



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: March 15, 2016

Title: Approval of a Riparian Habitat Mitigation In-Lieu Fee Proposal for 6500 S. Old Spanish Trail, Located within Xeroriparian Class C Riparian Habitat (District 4)

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 Ordinance requires active sand and gravel mining operations, within unincorporated Pima County, to obtain a floodplain use permit (FPUP) that is renewed annually. Vulcan Materials Company (Vulcan) has expanded the Black Angus Sand and Gravel Mining facility located at 6500 S. Old Spanish Trail. The expansion is located within mapped Xeroriparian Class C riparian habitat. Upon review of the FPUP renewal, the District determined that the expansion has disturbed 1.8 acres of mapped Xeroriparian Class C riparian habitat and Vulcan is required to mitigate for the habitat disturbance. To achieve compliance, Vulcan will compensate for the disturbance by contributing a fee to the mitigation bank in-lieu of on-site mitigation. Since a majority of the property is used for open pit sand and gravel mining, there is no viable land area to support on-site mitigation plantings. The in-lieu fee is established from the Flat Fee Table from the Off-site Mitigation Guidelines.

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 the 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:

\$11,700

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

Department: Regional Flood Control District

Telephone: 724-4600

Department Director Signature/Date: _____

Deputy County Administrator Signature/Date: _____

County Administrator Signature/Date: _____

for Suzanne Shilder
Attorney for John Bernal 2/23/16
Col. [Signature] 2/23/16

DATE: February 22, 2016

TO: Flood Control District Board of Directors

FROM: Suzanne Shields, P.E.
Director

SUBJECT: **Approval of a Riparian Habitat Mitigation Plan In-Lieu Fee Proposal for Black Angus Mine Site Located within Xeroriparian Class C Riparian 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 Ordinance requires active sand and gravel mining operations within unincorporated Pima County to obtain a floodplain use permit (FPUP) that is renewed annually. Vulcan Materials Company (Vulcan) has expanded the Black Angus Sand and Gravel Mining facility which is located at 6500 S. Old Spanish Trail (Exhibit A). The property contains Xeroriparian Class C riparian habitat as well as Important Riparian Area with underlying Class H and Xeroriparian Class C habitat. The property is also located near the confluence of Rincon Creek and the Pantano Wash, within a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area, Floodway and Zone AE floodplain. The expansion is located south of the current mining operation and is within mapped Xeroriparian Class C riparian habitat (Exhibit B).

Upon review of the FPUP renewal the District determined the expansion has disturbed 1.8 acres of mapped Xeroriparian Class C riparian habitat (Exhibit C) and Vulcan is required to mitigate for the habitat disturbance.

To achieve compliance with the Ordinance, Vulcan will compensate for disturbance by contributing a fee to the mitigation bank in-lieu of onsite mitigation. Michael Hunt with Vulcan has provided a letter stating justification for offsite mitigation in the form of an in-lieu payment to mitigate for the impact to regulated riparian habitat (Exhibit D). To summarize, a majority of the property is used for open mining pits for sand and gravel and the denuded land does not provide viable land area to support the health and growth for onsite mitigation plantings. The in-lieu fee is established from the Flat Fee Table for Single-Lot Development from the Offsite Guidelines (Exhibit E). The County will be compensated for the disturbance in the amount of \$11,700.

Any future disturbance shall require submittal of a separate mitigation proposal.

**Approval of a Riparian Habitat Mitigation Plan In-Lieu Fee Proposal for Black Angus Mine Site
Located within Xeroriparian Class C Riparian Habitat (District 4)**

February 22, 2016

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Disturbance: 1.8 acres to be mitigated by the flat fee rate shown below

Flat fee table for Single Lot Development projects

	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 the 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 – Riparian Disturbance Map

Exhibit D – ILF Justification

Exhibit E – ILF Flat Fee Table

Exhibit A

Pantano Wash

Existing Facility

Rincon Creek

Black Angus Facility
6500 S. Old Spanish Trail
BOS Meeting Date 3/15/16

New borrow area

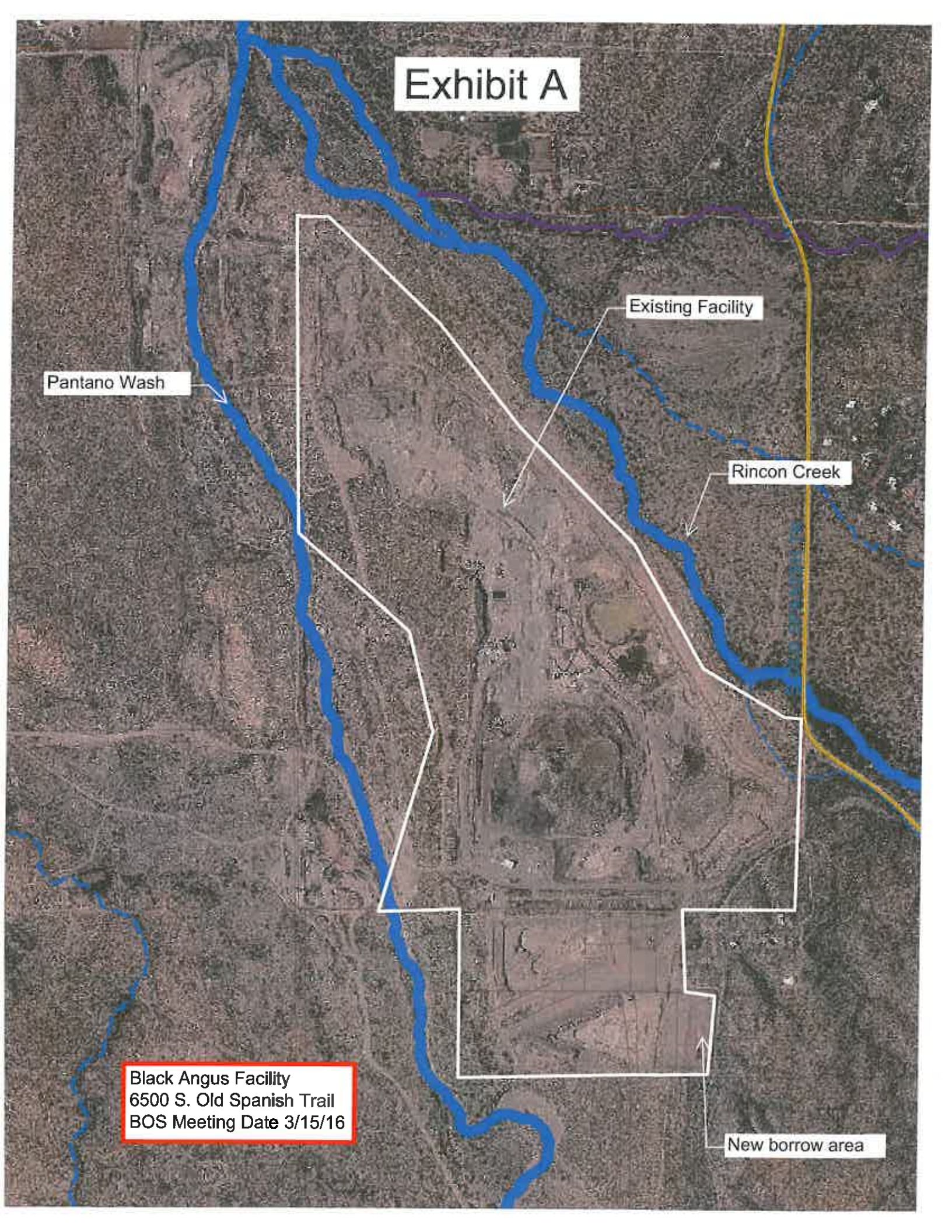
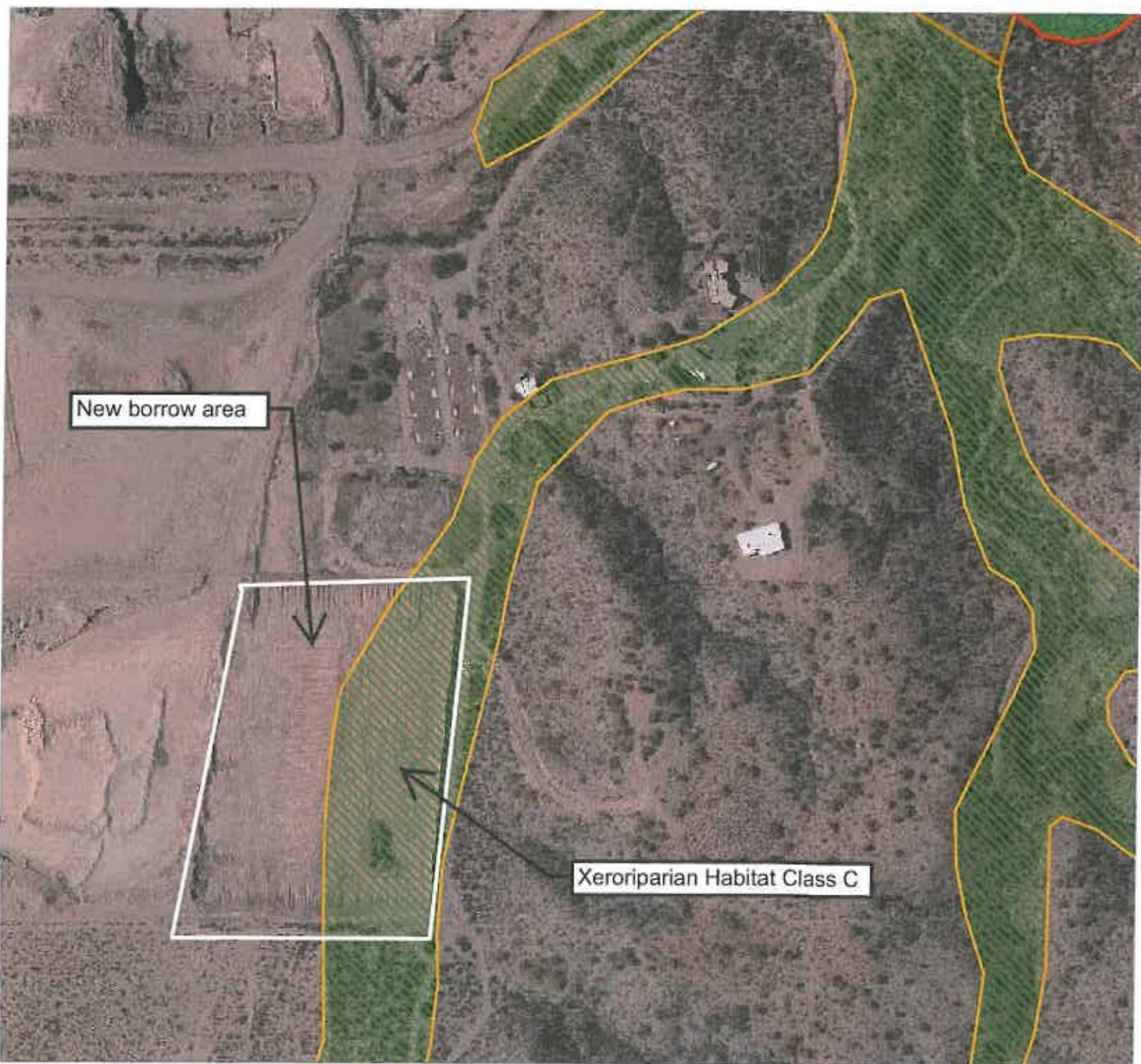
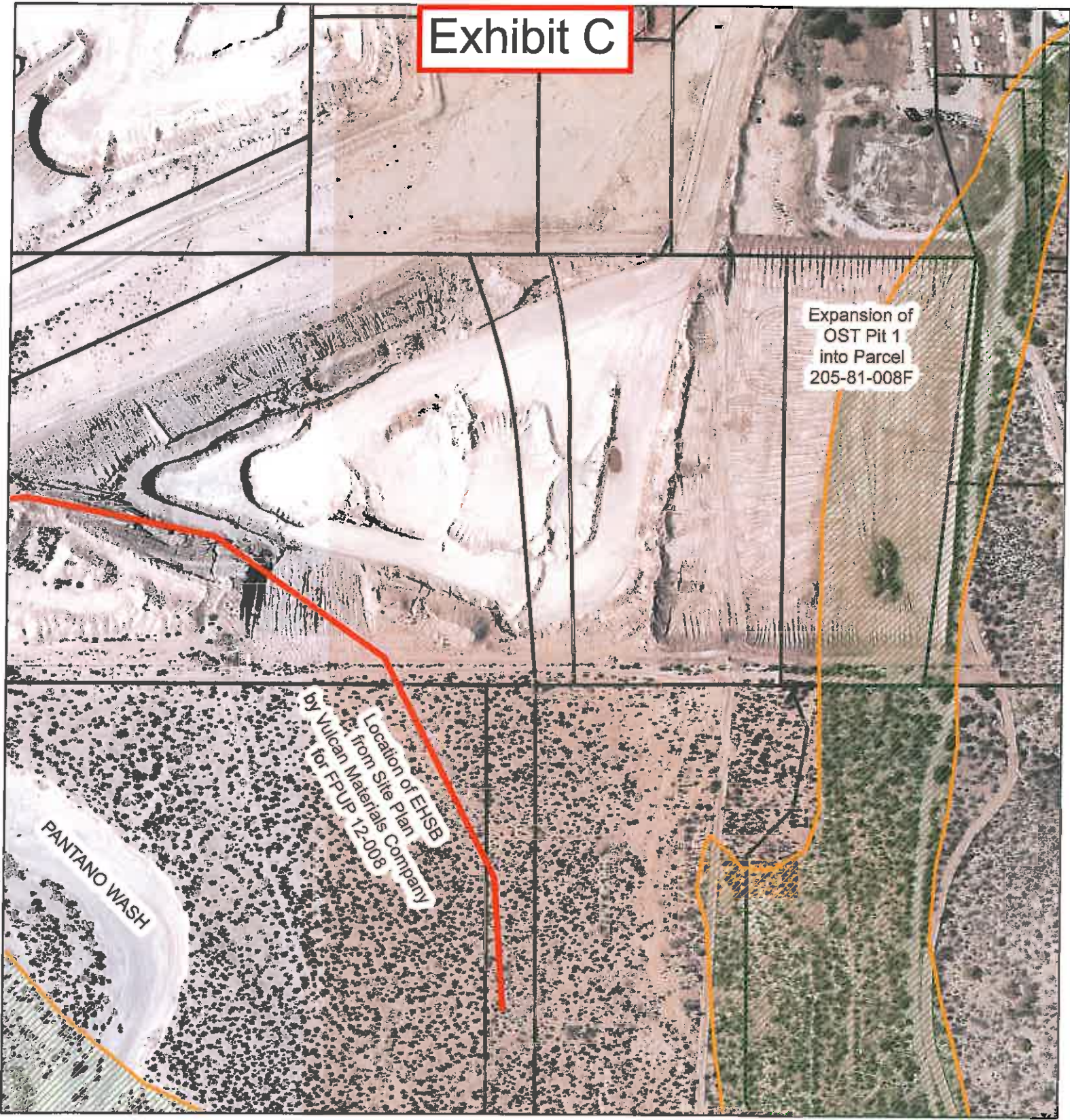


Exhibit B



Black Angus Facility
6500 S. Old Spanish Trail
BOS Meeting Date 3/15/16

Exhibit C



Expansion of
OST Pit 1
into Parcel
205-81-008F

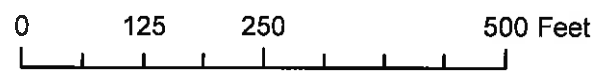
Location of EHSB
from Site Plan
by Vulcan Materials Company
for FpUP 12-008

PANTANO WASH



NEW RIPARIAN HABITAT DISTURBANCE
AT BLACK ANGUS PIT
EVIDENT FROM 2015 PAG ORTHOPHOTO

1.8 Acres Xero C



Black Angus Facility
6500 S. Old Spanish Trail
BOS Meeting Date 3/15/16

Exhibit D



December 30, 2015

**Pima County Regional Flood Control District
Attn: Patricia Gilbert
97 East Congress Street, Third Floor
Tucson, AZ 85701-1797**

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) and is leasing an area to the south of Black Angus called Old Spanish Trail (OST) as a borrow site for Black Angus. The OST parcels are as follows: 205-71-002E; 205-71-004B; 205-71-004A; 205-81-008E; 205-81-008G; and 205-81-007M. Vulcan purchased two parcels from Diamond Ventures (the owner of Black Angus) in August 2014 numbered as follows: 205-81-008F; and 205-81-009B. The most recent Floodplain Use Permit (FPUP) No. 14-193 and issued on 6-5-2014.

Current Site

Vulcan has continued mining operations at OST. Regulated Riparian Habitat (RRH), is located on the east side of the OST mine area, and the current mining area has expanded into and disturbed approximately 1.8 acres RRH area. (See Figure 1) The 1.8 acres are on the leased OST parcels 205-81-008E; and 205-81-008G.

In the future other RRH area may be disturbed on property to the south that Vulcan owns (parcel 205-81-009B, but for now only the 1.8 acres are affected. Prior to disturbance of the additional RRH area, an ILF submittal will be made. Attached are the three legal survey documents concerning the purchase of the two Vulcan parcels. (See Attached)

ILF Justification

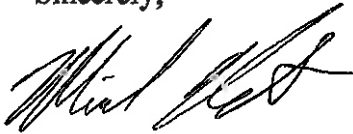
Little area on the existing OST lease property is usable for mitigation land. The majority of the property is pits which would not be productive for mitigation planting and maintenance areas. Also, the landowner does not want mitigation land on their property to discourage future development.

Vulcan wishes to pay an ILF for 100% of the disturbance (1.8 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 Riparian Habitat (RA) with underlying classification of

Xeroriparian Class C. The cost per acre of disturbance RA/XC is \$6,500/acre totaling \$11,700. Once the ILF for Black Angus is approved, Vulcan will submit the check for the above fee, and a portion of the Black Angus FPUP renewal will be satisfied.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Hunt", written in a cursive style.

Michael Hunt

Attachments

Exhibit E

Table 1. ILF Single-Lot Development Flat Fee Table - Cost per Acre for RRH Disturbance

	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

Table 2. ILF Development Project Flat Fee Table - Cost per Acre for RRH Disturbance

	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

2. **ILF Calculation Spreadsheet.** The applicant may use the ILF calculation spreadsheet (Appendix F) when certain components of the mitigation requirement are not completed onsite. The ILF calculation spreadsheet allows an applicant to determine ILF costs for individual components of a mitigation plan (e.g., trees/shrubs, seeding, or irrigation, etc.). For example, an appropriate use of the ILF Calculation Spreadsheet would be when an applicant proposes planting only 50 percent of the required trees/shrubs onsite but placing 100 percent of the seeding requirement onsite.

The "component" ILF would then represent the value of 50% of trees/shrubs and irrigation not implemented on the project site. Note, when calculating component values, percentages of the irrigation component must equal the percentage of trees/shrubs component.

3. **ILF Cost Estimate provided by a qualified professional.** If an applicant prefers, ILF cost estimates may be obtained from a qualified professional as an alternative to using the flat fee or spreadsheet calculations. Qualified professionals include: nurseries, landscape companies, landscape architects, biologist, botanist, or other qualified professionals that would design, supply, or install components required for onsite mitigation. Submittals shall follow requirements listed in the ILF checklist provided in Appendix G.

The applicant is responsible for selecting the option that is best suited to a particular project and incorporate into the mitigation proposal.