



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: September 3, 2019

**Title:** Approval of a Riparian Habitat Mitigation In-Lieu Fee Proposal Located at 6500 S. Old Spanish Trail

**Introduction/Background:**

Chapter 16.30 of the Pima County Floodplain Management Ordinance No. 2010-FC5 (Ordinance) requires mitigation when cumulative disturbance of more than 1/3 acre of mapped riparian habitat occurs. If a project site contains suitable area(s) for mitigation, restoration, or enhancement, then on-site mitigation is required in accordance with the adopted Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines. The Ordinance contains a provision for mitigation banking when on-site mitigation is not feasible. All off-site mitigation proposals require Flood Control District Board of Directors (Board) review and approval.

**Discussion:**

The Vulcan Materials Company (Vulcan) has operated a sand and gravel mine on the subject property since 2005. Floodplain Use Permits for sand and gravel mines require annual renewal. With this renewal, Vulcan is proposing to excavate material in a new area that will disturb 12.4 acres of riparian habitat. This new area is within Vulcan Materials 2005 original mine plan of operations. Vulcan provided a letter requesting to mitigate for this disturbance through payment of a fee in-lieu of onsite mitigation. The property is not suitable for on-site mitigation since it is an active sand and gravel mine, therefore the request is accepted by the Flood Control District. Vulcan is proposing to contribute a fee of \$117,800 in lieu of onsite mitigation, based on the Flat Fee Table provided in the *Offsite Mitigation Guidelines for Unincorporated Pima County*.

**Conclusion:**

Acceptance of mitigation banking funds in-lieu of on-site mitigation is allowed under the Ordinance. Contributions to the mitigation bank for disturbance of this habitat will provide funds to be used toward purchase of high value resources or towards restoration of degraded riparian habitat within Pima County.

**Recommendation:**

The ILF proposal presented conforms with the Ordinance and, as such, the District recommends approval.

**Fiscal Impact:**

\$ 117,800

**Board of Supervisor District:**

1                       2                       3                       4                       5                       All

Department: Regional Flood Control District Telephone: 724-4600

Contact: Suzanne Shields, P.E. Telephone: 724-4600

Department Director Signature/Date: 

Deputy County Administrator Signature/Date:  8/8/19

County Administrator Signature/Date:  8/8/19

**DATE:** August 6, 2019

**TO:** Flood Control District Board of Directors

**FROM:** Suzanne Shields, P.E.  
Director



**SUBJECT: Approval of a Riparian Habitat Mitigation In-Lieu Fee Proposal Located at 6500 South Old Spanish Trail, Located within Important Riparian Area with underlying Xeroriparian Class C Habitat (District 4)**

**Background**

Chapter 16.30 of the Pima County Floodplain Management Ordinance No. 2010-FC5 (Ordinance) requires mitigation for mapped riparian habitat disturbances greater than 1/3 acre. If a project site contains suitable area(s) for riparian restoration, enhancement, or establishment, onsite mitigation occurs in accordance with the adopted *Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines*. The Ordinance contains a provision for mitigation banking, when on-site mitigation is not feasible. All offsite mitigation proposals require Flood Control District Board of Directors (Board) review and approval.

**Report**

The Vulcan Materials Company (Vulcan) has operated a sand and gravel mine on the subject property (Exhibit A) since 2005. Floodplain Use Permits for sand and gravel mines require annual renewal. With this renewal, Vulcan is proposing to excavate material in a new area that will disturb 12.4 acres of regulated riparian habitat (RRH) classified as Important Riparian Area with underlying classification of Xeroriparian Class C Habitat (Exhibit B). This area is within Vulcan Materials 2005 original mine plan of operations. Vulcan provided a letter requesting to mitigate for this disturbance through payment of a fee in-lieu of onsite mitigation (Exhibit C).

The property is not suitable for on-site mitigation since it is an active sand and gravel mine, therefore the request is accepted by the Flood Control District. Vulcan is proposing to contribute a fee of \$117,800 in lieu of onsite mitigation, based on the Flat Fee Table provided in the *Offsite Mitigation Guidelines for Unincorporated Pima County*.

12.4 acres \* \$9,500 = \$117,800

	XA	XB	XC	XD	IRA/H, H	IRA/XA	IRA/XB	IRA/XC	IRA/XD
Cost per Acre	\$8,500	\$7,500	\$6,500	\$5,000	\$17,000	\$12,500	\$11,000	\$9,500	\$8,000

**Recommendation**

Acceptance of mitigation banking funds in-lieu of onsite mitigation is allowed under the Ordinance. Contributions to the mitigation bank for disturbance of this habitat will provide funds to be used toward purchase of high value resources or towards restoration of degraded riparian habitat within Pima County.

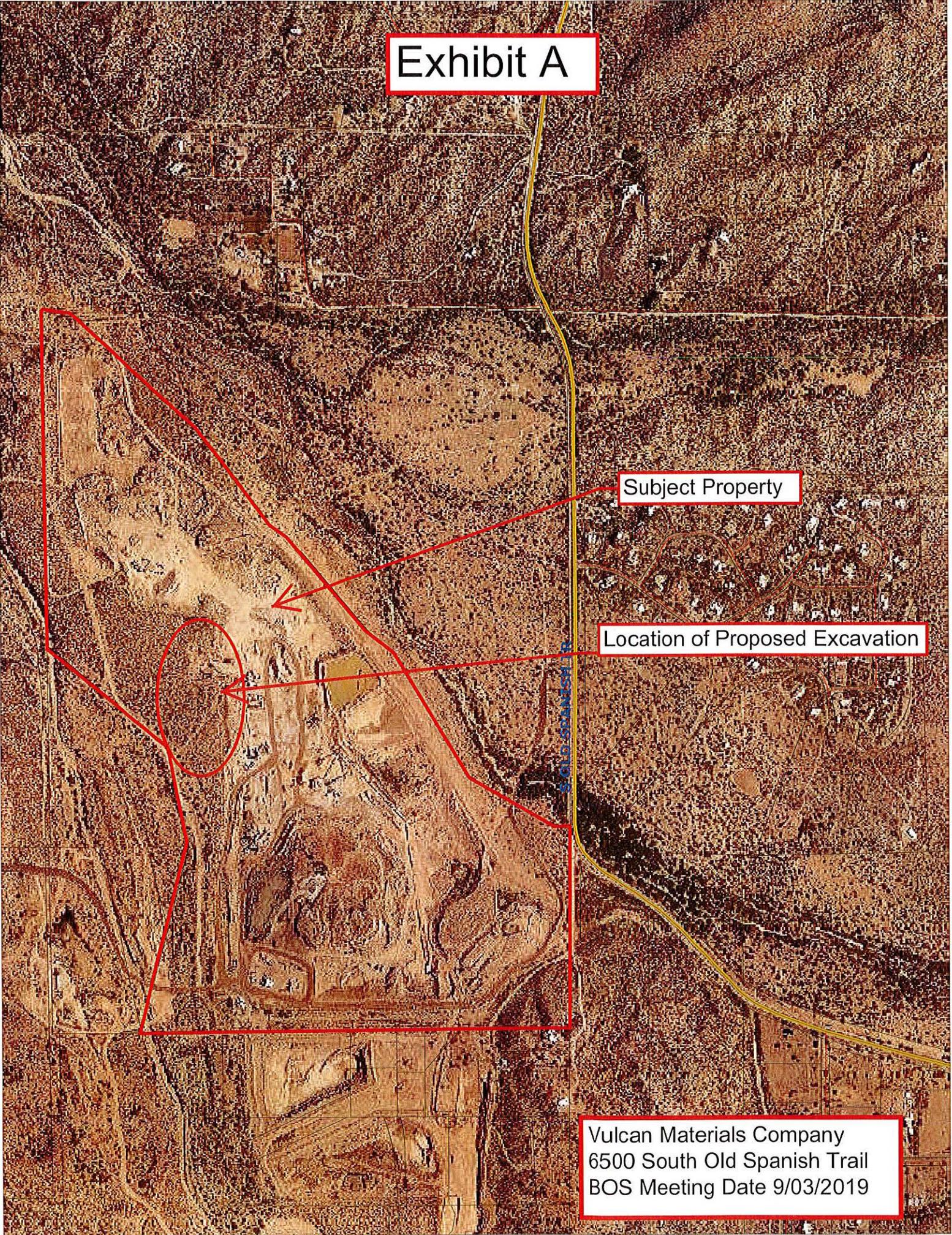
- Exhibit A – Project Location
- Exhibit B – Project Site – Riparian Classification Map
- Exhibit C – Letter of Request for ILEF

# Exhibit A

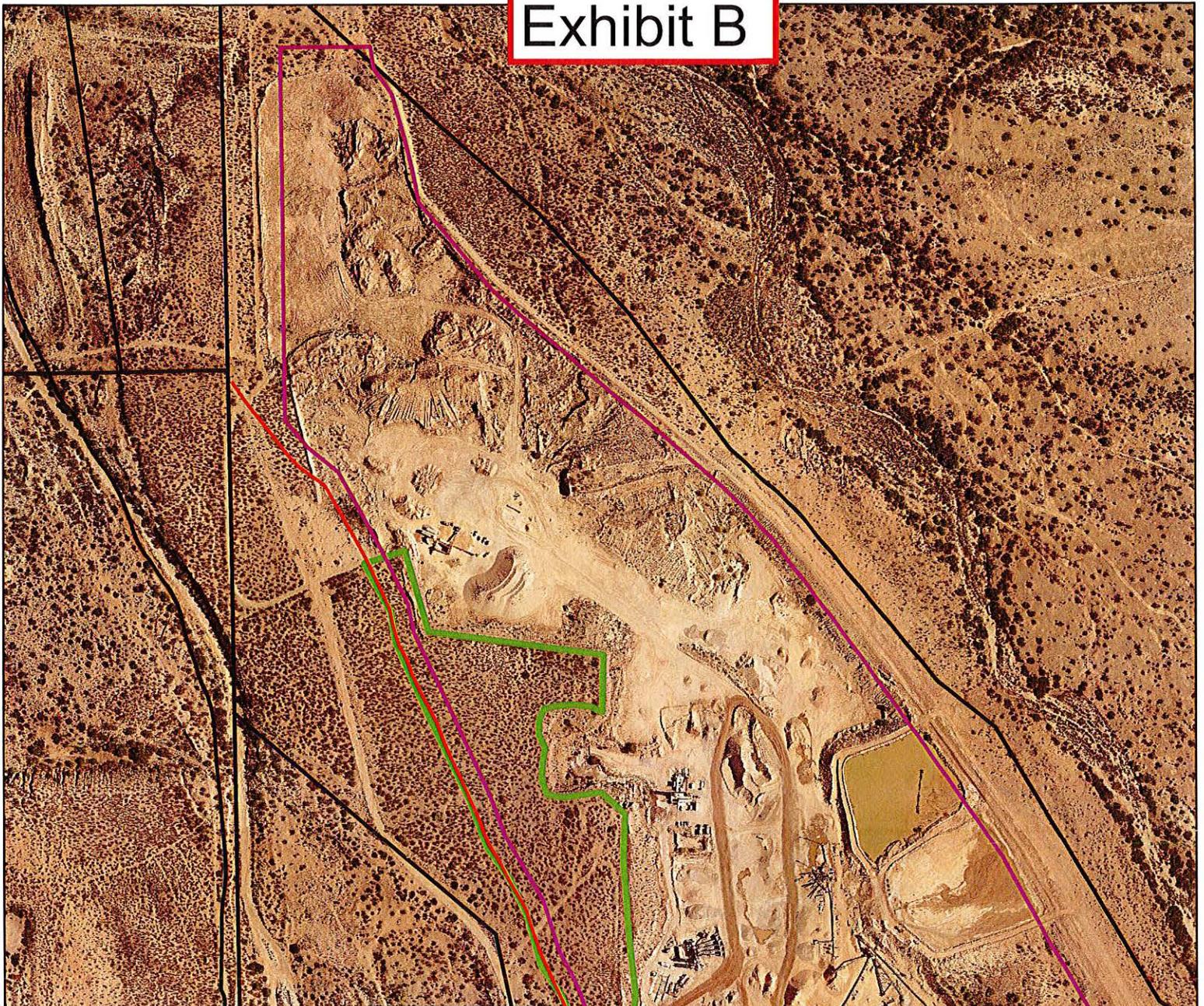
Subject Property

Location of Proposed Excavation

Vulcan Materials Company  
6500 South Old Spanish Trail  
BOS Meeting Date 9/03/2019



# Exhibit B



NEW RIPARIAN HABITAT DISTURBANCE  
AT BLACK ANGUS PIT  
on 2018 orthophoto

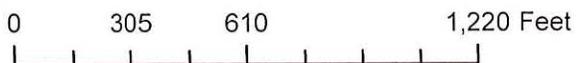


13.52 Acres Class IRA Xero C

## Legend

- ClintsOriginalEHSB
- Clints\_Top\_of\_Pit
- Proposed RRH Disturbance

Regulated Riparian Habitat Disturbance = 12.4 acres



Vulcan Materials Company  
6500 South Old Spanish Trail  
BOS Meeting Date 9/03/2019

# Exhibit C



**Pima County Regional Flood Control District**  
**Attn: Patricia Gilbert**  
**201 N. Stone Avenue, 9<sup>th</sup> Floor**  
**Tucson, AZ 85701**

**July 11, 2019**

**Subject: Annual Permit Renewal for Sand & Gravel Operation and Riparian Habitat Mitigation In-Lieu Fee (ILF) Proposal**

Dear Ms. Gilbert:

Vulcan Materials Company (Vulcan) is the mine operator of the Black Angus Mine Site (Black Angus). The operating plants are located on parcel 205-67-006C, which is owned by Diamond Ventures. Vulcan purchased two parcels from Diamond Ventures (the owner of Black Angus) in August 2014 numbered as follows: 205-81-008F (1 acre); and 205-81-009B (15 acres). The most recent Floodplain Use Permit (FPUP) P18FC00254 and issued on 2-27-2019.

### **Current Site**

Vulcan is currently mining the owned parcel 205-18-009B, and the entire parcel is a borrow site with berms and roads along the property boundary.

Back in 2012, 13.1 acres of Regulated Riparian Habitat (RRH) was mitigated for with an ILF approach. The initial area was called Phase 1, and Phase 2 was left to potentially mine at a later date. The original Phase 2 area was 13.2 acres. Per the 2012 proposal, a small Phase 2 area to the north (0.8 acres) will not be mined and reduce the potential total area of disturbance of 12.4 acres.

Located on Drawing 1 is a map of the RRH not to be disturbed and the 12.4 acres of RRH to be disturbed. (See Drawing 1) The 12.4 acres of potential mine disturbance is included in the Drainage Report prepared and maintained by CMG Drainage.

### **ILF Justification**

Mitigating for the riparian habitat on Parcel 205-67-006C is difficult considering most of the property is a former pit or part of the floodplain area for Rincon Creek. The remainder area would not be productive for mitigation planting and maintenance areas.

Vulcan wishes to pay an ILF for 100% of the Phase 1 disturbance (12.4 acre). Located in the *Regulated Riparian Habitat Offsite Mitigation Guidelines of Unincorporated Pima County* is Table 1 with the ILF Single-Lot Development Flat Fee Table. On the Pima County Assessor Website, the riparian habitat is identified as an Important Riparian Habitat (IRA) with underlying classification of Xeroriparian Class C. The cost per acre of disturbance IRA/XC is \$9,500/acre, and for 12.4 acres the fee totals \$117,800.

As a representative of Vulcan my signature confirms that the information presented in this letter is correct. However, if you need additional information or clarification, please feel free to contact me at (602) 528-8955 or [huntm@vmcmail.com](mailto:huntm@vmcmail.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Hunt". The signature is stylized and cursive.

Michael Hunt

Attachment