



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 6/6/2023

\*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

**\*Title:**

Approval of a Riparian Habitat Mitigation In-Lieu Fee Proposal for a Sand and Gravel Operation located at 13000 S. Old Nogales Hwy

**\*Introduction/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 review and approval.

**\*Discussion:**

The applicant, Sheina Sadza with WSP USA Inc. on behalf of CEMEX has requested to renew the floodplain use permit for the sand and gravel operation. The property is mapped within Regulated Riparian Habitat (RRH) and upon review of the permit application it was discovered additional disturbance occurred to the RRH. Given the nature of the operation there is no suitable place for onsite mitigation. As a result, Mrs. Sadza has prepared a Riparian Habitat Mitigation In-Lieu Fee Proposal and is proposing to contribute a fee of \$83,520 in lieu of onsite mitigation.

**\*Conclusion:**

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.

**\*Recommendation:**

The In-Lieu Fee Proposal conforms to the Ordinance and the Guidelines, and, as such, the District recommends approval.

**\*Fiscal Impact:**

\$83,520

**\*Board of Supervisor District:**

1  2  3  4  5  All

Department: Regional Flood Control District

Telephone: 724-4600

Contact: Patricia Gilbert

Telephone: 724-4606

Department Director Signature:  Date: 5-10-23

Deputy County Administrator Signature:  Date: 5/10/2023

County Administrator Signature: \_\_\_\_\_ Date: 5/14/2023

**DATE:** May 9, 2023

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

**FROM:** Eric Shepp, P.E.  
Director

**SUBJECT:** Approval of a Riparian Habitat Mitigation In-Lieu Fee Proposal for a Sand and Gravel Operation located at 13000 South Old Nogales Hwy, Located within Regulated Riparian Habitat (District 2)

**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 applicant, Sheina Sadza with WSP USA Inc. on behalf of CEMEX has requested to renew the floodplain use permit for the sand and gravel operation located at 13000 South Old Nogales Hwy (Exhibit A). The property is mapped within Regulated Riparian Habitat (RRH) and upon review of the permit application it was discovered additional disturbance occurred to the RRH. The impacted RRH is classified as Important Riparian Area with an Underlying Classification of Xeroriparian Class B and Xeroriparian Class B Habitat (Exhibit B). Given the nature of the operation there is no suitable place for onsite mitigation. As a result, Mrs. Sadza has prepared a Riparian Habitat Mitigation In-Lieu Fee Proposal (Exhibit C) and is proposing to contribute a fee of \$83,520 in lieu of onsite mitigation, based on the Flat Fee Table provided in the *Pima County Regulated Riparian Habitat Off-Site Mitigation Guidelines*.

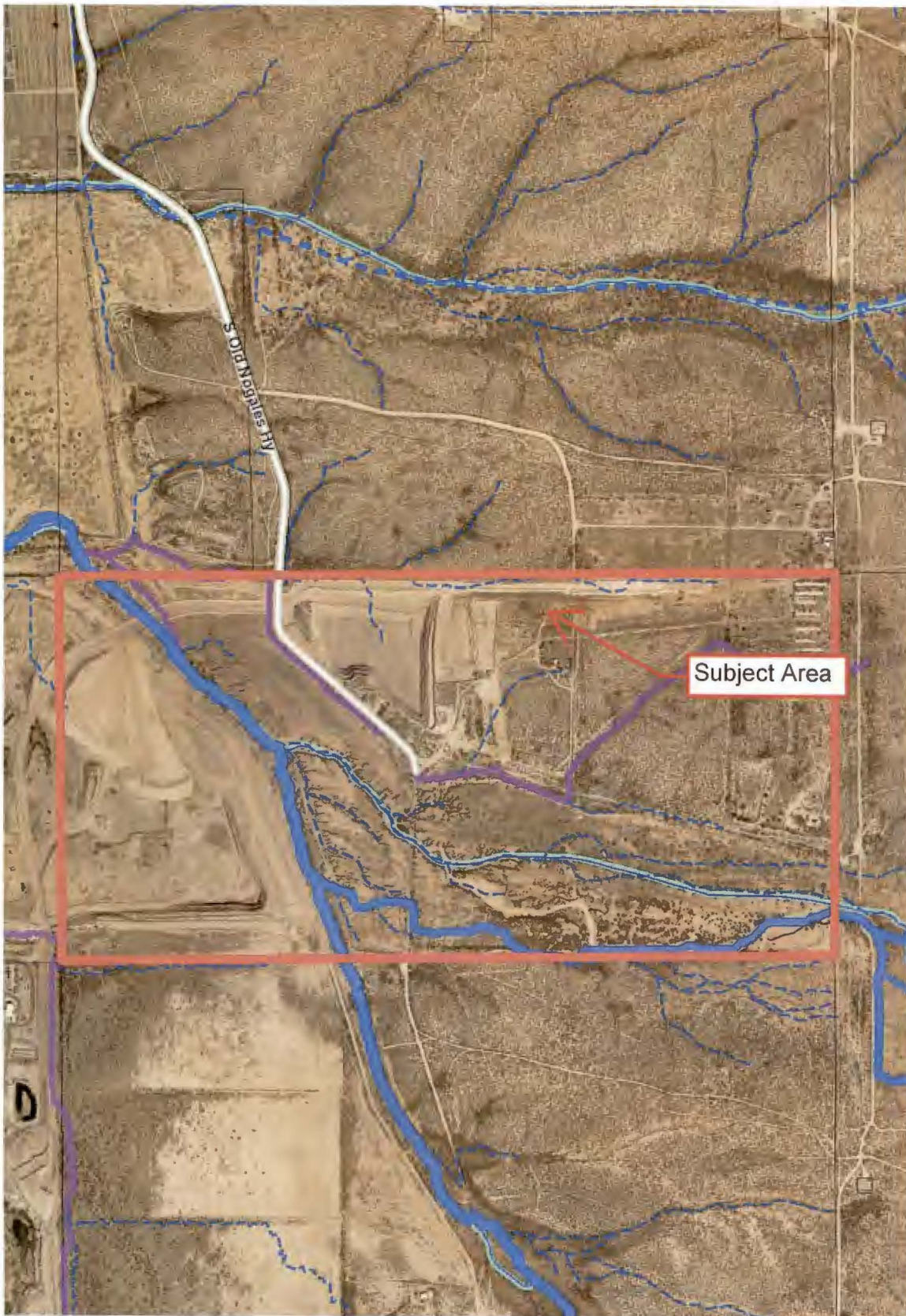
	XA	XB	XC	XD	IRA/H, H	IRA/XA	IRA/XB	IRA/XC	IRA/XD
Cost per Acre	\$17,000	\$16,000	\$14,000	\$12,000	\$40,000	\$30,000	\$28,000	\$25,000	\$22,000

**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

**Attachments:** Exhibit A – Project Location  
Exhibit B – Project Site – Riparian Classification Map  
Exhibit C – Mitigation Banking In-lieu Fee Proposal

# Exhibit A



## Legend

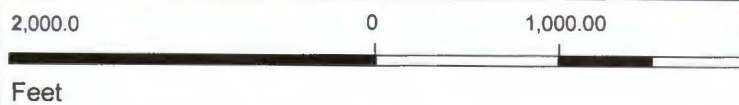
-  Parcels
- Washes - All**
-  Unknown Discharge
-  100-500 CFS
-  500-1000 CFS
-  1000-2000 CFS
-  2000-5000 CFS
-  5000-10000 CFS
-  Over 10000 CFS
-  Washes Greater Than :

Subject Area



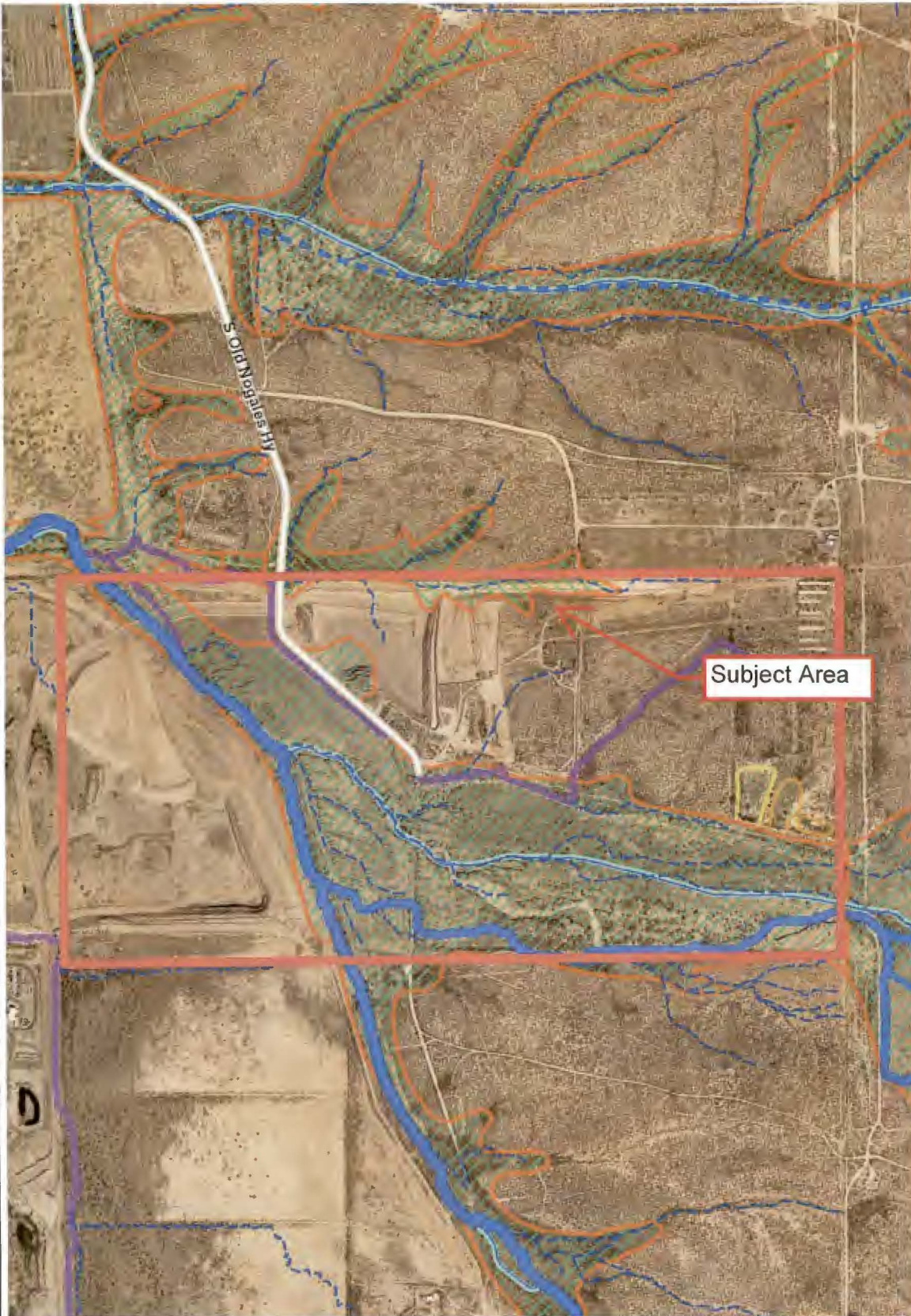
13000 S OLD NOGALES HY

5/8/2023



This map is static output from an internet mapping site and no warranty is expressed or implied as to the accuracy, reliability, currency or completeness of the data, and is for reference only

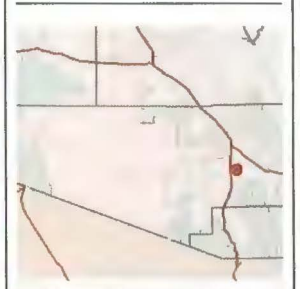
# Exhibit B



## Legend

- Washes - All**
  - Unknown Discharge
  - - 100-500 CFS
  - - 500-1000 CFS
  - - 1000-2000 CFS
  - - 2000-5000 CFS
  - - 5000-10000 CFS
  - - Over 10000 CFS
- Washes Greater Than :**
- Riparian Habitat - Pima Effective 10/20/2005**
  - Xeroriparian A
  - Xeroriparian B
  - Xeroriparian C
  - Xeroriparian D
  - Hydromesoniparian or Me
  - IRA - Xeroriparian A
  - IRA - Xeroriparian B
  - IRA - Xeroriparian C
  - IRA - Xeroriparian D
  - IRA - H
  - Important Riparian Areas

Subject Area



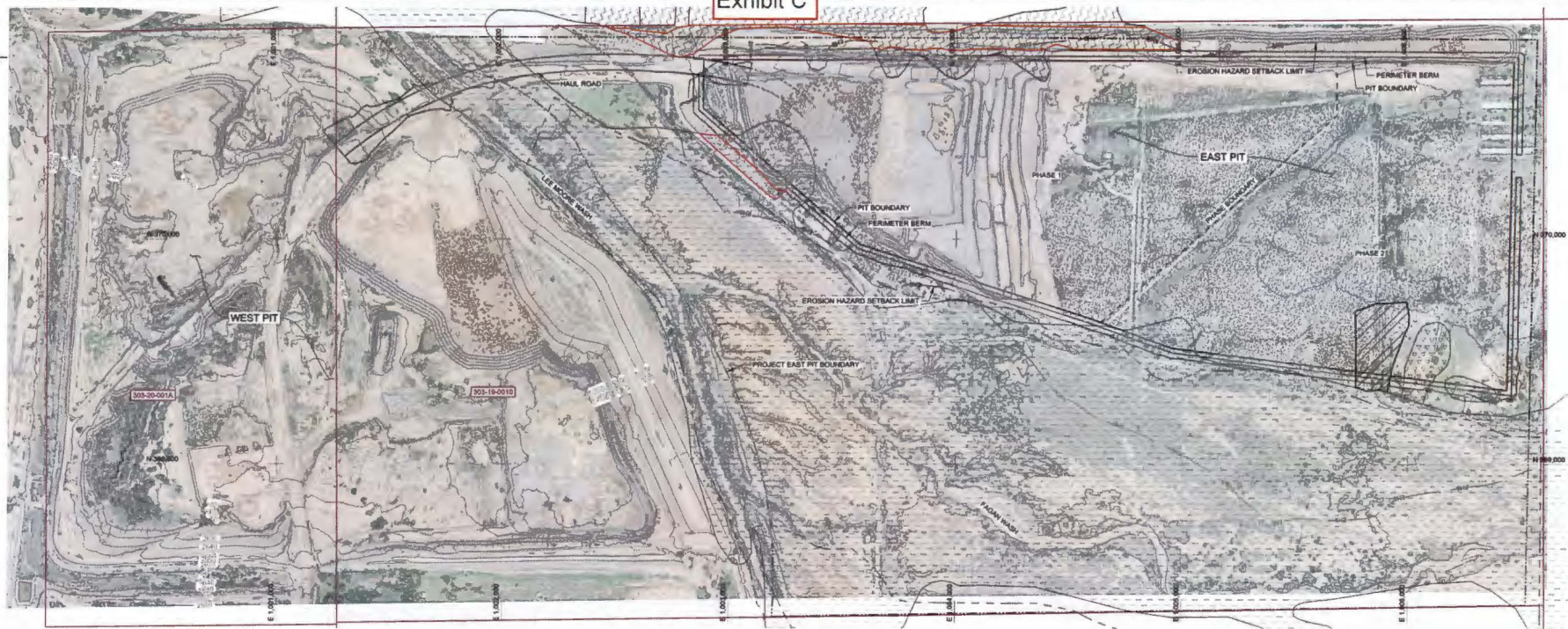
13000 S OLD NOGALES HY

5/8/2023



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Exhibit C



PROPERTY OWNER: ASARCO, INC.  
1395 W PIMA MINE RD  
SAHUARITA, AZ 85269

PROJECT DEVELOPER: CEMEX CONSTRUCTION MATERIALS SOUTH, LLC  
8886 E RAINTREE, SUITE 205  
SCOTTSDALE, AZ 85280

PARCEL ADDRESS: 13000 OLD NOGALES HIGHWAY  
TUCSON, AZ 85756

RIPIARIAN CLASS	TOTAL RIPIARIAN HABITAT ON PROPERTY (ACRES)	PREVIOUSLY APPROVED DISTURBANCE (ACRES)	PHASE 1 DISTURBANCE AREA OUTSIDE ORIGINAL BOUNDARIES (ACRES)
IMPORTANT XERORIPARIAN HABITAT WITH UNDERLYING CLASSIFICATION XERORIPARIAN B HABITAT	122.21	2.90	0.48
XERORIPARIAN B HABITAT	6.15	0.62	4.38
IMPORTANT XERORIPARIAN HABITAT WITH UNDERLYING CLASSIFICATION XERORIPARIAN C HABITAT	1.06	1.02	—
IMPORTANT XERORIPARIAN HABITAT WITH UNDERLYING CLASSIFICATION XERORIPARIAN D HABITAT	1.68	1.40	—
<b>TOTAL XERORIPARIAN HABITAT AREAS</b>	<b>131.60</b>	<b>5.94</b>	<b>4.86</b>

Riparian Classification	Approved Disturbance Area (ac)	Additional Disturbance <sup>1</sup> (ac)	Unit In-Lieu Fee (per acre)	Additional In-Lieu Fee Cost
Important Xeroriparian B	2.9	0.48	\$28,000	\$13,440
Xeroriparian B	0.62	4.38	\$16,000	\$70,080
Xeroriparian C	1.02	0	\$14,000	\$0
Xeroriparian D	1.40	0	\$12,000	\$0
<b>Total:</b>	<b>5.94</b>	<b>4.86</b>		<b>\$83,520</b>

- LEGEND**
- EXISTING GROUND CONTOUR (ft)
  - - - - PROJECT EAST PIT BOUNDARY
  - - - - PHASE BOUNDARY
  - - - - EROSION HAZARD SETBACK LIMIT
  - ▨ RIPIARIAN DISTURBANCE OUTSIDE APPROVED AREA
  - ▨ XERORIPARIAN B HABITAT
  - ▨ IMPORTANT XERORIPARIAN HABITAT WITH UNDERLYING CLASSIFICATION XERORIPARIAN B HABITAT
  - ▨ IMPORTANT XERORIPARIAN HABITAT WITH UNDERLYING CLASSIFICATION XERORIPARIAN C HABITAT
  - ▨ IMPORTANT XERORIPARIAN HABITAT WITH UNDERLYING CLASSIFICATION XERORIPARIAN D HABITAT
  - ▨ PARCEL BOUNDARY
  - 303-19-001D PARCEL ID

- REFERENCES**
- COORDINATE SYSTEM SHOWN IS NAD83 HARN ARIZONA STATE PLANE, CENTRAL ZONE, INTERNATIONAL FEET.
  - ORTHOGRAPHIC IMAGERY PROVIDED BY CEMEX, BASED ON AUGUST 4, 2022 FLIGHT DATA.
  - EXISTING TOPOGRAPHY PROVIDED BY CEMEX, BASED ON AUGUST 4, 2022 DRONE FLIGHT DATA. AS A RESULT OF INCONSISTENT SATELLITE CONNECTION, ELEVATIONS SHOWN MAY NOT REFLECT ACTUAL ELEVATIONS.
  - PARCEL BOUNDARIES, PROJECT SITE BOUNDARY, PIT, BERM, AND HAUL ROAD BOUNDARIES, PHASE BOUNDARY, AND EROSION HAZARD SETBACK LIMITS PROVIDED BY CMO DRAINAGE ENGINEERING, INC.
  - SURVEY OF RIPIARIAN HABITAT DISTURBANCE LIMIT PROVIDED BY PROMAS IN THE FILE 70MKB010-PMASRTEBTDISTURBEDAREA DWG RECEIVED BY WSP ON MARCH 7, 2022

CLIENT: CEMEX

PROJECT: PIMA MINE FLOODPLAIN PERMIT

TITLE: RIPIARIAN HABITAT MITIGATION IN-LIEU FEE PROPOSAL FLOODPLAIN USE PERMIT NO. P20FC08745

CONSULTANT: **wsp**

PROJECT NO: 21467679.000    CONTROL: 03    REV: 1    FIGURE: 3

DATE: YYYY-MM-DD: 2023-05-04

DESIGNED: CDO

PREPARED: SS

REVIEWED: SPB

APPROVED: MJG

