submittal to the BOS.

END NOTES