



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: December 17, 2019

Title: Approval of a Riparian Habitat Mitigation In-Lieu Fee Proposal for the Wilmot Energy Center Located at 11425 South Swan Road, Located within Regulated Riparian Habitat (District 2)

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 applicant, Kyle Shepard a representative for Wilmot Energy Center, LLC has applied for a permit to construct a solar facility on property located at 11425 South Swan Road. SWCA Environmental Consultants (SWCA) has been hired to address the mitigation requirements for the disturbance created by this project. The in-lieu fee option has been chosen as the method of mitigation. The mapped Regulated Riparian Habitat is classified as Important Riparian Area Class C and D and Xeroriparian Class C. SWCA has prepared a Riparian Habitat Mitigation In-Lieu Fee (ILF) Proposal and is proposing to contribute a fee of \$90,600 based on the ILF Flat Fee Table provided in the Pima County Regulated Riparian Habitat 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 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:

\$90,600

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: _____

NOV 19 10AM 117 PCO KCF BD

DATE: November 14, 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 for the Wilmot Energy Center Located at 11425 South Swan Road, 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, Kyle Shepard a representative for Wilmot Energy Center, LLC has applied for a permit to construct a solar facility on property located at 11425 South Swan Road (Exhibit A). SWCA Environmental Consultants (SWCA) has been hired to address the mitigation requirements for the disturbance created by this project. The in-lieu fee option has been chosen as the method of mitigation. The mapped Regulated Riparian Habitat (RRH) is classified as Important Riparian Area Class C and D and Xeroriparian Class C (Exhibit B). SWCA has prepared a Riparian Habitat Mitigation In-Lieu Fee (ILF) Proposal (Exhibit C) and is proposing to contribute a fee of \$90,600 based on the ILF Flat Fee Table provided in the *Pima County Regulated Riparian Habitat Off-Site Mitigation Guidelines*.

Flat Fee Table - Cost per Acre for RRH Disturbance for Development Projects

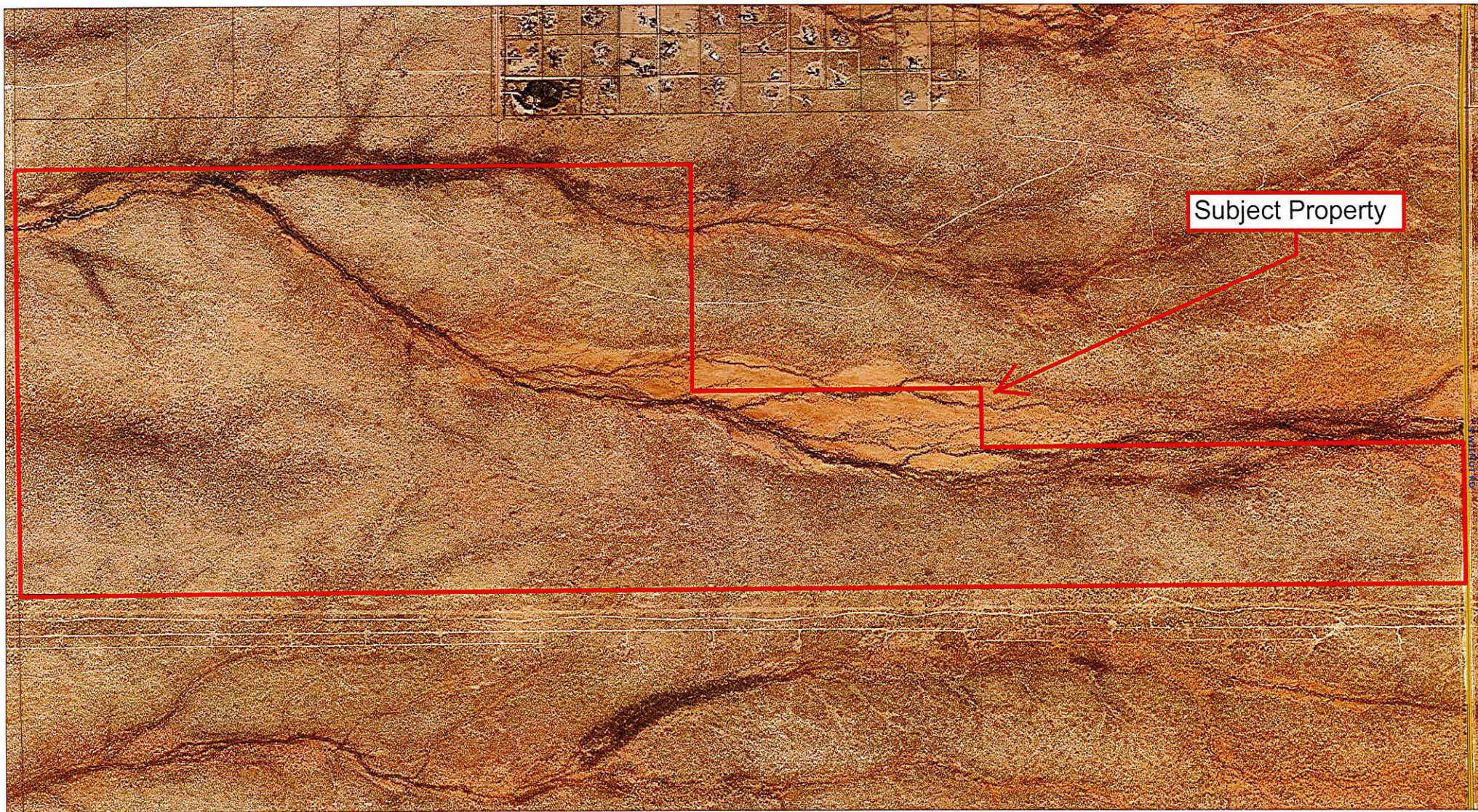
	XA	XB	XC	XD	IRA/H, H	IRA/XA	IRA/XB	IRA/XC	IRA/XD
Cost per Acre	\$17,000	\$16,000	\$14,000	\$12,000	\$40,000	\$30,000	\$28,000	\$25,000	\$22,000

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

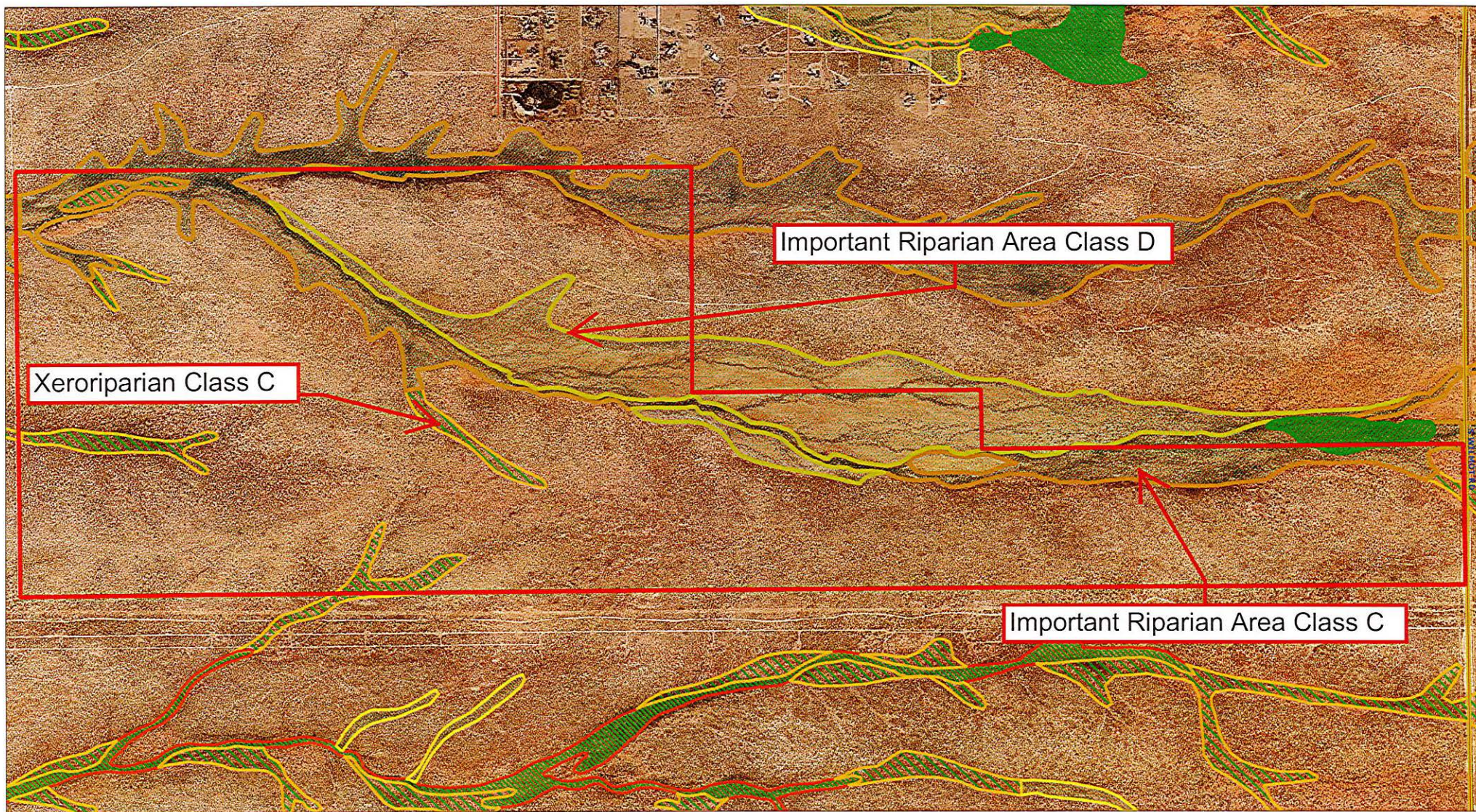
Exhibit A



Wilmot Energy Center LLC
11425 South Swan Road
BOS Meeting Date 12/17/2019



Exhibit B



Wilmot Energy Center LLC
11425 South Swan Road
BOS Meeting Date 12/17/2019



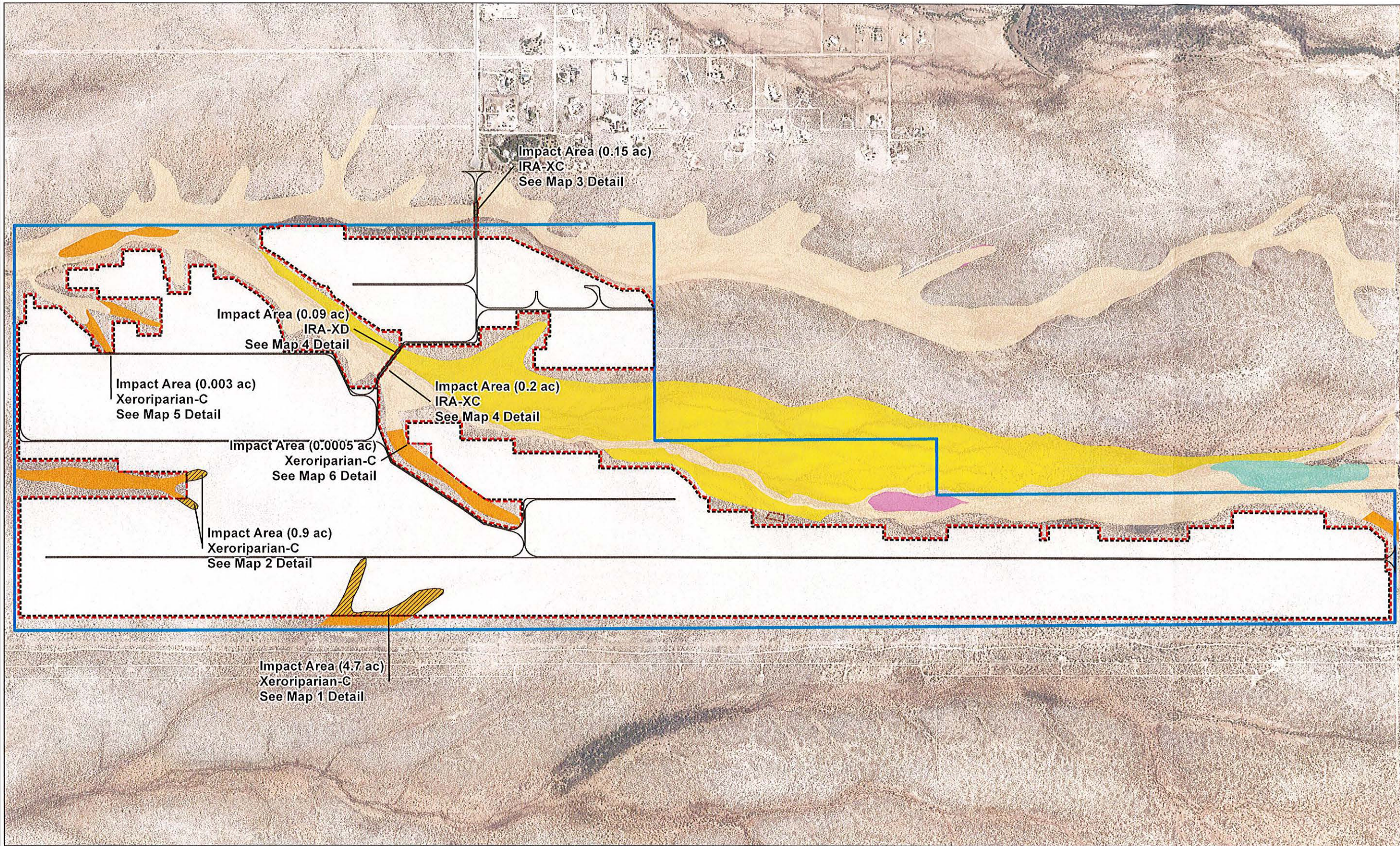
WILMOT ENERGY CENTER
TUCSON, ARIZONA

Exhibit C

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Prepared For:
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Riparian Habitat
Mitigation Plan



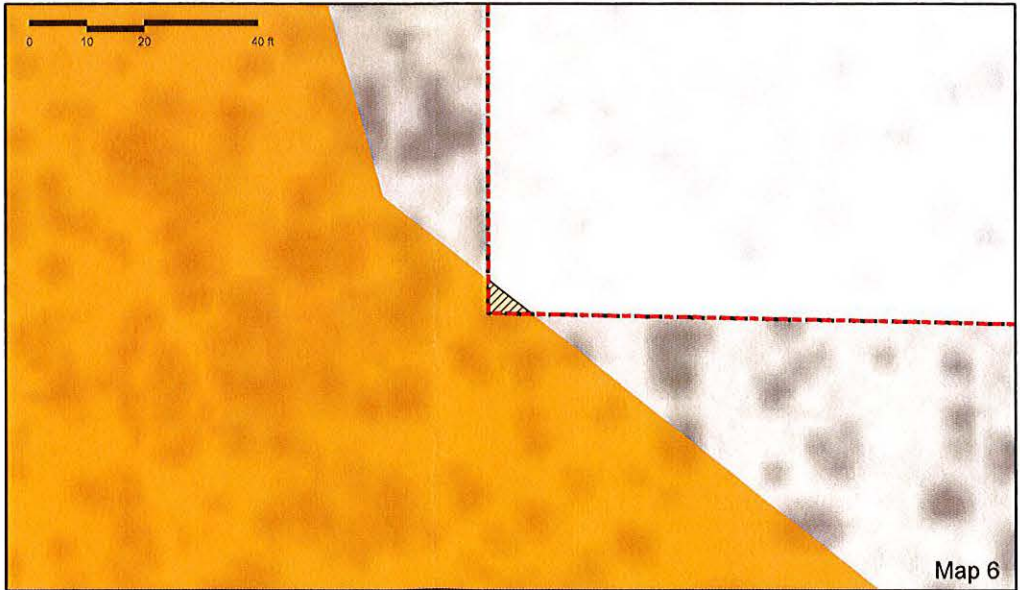
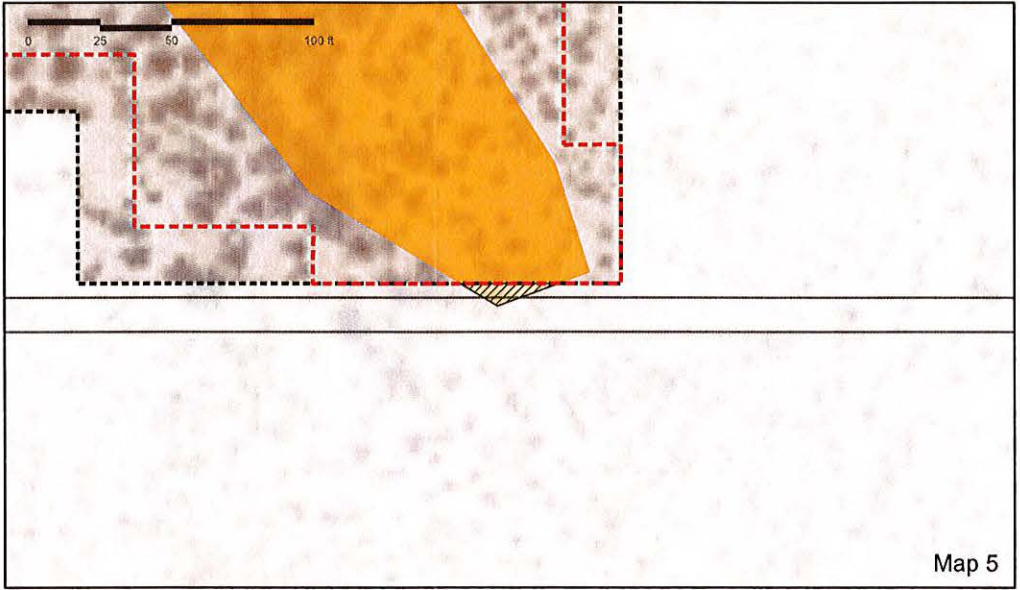
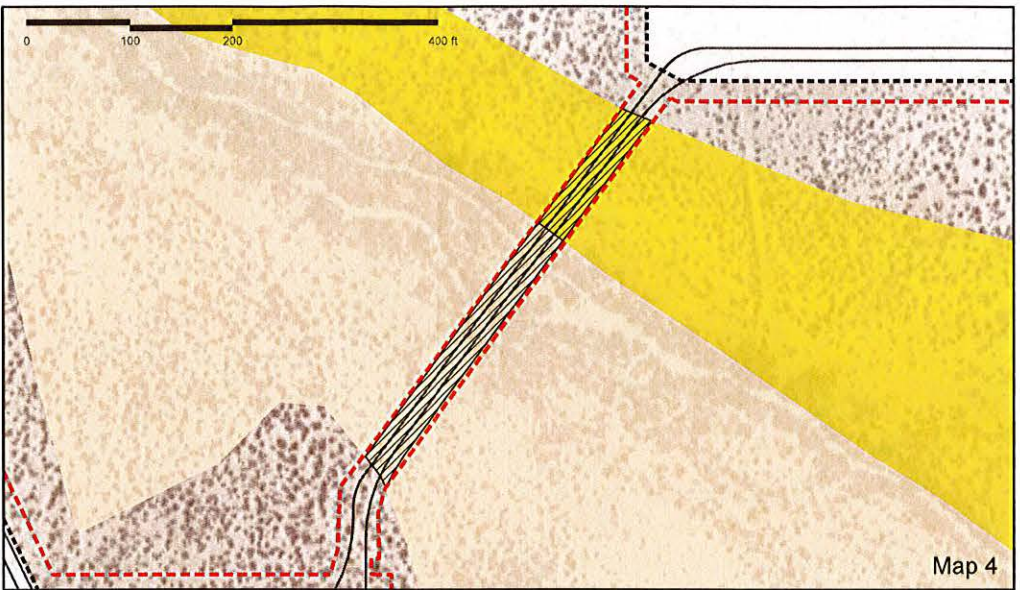
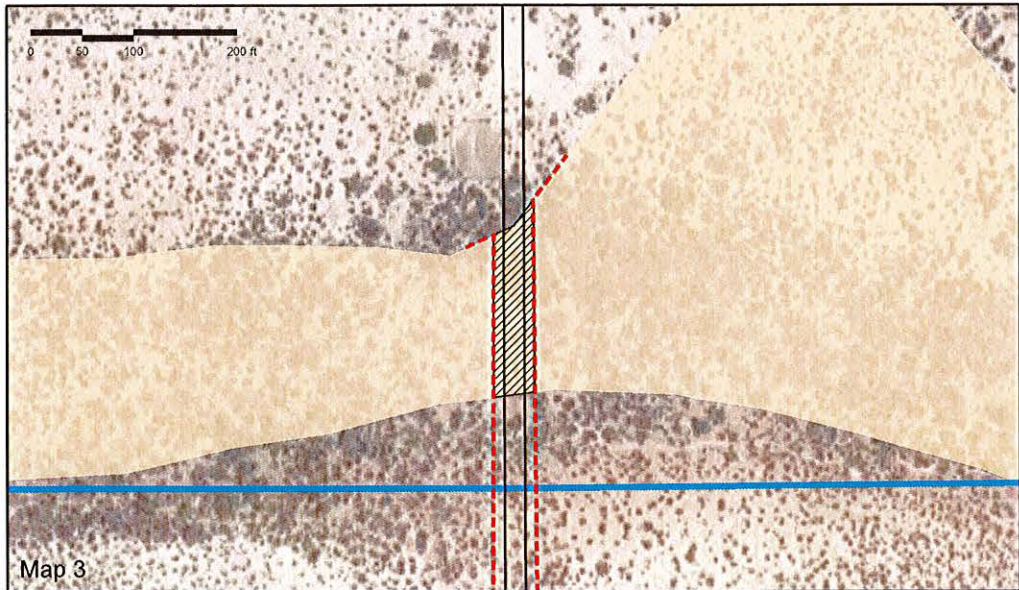
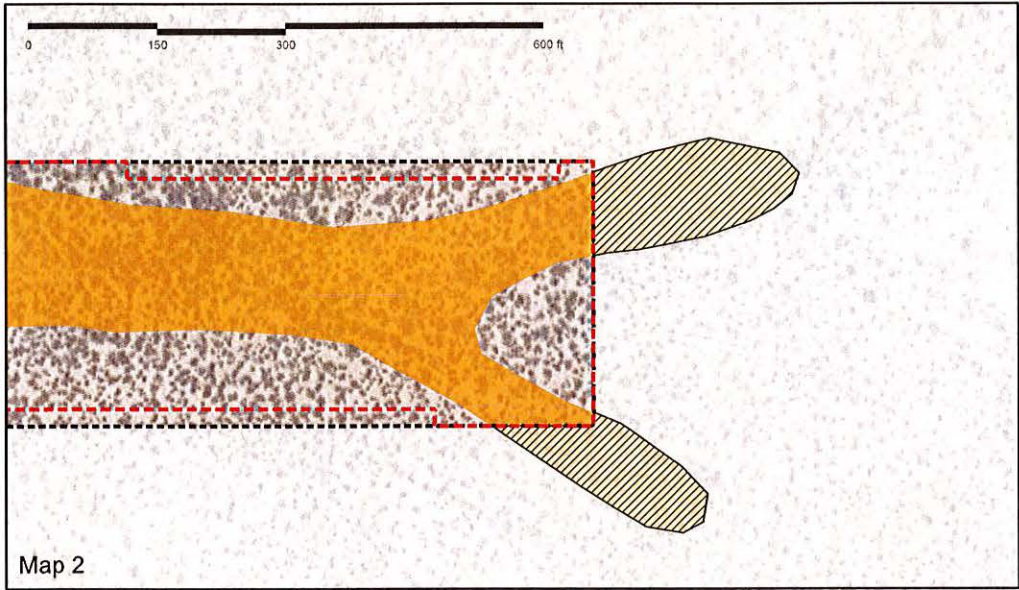
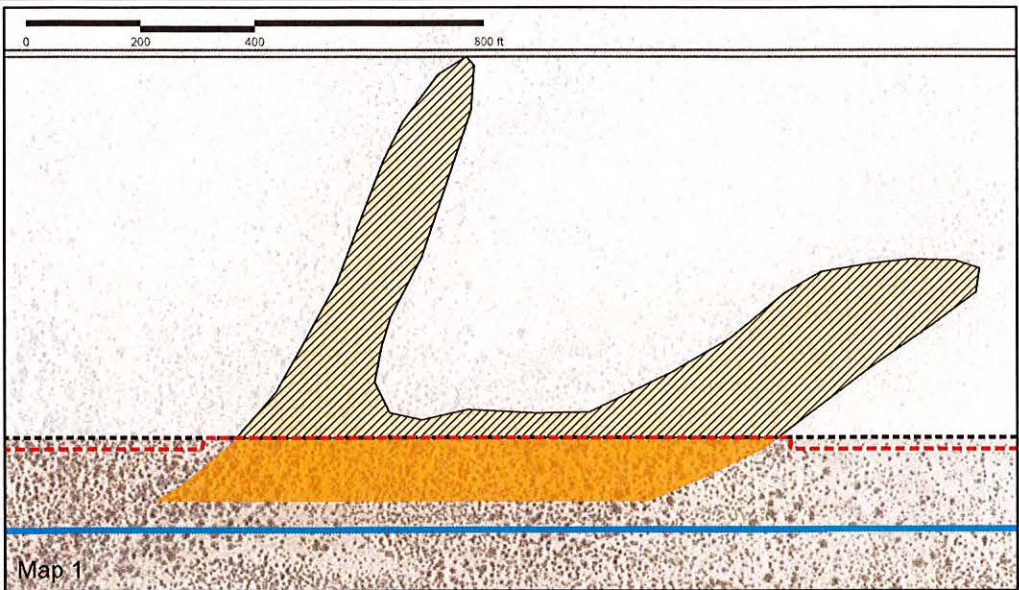
PROJECT LAYOUT

Project Area
Impacted Area
IRA-XC
IRA-XD
IRA-XH
Xeroriparian-C
Xeroriparian-D
Security Fence
Temporary Construction Fence

1" = 500'
0 500 1,000 2,000
SCALE IN FEET

Date: 10-8-2019
Scale: As Shown
Drawn by: GAD
Checked by: RWAS
Project #: 45118

SHEET 1.0



- PROJECT LAYOUT
- Project Area IRA-XC Xeroriparian-C Security Fence
Impacted Area IRA-XD Xeroriparian-D Temporary Construction Fence
IRA-XH

WILMOT ENERGY CENTER TUCSON, ARIZONA

THE PROJECT IS LOCATED SOUTHEAST OF TUCSON, NEAR THE SOUTH END OF SWAN ROAD, AND WEST OF WILMOT ROAD. ADJACENT TO THE ARIZONA STATE PRISON COMPLEX TUCSON.

PARCEL # 303-09-0070.

PROJECT SITE IS 1,136 ACRES.

FLOOD PLAIN USE PERMIT NUMBER: _____

ZONING IS SPECIFIC PLANS (SP).

THE PROJECT IS WITHIN A PORTION OF SECTION 13, 14, & 15, TOWNSHIP 16 SOUTH, RANGE 14 EAST, GILA & SALT RIVER MERIDIAN, TUCSON, PIMA COUNTY, ARIZONA.

INTRODUCTION

THE PROJECT SITE IS SUBJECT TO THE PIMA COUNTY NATIVE PLANT PRESERVATION ORDINANCE (NPPCO), FLOODPLAIN MANAGEMENT ORDINANCE (REGULATED RIPARIAN HABITAT PROTECTION) AND THE RENEWABLE ENERGY INCENTIVE DISTRICT (REID). THE SITE IS CLASSIFIED AS A CLASS 2 REID SITE.

PER THE REID GUIDELINES, THE PROJECT IS APPLICABLE FOR EXPEDITED SITE PLAN REVIEW SUBJECT TO AVOIDING DISTURBANCE OF NATURAL DRAINAGE AND AVOIDING OR MINIMIZING DISTURBANCE OF REGULATED RIPARIAN HABITAT.

CALCULATIONS

THIS SITE CONTAINS THE FOLLOWING REGULATED RIPARIAN HABITAT AREAS:

TOTAL PARCEL ACRES = 1,135 ACRES

TOTAL REGULATED RIPARIAN HABITAT ON-SITE = 231.7 ACRES (20% OF PARCEL)

- IMPORTANT RIPARIAN AREA XC = 102.9 ACRES
- IMPORTANT RIPARIAN AREA XD = 94.3 ACRES
- IMPORTANT RIPARIAN AREA XH = 0.1 ACRES
- XERORIPARIAN C = 30 ACRES
- XERORIPARIAN-D = 4.4 ACRES

TOTAL AREA OF DISTURBED REGULATED RIPARIAN HABITAT = 6.1 ACRES (2.6% OF REGULATED RIPARIAN HABITAT ON-SITE)

- IMPORTANT RIPARIAN AREA XC = 0.4 ACRES (<0.01% OF IMPORTANT RIPARIAN AREA XC ON-SITE)
- IMPORTANT RIPARIAN AREA XD = 0.1 ACRES (<0.01% OF TOTAL IMPORTANT RIPARIAN AREA XD ON-SITE)
- XERORIPARIAN-C = 5.6 ACRES (18.6% OF TOTAL XERORIPARIAN-C ON-SITE)

AVOIDANCE JUSTIFICATION

DEVELOPMENT OF THE PROJECT SITE IS CONSTRAINED BY HYDROGRAPHIC FEATURES (I.E. WASHES) AND THEIR ASSOCIATED REGULATED RIPARIAN HABITATS. DISTURBANCES TO IMPORTANT RIPARIAN AREAS HAVE BEEN MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE AND CONSIST ONLY OF TWO ACCESS ROADS THAT CROSS PERPENDICULAR TO THE IMPORTANT RIPARIAN AREAS AT THEIR NARROWEST POINTS. FURTHERMORE, THE ROADS ARE DESIGNED AT THE MINIMUM WIDTH TO ALLOW FOR PASSAGE OF VEHICLES FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE FACILITY, AS WELL AS ELECTRICAL COLLECTION LINES. APPROXIMATELY 6.1 ACRES OF DISTURBANCE TO REGULATED RIPARIAN HABITAT IS REQUIRED FOR A SITE ENTRANCE ROAD, INTERIOR SITE ACCESS ROAD WITH ELECTRICAL COLLECTION, AND SOLAR PANELS. THE PROPOSED DISTURBANCE BY THE SOLAR PANELS IS THE MINIMUM REQUIRED TO MEET THE PROJECT'S NAMEPLATE GENERATION CAPACITY OF 135 MEGAWATTS AND DOES NOT IMPACT ANY IMPORTANT RIPARIAN AREA.

MITIGATION

IMPACTS TO REGULATED RIPARIAN HABITAT FROM DEVELOPMENT REQUIRES MITIGATION, FOR DISTURBANCES THAT EXCEED 1/3 ACRE A MITIGATION PLAN IS REQUIRED. MITIGATION PLANNING CAN BE ACCOMPLISHED THROUGH EITHER PLANTING ON-SITE, DEVELOPING AN OFF-SITE MITIGATION AREA, OR PAYING AN IN-LIEU FEE BASED ON A PER ACRE SCHEDULE.

MITIGATION FOR PROJECT DISTURBANCE TO REGULATED RIPARIAN HABITAT ON-SITE WILL BE ACCOMPLISHED THROUGH IN-LIEU FEE PAYMENT OF \$90,600. IN-LIEU FEE CALCULATIONS ARE BASED ON THE FLAT FEE TABLE, WITH THE FOLLOWING CALCULATIONS:

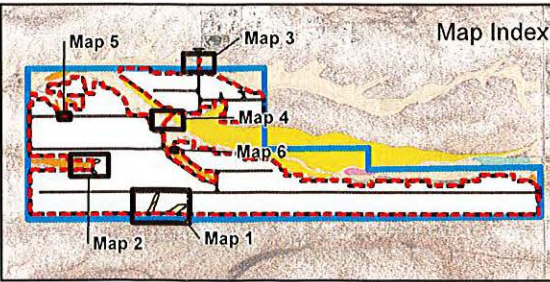
REGULATED RIPARIAN HABITAT CLASS	IMPACT ACRES	FEE PER ACRE	FEE AMOUNT
IMPORTANT RIPARIAN AREA XC	0.4	\$25,000	\$10,000
IMPORTANT RIPARIAN AREA XD	0.1	\$22,000	\$2,200
XERORIPARIAN-C	5.6	\$14,000	\$78,400
		TOTAL	\$90,600

PRESERVATION FENCING

A TEMPORARY CONSTRUCTION FENCE WILL SERVE TO PROTECT THE REGULATED RIPARIAN HABITAT. THE TEMPORARY CONSTRUCTION FENCE WILL BE ERRECTED APPROXIMATELY 20 FEET OFFSET FROM THE PROJECT'S SECURITY FENCE. IN SOME INSTANCES WHERE PRESERVED-IN-PLACE PLANTS AND/OR REGULATED RIPARIAN HABITAT ARE CLOSER TO THE PROJECT AREA, THE TEMPORARY CONSTRUCTION FENCE AND THE SECURITY FENCE LINE ARE IN THE SAME LOCATION. CONSTRUCTION FENCING WILL CONSIST OF SILT FENCING WITH 8 FOOT PVC POLES PLACED OVER REBAR SPACED APPROXIMATELY EVERY 100 FEET. THE TOP APPROXIMATELY 2 FEET OF PVC POLES WILL BE PAINTED HIGH-VISIBILITY ORANGE WITH SIGNS READING "SENSITIVE AREA, DO NOT CROSS" AFFIXED TO THEM.

GRADING AND CONSTRUCTION ENCROACHMENT BEYOND THE TEMPORARY CONSTRUCTION FENCE MAY ONLY BE ALLOWED ON A CASE BY CASE BASIS AS DETERMINED BY AN INSPECTOR WITH THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT.

PROTECTIVE FENCING MUST REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION AND DEVELOPMENT PROCESS.



Prepared By:

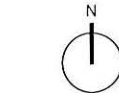
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ENVIRONMENTAL CONSULTANTS

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Riparian Habitat
Mitigation Plan



Date: 08-07-2019

Scale: As Shown

Drawn by: GAD

Checked by: R/WAS

Project #: 45118

SHEET 1.1