



MEMORANDUM

Date: August 29, 2024

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Lesh 
County Administrator

Re: **Additional Information for the September 3, 2024 Board of Supervisors Meeting - Agenda Items #10 and #16 - Resolution to Approve an Exception to the Multi-Species Conservation Plan Restricted Covenant to Improve Wildlife Habitat and Movement**

Background

Pima County (County) and the Pima County Regional Flood Control District (RFCD) own certain properties between Interstate 10 (I-10) and the Santa Cruz River within the Avra Valley/I-10 Critical Landscape Connection (CLC) as identified in the Maeveen Marie Behan Conservation Lands System (CLS). These properties are adjacent to an unused railroad spur that crosses underneath I-10 and provides one of the last remaining opportunities in this region to facilitate wildlife movement under I-10 and establish a functioning wildlife corridor between the Tucson Mountains and the Tortolita and Catalina Mountains. The properties at issue collectively constitute the western approach to the abandoned railroad spur under I-10 and are essential for functioning of the Avra Valley/I-10 wildlife corridor (Attachment).

Due to previous disturbance by development and agricultural activities, these properties require restoration and other enhancement activities before they can meaningfully contribute to the functionality of the CLC. The County and RFCD have planned a number of such efforts for these properties, the first of which is a wildlife ramp to be built on a levee in an adjacent stretch of the Santa Cruz River that will allow wildlife to exit the river and access the underpass. This project is included in RFCD's Santa Cruz River Management Plan and construction is planned to begin on this wildlife ramp in October 2024 with RFCD funds.

Other planned restoration and enhancement efforts include significant revegetation, the placement of fencing to guide wildlife across the County properties and safely into the underpass, and other related activities like grading, topography modification, and invasive species control to restore these properties as wildlife habitat and a functional movement corridor. Ultimately, the County, RFCD and other stakeholders intend to develop a wildlife bridge spanning the interstate at this location, similar to the very successful wildlife bridge spanning Oracle Road north of Oro Valley. Use of the existing underpass is an interim measure.

A 2008 development agreement between the owner of adjacent private property, Avra Valley Mining & Development LLC, and the County and RFCD also addresses these wildlife movement enhancements. The agreement provided the initial land dedications to the County and RFCD and will provide supplemental funds to be used to improve the overall functionality

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The Honorable Chair and Members, Pima County Board of Supervisors
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of the CLC while allowing for the granting of specific utility easements across County and RFCD properties that are necessary for the private development.

Because of their key importance in maintaining and enhancing landscape connectivity in this area, these properties are intended to be used as mitigation for the County's Multi-species Conservation Plan (MSCP) and associated incidental take permit under Section 10 of the Endangered Species Act, and as such they have all been encumbered with the MSCP Master Restrictive Covenant (MRC). The MRC limits nearly all ground-disturbing activities to preserve the conservation value of encumbered properties and prohibits most, if not all of the beneficial actions discussed above. However, the MSCP-MRC anticipates the need for habitat restoration activities and provides a specific exception allowing for "any use of the restricted property which the County Board of Supervisors in its reasonable discretion determines is necessary to retain, restore, or enhance the mitigation of incidental take covered by the Permit." (MSCP-MRC Sec. 5.1.)

Restoring wildlife habitat on these properties and improving the functionality of the CLC will not only improve the mitigation value of these properties, but it will also allow the County and RFCD to claim additional mitigation credits. The MSCP specifically provides additional credits for the "construction of wildlife crossing structures to improve connectivity among populations," for "non-native species removal and control efforts that are above and beyond those required in the MSCP," and for upland restoration efforts. (MSCP Sec. 4.4.3, 5.1.3.2.)

The wildlife ramp project and future on-the-ground improvements planned for these properties will enhance the viability of this CLC and are essential to an enduring interconnected landscape which is a primary goal of the CLS, a cornerstone of the MSCP, and fundamental to County and RFCD compliance with the incidental take permit. As such, the planned wildlife crossing and restoration project constitutes exactly the type of activities anticipated by the exception found in MSCP-MRC Section 5.1.

Recommendation

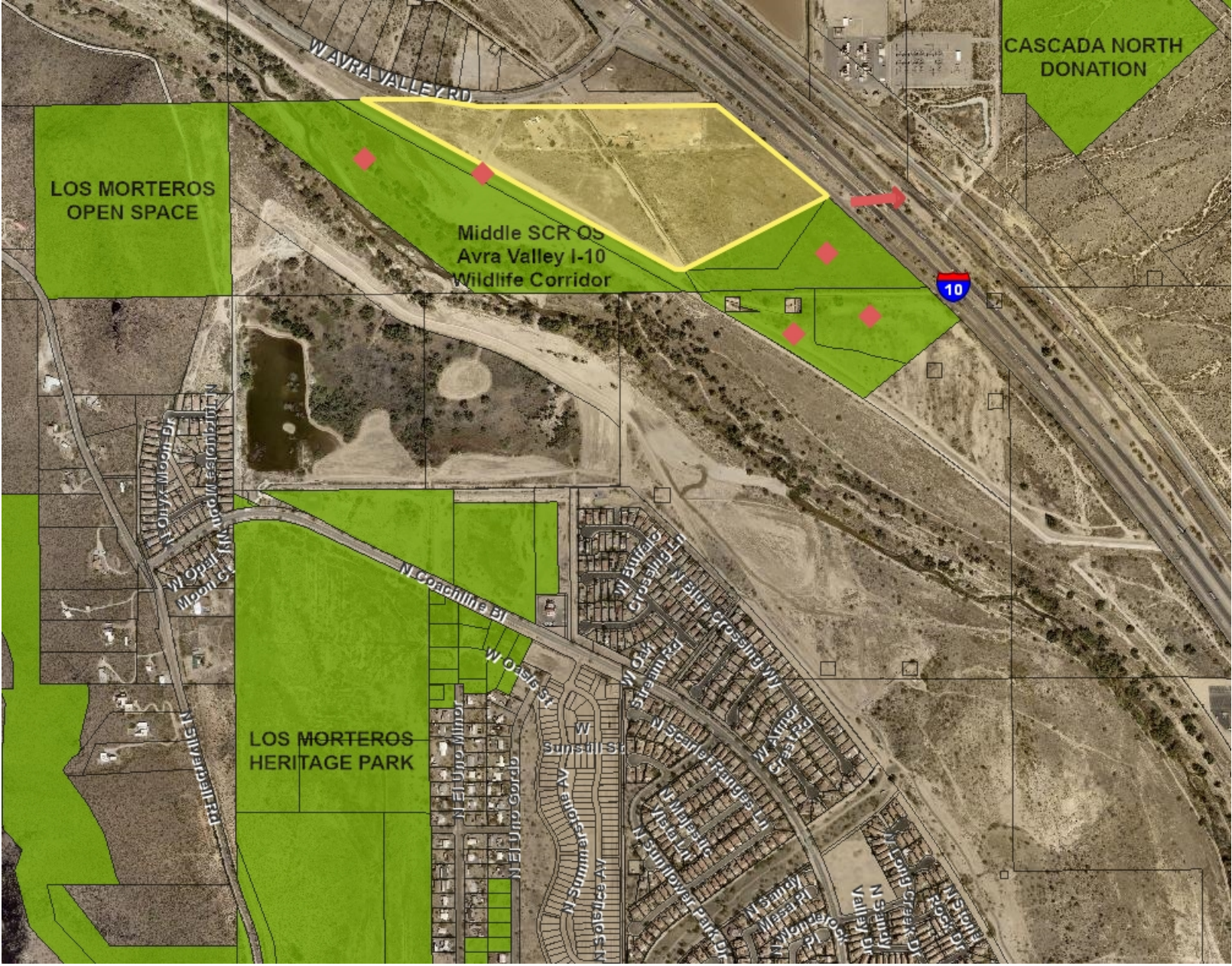
I recommend the Board of Supervisors adopt the proposed Resolution.

JKL/dym

Attachment

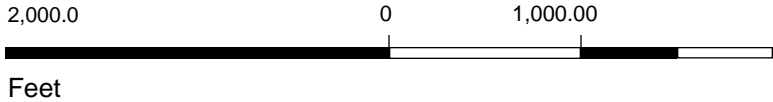
c: Carmine DeBonis, Jr., Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer
Steve Holmes, Deputy County Administrator
Kris Gade, Director, Conservation Lands and Resources Department
Eric Shepp, Director, Regional Flood Control District

Avra Valley/I-10 Critical Landscape Connection



Legend

- Parcels
- Stewardship Lands
- Private Development Property
- Restricted Properties Req. Restoration & Enhancement
- Unused Railroad Spur



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