MEMORANDUM

DRAFT

Date: January 11, 2001

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

From: C.H. Huckelberry
County Administrator

Re: **Additional Correspondence Received in Response to the Draft Preliminary Sonoran Desert Conservation Plan and the Scope of the Environmental Impact Statement**

On January 5, 2001, I forwarded 163 letters to the Board that were received in response to the draft *Preliminary Sonoran Desert Conservation Plan* during the comment period which lasted for over three months (September 26, 2000 through January 1, 2001). The attached nine letters have been received since that time. Letters were contributed by individuals, community groups, business interests, the ranch community, and government agencies as follows:

- Citizens and Citizen Groups (130 letters)
- Government Entities (8 letters)
- Ranch and Private Property Interests (14 letters)
- Real Estate, Development and Business Interests (14 letters)
- Resource Extraction Industry (6 letters)

These comments relate to both the draft plan, issued by the County as the lead local entity, and to the scope of the Environmental Impact Statement that will be developed during the next eighteen months by the United States Fish and Wildlife Service, which serves as the lead federal agency. The letters also include contributions that resulted from the more than fifteen community meetings held during the comment period. The majority of these letters represent the views of citizens and community groups, and the vast majority of these comments reflect strong support for the Sonoran Desert Conservation Plan.

In the last months, cooperative agreements have been signed with federal agencies, and the Metropolitan Domestic Improvement Water District. The City of Tucson and the Town of Marana have agreed to join Pima County and the federal agencies in the ongoing efforts of the Governmental Working Group.

I will be forwarding to the Board a report that details and responds to the issues identified in the more than 170 letters and over 400 pages of comment letters and makes recommendations for the Board's consideration as we enter the last and most important part of the planning process.

Attachment

Buffers

P.O. Box 30326 Tucson, Arizona 85751-0326

28 December 2000

Charles Huckelberry
County Administrator, Pima County
130 W. Congress, 10th floor
Tucson, AZ 85701

Dear Mr. Huckelberry,

In December 1998 we wrote you to communicate our support of the initial draft Sonoran Desert Conservation Plan. Much has happened since then. Fortunately, a Board of Supervisors that supports the goals of the Plan was re-elected to office. Perhaps unfortunately, Proposition 202, which would have limited growth outside of urban growth boundaries was defeated. Thus, the future of Pima County is tied even more closely to the success of the Sonoran Desert Conservation Plan.

We would like to emphasize that although the Plan was initially triggered by the Endangered Species Act with a goal of habitat preservation, we believe that the Plan must combine habitat preservation with a broad approach to both habitat and growth management. The preservation of the Sonoran Desert, i.e., habitat preservation, is so closely intertwined with the creation of a liveable human environment, i.e., habitat and growth management, that these goals and the methods for achieving these goals are virtually one and the same.

We are very pleased that, overall, the Plan is broad in scope and incorporates a multitude of mechanisms to achieve its goals. In our comments, which follow, we focus on those aspects of the Plan that are most closely tied to habitat and growth management. We will leave the aspects that are more intimately tied to habitat preservation to others who are more qualified to discuss them.

We are in agreement with virtually all recommendations of the plan. Below we offer a few

comments on the recommendations and variations to them.

1. **The need for jurisdictional support.** We would like to begin by emphasizing the need for all jurisdictions within Pima County to support the goals of the Plan. It goes without saying that it is critical that the City of Tucson, Marana, Oro Valley, Sahuarita, and South Tucson must all buy in to the Plan if it is going to have any chance at all to succeed. We sincerely hope that all jurisdictions will not let political concerns get in the way of working toward a successful Plan. If this Plan succeeds, Pima County and all incorporated communities will have a brighter future; if the Plan fails, it will be to the detriment of all jurisdictions within the County.

2. **The need for both "hard line" and "soft line" preserves**. We concur with the Coalition for Sonoran Desert Protection that **"hard line preserves"** to protect endangered species must be created. They must be sufficiently large to provide real protection; they must be connected with other preserves wherever possible to offer opportunities for biological and genetic interchange. We recommend that the core of a preserve of utmost importance will be the state land in the Tortolita Fan that has already been identified in an Arizona Preserve Initiative proposal. For this proposal to be truly effective it should extend as far west, south and east as possible. On the west, in particular, we recommend the preserve boundary be coincident with the State land boundary.

Because the creation of "hard line preserves" will inevitably be a very expensive proposition, we suggest more attention be given to **"soft line preserves."** We would define these somewhat differently than has been done in the Plan. We suggest that, through downzoning legislation, an effort be made to identify areas where 1 unit per 36 or 40 acres would be the only acceptable zoning. These areas would remain largely natural, would not require the expenditure of County tax money for improvements, and could still satisfy some housing needs. We have heard it jokingly said, "Rich people need a place to live, too." As land prices become more and more expensive, preserving habitat through very low density development may be an effective and inexpensive solution. The X-9 Ranch community provides an excellent example of a de facto "soft line preserve."

3. **The importance of downzoning**. We concur that downzoning will be a key to the success of the Plan. Not only will it enable the creation of "soft line preserves" as noted above, but it will also provide the opportunity to remove old, high density zonings from potential habitat preserves. We suggest the time limit for the County to request a downzoning should be shortened from 15 years to 5 years. Five years should be more than sufficient time for a developer to begin construction activity on a parcel.

4. **The need for immediate bonding for open space.** We would like to reiterate a point

we made in our December 1998 letter. In regard to purchasing open space, more emphasis needs to be placed on what we have called the Inner County: places where scenic and biological values are high, places that are of importance to Pima County residents, places they drive by every day, and that they expect to stay natural.

The Tucson Mountain foothills, the Tortolita Mountain foothills, the Cienega Creek/Agua Verde area, are examples of such places. They deserve special treatment and they deserve it now. We recommend that the next open space bond be scheduled as soon as possible, that at least $100 million be authorized, and that the choice of lands to be purchased be thought out carefully in advance.

5. **The need for clear, long term policies relating to upzoning/downzoning.** We concur with the recommendation that upzoning be deferred in areas of federally designated Critical Habitat, Ranch Conservation, or where riparian resources will be lost. We recommend that this policy should extend to locations where a negative impact on habitat preservation may occur as well as locations where transportation corridors are already nearing capacity or are over capacity. In fact, in areas where traffic problems are especially serious and road widenings are not a feasible option, downzonings should become policy. Bad zoning decisions are to blame for many of our current land use problems; more enlightened zoning decisions can help us solve these problems.

6. **The role of ranch and agricultural land conservation.** We concur with the recommendation that the County purchase development rights in order to encourage the continuation of ranching in certain locations. At the same time, we are very aware of the poor condition of some ranches and the limited habitat they provide. Thus, it will be essential for the purchase of development rights to be closely tied to improvement in habitat. We take the long view that ranching may not be an ideal use of the land, but it is less damaging than concrete. That is, while it is not possible, in the short term, to restore a subdivision to natural open space, it is possible to improve the condition of grazing land to make it good habitat

We are also of the opinion that floodplain land, especially along the Santa Cruz River, should be retained in agricultural use. All over the country, the best farm land, generally in floodplains, is being lost to construction. Other states such as Washington and California provide tax advantages for farmers if they keep their land in agricultural uses. Here, instead of removing land from the floodplain and converting it to subdivisions, we should provide tax advantages for the growing of drought-tolerant crops. Floodplain land is a limited commodity, much more suitable for agriculture than construction. Also, of course, even when land is "removed" from the floodplain to be converted to residential construction, flooding does occur. Then, the tax payers must foot the bill for allowing construction in inappropriate places.

7. **The importance of adequate funding**. We strongly concur with the Coalition for Sonoran Desert Protection that the amount of funding necessary to implement the plan must be specified. We realize that obtaining funding depends on multiple considerations, many of which are not at all certain. Nonetheless, it is important not to be naively optimistic about the funding opportunities available. The County must work with other jurisdictions – local, state, and federal – to clarify funding availability before adopting the Plan and receiving the Federal permit.

In conclusion, we are heartened by the scope of the Plan, by its comprehensiveness, by the breadth of its coverage, and by the sophistication of its recommendations. We are guardedly optimistic that IF the County and all local jurisdictions can support the Plan and can stay the course over the next few decades, perhaps the urban disaster that is Phoenix and environs will not be repeated here. In reality, we doubt that all jurisdictions will support the Plan and that we can stay the course, but it's worth a try.

Finally, we offer any assistance we can provide in achieving the goals of the Plan. If you have any questions regarding our comments, we can be reached at 325-6974. Please address any response to 2224 E. 4th St., Tucson, AZ, 85719.

Sincerely,

Gayle G. Hartmann

T. L. Vincent (GH)

T. L. Vincent

December 26, 2000

Dear Mr. Chuck Huckelberry, County Administrator

I wish to have my comments placed into the official record for the Sonoran Desert Conservation Plan.
I want to first say that I am not a resident of Tucson, but I visit often to Bird watch and visit friends and to use the environment. I also shop, rent hotel rooms, rent automobiles, eat all my meals out. I recently attended a High Technology conference for the Motherboard Industry in Tucson., which contributed to the local economy.
I am a businessman and a realist. I understand that in our competitive society we need compromise. Real change comes with compromise. It is my opinion that the arid landscapes of the southwest are in great jepority because of the lack of comprise from the agricultural interest. We all must eat and have fiber for clothing. The Agricultural interest also needs to be educated and regulated in managing the for the net benefit for the looooong teeerm interest of the community, human, profit, plant communities, such as The Riparian plant communities. The Agricultural interest must also learn proper water management skills. Everything has changed in the southwest during the last 30 years, accept the skills of the agriculture interest. If these fellows ever entered any other industry they could not survive due to the management skill set required to make a profit. No industry waste resources such as the agriculture industry.
I first began visiting the southwest in 1966. I have witness the damage of cattle over grazing – it has been so irresponsible as land managers the entire industry has failed and has destroyed wildlife populations which now the tax payer is held to fix.
The cattle industry need to be taken off of public land, all welfare must be stopped. If a ranching operation is to survive it needs to be profitable without taxpayer welfare. Ranchers need to be taken off of welfare. Our public lands need to be restored and made healthy again.
Open space protection is worth nothing if the landscape is dead from overgrazing and poor management skills.
The focus of your Conservation plan must be placed on rehabilitation of the destroyed ecosystem, stream restoration, regulation of the agriculture (ranchers') interest. A job training module for ranchers which can not profitability make a living off of the land with changing their OLD DESTRUCTIVE ways needs to be crafted. Job retraining is cheaper than welfare and the cost of continually fixing range mismanagement. Remember we all have a chance to make a difference in our lifetime now is your, if you error. Error on the side of the ecosystem = good luck in your efforts.
Regards
Rich Cimino
440 Mission CT. Suite 220
Fremont Cal. 94539

Richard E. Genser

28 December, 2000

Chuck Huckelberry, County Administrator
Pima County
130 W. Congress St.
Tucson, AZ 85701

Dear Sir;

I support the written comments submitted by the Coalition for Sonoran Desert Protection.

In addition, I strongly suggest that there be a moratorium on all up-planning and rezonings in critical habitat, WILDLIFE CORRIDORS, and all sensitive areas until approval of the final SDCP.

Respectfully,

Richard Genser

3221 E. Blossom Dancer Lane • Tucson, Arizona 85718
520•529•4899 email: rexgnsr@aol.com

December 27, 2000

Mr. Chuck Huckelberry, County Administrator
Pima County Government
130 W. Congress
Tucson, Arizona 85701

Dear Mr. Huckelberry:

The purpose of this letter is to express Sonoran Desert Mountain Bicyclists (SDMB) support for the Sonoran Desert Conservation Plan. We are a Tucson based non-profit organization dedicated to trail maintenance and construction. We respectfully request information regarding future land management policies that may flow from its adoption and implementation.

A considerable portion of the lands included in the conservation plan are now being used for recreational purposes by the county's trail users, including mountain bicyclists. A significant number of the trails that cross or are located within these areas are listed on the county trails plan. How will the acceptance of the conservation plan by the Board of Supervisors and the U.S. Fish and Wildlife Service impact the use of trails in Pima County?

One area of special concern for SDMB is Tucson Mountain Park. Mountain bicyclists have been successfully sharing the trails in TMP for almost 20 years now, and have had no discernible effect on the park's habitat values (we offer as evidence the park's recent designation as critical habitat for the pygmy-owl). We do, however, believe that the park could be *much* more effectively managed, and towards that end we offered our advice and assistance to Pima County Parks and Recreation Department Director Rafael Payan in early 2000. While Mr. Payan has yet to take us up on our offer, we are immediately prepared to assist with trail system planning, the closure and revegetation of unapproved "wildcat" trails, trail maintenance, signage design and installation, volunteer trail patrols, and much more.

In our experience, the traditional trail user groups (hikers, equestrians and mountain bicyclists) have very mild and easily manageable impacts, and we are confident that if Pima County officials and the trails community work together, we can ensure that one of the Pima County's most popular outdoor activities--recreational trail use--can coexist with and complement the ambitious goals of the Sonoran Desert Conservation Plan.

Thank you for the opportunity to comment on the Sonoran Desert Conservation Plan.

Sincerely,

Mark Kobayashi, Co-chair

c: The Honorable Sharon Bronson, Chairperson, Pima County Board of Supervisors

Center for Environmental Connections

1520 S. Desert Crest Dr.
Tucson AZ 85713
Phone/Fax: (520) 623-3874
E-mail: colorw@ azstarnet.com

Chuck Huckelberry, County Administrator
130 West Congress 10th Floor
Tucson AZ 85701

RE: Sonoran Desert Conservation Plan

December 29, 2000

Dear Mr. Huckelberry,

Thank you for the opportunity to comment on the Draft Sonoran Desert Conservation Plan.

Center for Environmental Connections concurs with the statements made in the comment submitted by the Coalition for Sonoran Desert Protection.

Past land use practices have brought several species in Pima County to the brink of extinction and beyond. When considering the negative impacts of proposed projects to Critical Habitat and other sensitive areas, the County should also take into consideration the cumulative impact of all current zoning and all proposed projects of every jurisdiction within Pima County. Anything less is unrealistic and unscientific.

We supported the creation of the Ironwood National Monument and the Las Cienegas Conservation Area. These designations are a step in the right direction, but it would be unacceptable for the County to consider these new designations as mitigation measures for destruction of habitat elsewhere. The management of these areas remains mostly unchanged, so no net gain has been created to be used for mitigation of lost habitat elsewhere. Although new management plans for these areas may have some positive effect, these plans will not be solidified for at least one year after the projected date of the finalized SDCP.

It is important that the County involve a broad spectrum of the community in creating the final SDCP. The County's record in community involvement has been abysmal. The County has held many meetings on the SDCP, but the format of these meetings was designed to suppress public input. In private meetings, County representatives have demonized a number stakeholder groups to other members of the community.

Despite the efforts of your representatives to pit one stakeholder group against another, the net result has been a uniform feeling that the real enemy is the County. This is not a good position for the County to try to "sell" such a large project as the SDCP to the citizens of Pima County.

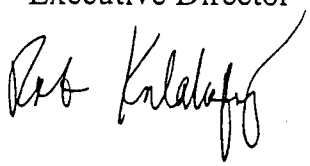
Pima County Transportation's handling of the Thornydale widening project has led many citizens to wonder if the County is willing to honor any agreements made in the SDCP.

We hope the way the County cut a private deal with a developer on Canoa Ranch isn't a template for future SDCP projects. Defacing the historic and cultural landscape of Canoa Ranch with hundreds of acres of commercial development (in the name of "conservation") was an insult to the many concerned stakeholders who were totally excluded from the decision-making process.

In order for the SDCP to be successful, the County must learn to genuinely include its citizens in the decision-making process. If stakeholders are excluded from the process, the SDCP will fail.

Thank you for your consideration.

Sincerely,
Rob Kulakofsky
Executive Director



Cc: Honorable Board of Supervisors
David Harlow, US Fish and Wildlife Service

December 30, 2000

C. H. Huckleberry
County Administrator
Sonoran Desert Conservation Plan
Pima County Administrators Plan

Dear Mr. Huckleberry,

As an avid outdoors enthusiast and resident of Corona de Tucson, I believe you need to be aware of the possible impact by new development to both the wildlife and archaeological significance and possible impact of new development, especially the Santa Rita Ranch Specific plan (first amendment) Co23-87-03. All development in the Santa Rita Mountain/Corona de Tucson area should be deferred until the Draft Preliminary of the Sonoran Desert Conservation Plan (SDCP) is completed.

Sincerely,

Kenneth E. Wawiorka

1/05/00

To Whom It May Concern:

The Sonoran Desert Conservation Plan (SDCP) encompasses a vast area. The area in which I live, the Northern range of the Santa Rita Mountains the latest focal point of future development in the Tucson area, I feel requires more rigorous studies and preservation. There are many issues but my primary concerns are of the archeological significance and of the flora and fauna in the area. During a local hike, within one mile of my residence and adjacent to a proposed future development (Santa Rita Ranch), I came across the largest display of Native American grinding holes that I have ever seen in my 20 years of hiking and backpacking in Arizona and other Southwestern states. Without proper archeological studies of this area we may never appropriately understand the history of these lands. As to the wildlife in the area, the following is a list of some of the bird sightings I have experienced not only on local area hikes, but also have been fortunate enough to experience the majority of these in my own backyard:

Birds:

Great Horned owl	Barn and Cliff swallows	Wilson's Warbler
Barn owl	Gila woodpecker	Audubon's warbler
Turkey Vulture	Red-naped sapsucker	Western kingbird
Harris hawk	Allen's hummingbird	Western tanager
Red-tailed hawk	Rufous hummingbird	Hooded oriole
Marsh hawk	Broad-tailed hummingbird	Bullock's oriole
Coopers hawk	Broad-billed hummingbird	Scott's oriole
Merlin	Black-chinned hummingbird	Vermilion flycatcher
Black hawk	Anna's hummingbird	Pyrrhuloxia
Golden Eagle	American goldfinch	Lazuli Bunting

The above list is only a partial list of the many varieties of wildlife in the local area. This Audubon corridor must be protected. Thank you in advance for making the Sonoran Desert Conservation Plan a priority for Tucson and Pima County. What we do today will impact everyone in the future.

Sincerely,

Kenneth E. Wawiorka

United States Department of the Interior

NATIONAL PARK SERVICE
Saguaro National Park
3693 South Old Spanish Trail
Tucson, Arizona 85730

IN REPLY REFER TO:

A44

December 29, 2000

Pima County Board of Supervisors
Attn: Chuck Huckleberry, County Administrator
130 West Congress, 10th Floor
Tucson, AZ 85701-1317

Dear Mr. Huckleberry,

Thank you for the opportunity to comment on Pima County's Sonoran Desert Conservation Plan. The National Park Service applauds this ambitious and progressive conservation planning effort. Park management and staff have been active supporters and participants from the inception of this process, and we are committed to remain involved.

Both districts of Saguaro National Park will play key roles in the final Sonoran Desert Conservation Plan; in return, the Park will benefit greatly from the Plan. Many of Saguaro National Park's natural resources are currently threatened by habitat fragmentation and losses of connection to other protected natural areas. The Sonoran Desert Conservation Plan's landscape level planning perspective, and its emphasis on maintaining connectivity between existing and proposed protected natural areas is crucial for the long-term viability of many of the Park's vertebrate fauna. In addition, many of the current recommendations from the Plan will have immediate benefits for Saguaro National Park and its resources. We are also pleased at the integrated approach Pima County has taken to develop the Plan.

We have expertise and information, and many other resources to contribute to the Sonoran Desert Conservation Plan. Our commitment to the Plan has been institutionalized in the recently signed Cooperative Agreement with Pima County, and soon in our own planning documents. If you have any questions regarding Saguaro National Park's participation in the Sonoran Desert Conservation Plan, do not hesitate to call me (520/733-5101); Meg Weesner, Chief of Science and Resource Management (520/733-5170); or Natasha Kline, Biologist (520/733-5171).

Sincerely,

Susan M. Early

for Franklin C. Walker
Superintendent

1/05/01

ELKHORN RANCH
HC 1 Box 97
Tucson, AZ 85736
(520) 822-1040
December 28, 2000

Mr. Chuck Huckelberry, County Administrator
County Administrator's Office
130 W. Congress
Tucson, AZ 85701-1317

Regarding: Comments Concerning Draft Preliminary Sonoran Desert Conservation Plan

Dear Mr. Chuck Huckelberry:

We are pleased to have the opportunity to submit comments concerning Pima County's *Draft Preliminary Sonoran Desert Conservation Plan* (SDCP). We are ranchers and private land owners from the Altar Valley southwest of Tucson. We are also active members of the Altar Valley Conservation Alliance a non profit organization, with a core membership of private land owners / ranchers from the Altar Valley and cooperators from the various resource management agencies active in our watershed. Our comments are summarized below.

Ranch Conservation. We applaud Pima County's recognition of the important role ranches play in protecting open space and habitat.

Plan Structure and Alternatives. We gather that the County is moving past the information gathering stage and that 9/26/00 Draft Preliminary SDCP is supposed to be looking more "plan like". We are having difficulty finding the plan amidst all the data, to use simple words. There does not seem to be any clear proposal for action nor anything resembling alternatives? We realize that this is not an Environmental Impact Statement, but it has been our understanding that the SDCP and EIS were to proceed in tandem. We found the series of recommendations to the Board of Supervisors beginning on page 6 of the 9/26/00 SDCP document to be premature. Shouldn't these ideas be framed within the context of alternatives that would be analyzed in an EIS? The recommendations posed thus far seem to focus on zoning approaches that are significantly more restrictive. We suggest that there may be other techniques and that a wide range of options be considered, particularly at this early phase.

Involvement in Permit. When Pima County "sold us" on being cooperators in SDCP development, one of the most compelling arguments was the eventual endangered species compliance permitting opportunity for our individual and Altar Valley Conservation Alliance activities. We have repeatedly asked how this will work, and there are repeatedly no answers. We have a keen interest in working cooperatively with the County to achieve our many shared goals, and hope that there are some answers soon about how this will work.

Public Participation. Has the Steering Committee's role been determined? Will Subarea Planning continue? We suggest that subarea planning is particularly important, at least here in the Altar Valley where this is a well defined watershed, the Buenos Aires National Wildlife Refuge, and an existing group of people engaged in planning for the area.

Altar Valley Specific Comments related to 10/17/2000 mailing. We agree that reclamation of the Brawley Wash (p. 53) is extremely important, but your description of the origins of the problems and solutions do not do justice to the complexity of the situation. We urge you to review the materials compiled by the Altar Valley Conservation Alliance Resource Assessment project as you formulate plans. There are incredible opportunities for cooperation, particularly on projects along the main channel of the Brawley. We hope the County will work with us on these mutual goals.

On page 54, the reader is left hanging in a dreadful fashion ... "The main threat to biological resources in this

subarea". What was meant to be said there -- a rather important statement! We agree that an incentives oriented approach would be ideal, but sincerely hope that you would let local land owners be involved in figuring out partnerships necessary to achieve land protection. Continuing on to page 55, we are not at all pleased with what we gather to be the County's plan to purchase property for "more public land". It would seem that this idea is completely opposite the County's comments elsewhere about ranch conservation, incentive programs, and the like -- and it is certainly not an approach that we support.

Please consider the following comments already submitted to the US Fish and Wildlife Service.

1. **There is insufficient information to allow for proper National Environmental Policy Act (NEPA) scoping at this time.** The draft Pima County materials are at best a compilation of information on biological resources and potential issues, in fact the draft County "plan" states that it "serves as a summary of technical and scientific information". Without a preliminary plan, it is not possible to make meaningful NEPA scoping comments.

2. **The County does not present meaningful options.** Although the County draft plan states that is "is intended to frame a broad range of options," it is difficult to understand the nature of the options. NEPA scoping should be deferred until a reasonable range of actual alternatives have been identified, rather than just "options" or "conservation" opportunities.

3. **The Environmental Impact Statement (EIS) needs to address alternatives that reflect the realities of land ownership and existing land stewardship.** Approximately 80% of the Altar Valley is owned by the State of Arizona in trust for the school system. Most of the lands are under active resource utilization, primarily grazing. Given the land ownership characteristics in the Valley and the active resource utilization in the Valley, it is not appropriate to consider a reserve system approach in the Altar Valley. Rather the EIS should examine a resource management approach in the Valley that is more comparable to forestry plans than to "hard-line" reserve systems such as those used in the Southern California NCCP/HCP program.

4. **The EIS needs to examine the County Habitat Conservation Plan (HCP) in relations to the resource management issues identified in the "Preserving Ranch Lands in Pima County" (October 2000) report.** Habitat systems in the Altar Valley are ultimately dependent on the health of the watershed. The EIS must address the resource issues raised in the report, including the role of fire, mesquite control and erosion control in maintaining and enhancing the health of the watershed. The EIS must also address the "Findings" of the report.

5. **The goals and objectives of the "Altar Valley Watershed Resource Assessment" (in progress) must be addressed in relation to species management goals.** Eleven specific objectives have been identified to date and must be addressed (see attached).

6. **The EIS must address the County Plan in relation to the Pygmy Owl Critical Habitat Designation. Updated information on the pygmy owl needs to be related to the initial critical habitat designation so that the designation does not become written in stone.** Such updated information should be incorporated into an analysis of the extent to which the County Plan and other programs should result in modifications to the critical habitat designation for the pygmy owl.

We appreciate your attention to our concerns and look forward to continued work with you and the USFWS.

Sincerely,

Mary and Charley Miller

cc: Mr. Dave Harlow, USFWS

MANAGEMENT GOALS AND OBJECTIVES

Based on the information gathered in Tasks 3, 4, and 5, four major resource issues stand out: 1) the Altar Wash arroyo, 2) mesquite encroachment in the uplands, 3) invasive non-native grasses, and 4) fire. The specific broad-based management objectives identified are as follows:

- *Objective 1*
  To the maximum extent possible, heal the entrenched arroyo of the Altar Wash floodplain.
- *Objective 2*
  Mitigate the effects of the Altar Wash arroyo on downcutting, erosion, water infiltration, sediment transfer, and floodplain vegetation.
- *Objective 3*
  Control the encroachment of mesquite trees in upland areas.
- *Objective 4*
  Develop adaptive management pilot programs to mitigate the effects of mesquite encroachment on vegetation cover, erosion, forage production, wildlife habitat, and water infiltration.
- *Objective 5*
  Maintain a diversity of native grasses and forbs in the watershed.
- *Objective 6*
  Develop and test strategies to contain or reverse the spread of Lehmann lovegrass.
- *Objective 7*
  Encourage further implementation of management practices that favor increased cover of native perennial grasses.
- *Objective 8*
  Utilize prescribed and natural fires to maintain grassland vegetation in the watershed where there are no conflicts with other resource management objectives.
- *Objective 9*
  Utilize prescribed and natural fires to reduce shrub cover, curtail mesquite recruitment, and encourage grasses.
- *Objective 10*
  Collaborate with researchers and the Buenos Aires National Wildlife Refuge to monitor the effects of fire and develop burning methods that encourage native perennial grasses.
- *Objective 11*
  Identify and abate areas of acute erosion.

MEMORANDUM

Date: January 11, 2001

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

From: C.H. Huckelberry
County Administrator

Re: **Additional Correspondence Received in Response to the Draft Preliminary Sonoran Desert Conservation Plan and the Scope of the Environmental Impact Statement**

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P.O. Box 30326 Tucson, Arizona 85751-0326

28 December 2000

Charles Huckelberry
County Administrator, Pima County
130 W. Congress, 10th floor
Tucson, AZ 85701

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In December 1998 we wrote you to communicate our support of the initial draft Sonoran Desert Conservation Plan. Much has happened since then. Fortunately, a Board of Supervisors that supports the goals of the Plan was re-elected to office. Perhaps unfortunately, Proposition 202, which would have limited growth outside of urban growth boundaries was defeated. Thus, the future of Pima County is tied even more closely to the success of the Sonoran Desert Conservation Plan.

We would like to emphasize that although the Plan was initially triggered by the Endangered Species Act with a goal of habitat preservation, we believe that the Plan must combine habitat preservation with a broad approach to both habitat and growth management. The preservation of the Sonoran Desert, i.e., habitat preservation, is so closely intertwined with the creation of a liveable human environment, i.e., habitat and growth management, that these goals and the methods for achieving these goals are virtually one and the same.

We are very pleased that, overall, the Plan is broad in scope and incorporates a multitude of mechanisms to achieve its goals. In our comments, which follow, we focus on those aspects of the Plan that are most closely tied to habitat and growth management. We will leave the aspects that are more intimately tied to habitat preservation to others who are more qualified to discuss them.

We are in agreement with virtually all recommendations of the plan. Below we offer a few

comments on the recommendations and variations to them.

1. **The need for jurisdictional support.** We would like to begin by emphasizing the need for all jurisdictions within Pima County to support the goals of the Plan. It goes without saying that it is critical that the City of Tucson, Marana, Oro Valley, Sahuarita, and South Tucson must all buy in to the Plan if it is going to have any chance at all to succeed. We sincerely hope that all jurisdictions will not let political concerns get in the way of working toward a successful Plan. If this Plan succeeds, Pima County and all incorporated communities will have a brighter future; if the Plan fails, it will be to the detriment of all jurisdictions within the County.

2. **The need for both "hard line" and "soft line" preserves**. We concur with the Coalition for Sonoran Desert Protection that **"hard line preserves"** to protect endangered species must be created. They must be sufficiently large to provide real protection; they must be connected with other preserves wherever possible to offer opportunities for biological and genetic interchange. We recommend that the core of a preserve of utmost importance will be the state land in the Tortolita Fan that has already been identified in an Arizona Preserve Initiative proposal. For this proposal to be truly effective it should extend as far west, south and east as possible. On the west, in particular, we recommend the preserve boundary be coincident with the State land boundary.

Because the creation of "hard line preserves" will inevitably be a very expensive proposition, we suggest more attention be given to **"soft line preserves."** We would define these somewhat differently than has been done in the Plan. We suggest that, through downzoning legislation, an effort be made to identify areas where 1 unit per 36 or 40 acres would be the only acceptable zoning. These areas would remain largely natural, would not require the expenditure of County tax money for improvements, and could still satisfy some housing needs. We have heard it jokingly said, "Rich people need a place to live, too." As land prices become more and more expensive, preserving habitat through very low density development may be an effective and inexpensive solution. The X-9 Ranch community provides an excellent example of a de facto "soft line preserve."

3. **The importance of downzoning**. We concur that downzoning will be a key to the success of the Plan. Not only will it enable the creation of "soft line preserves" as noted above, but it will also provide the opportunity to remove old, high density zonings from potential habitat preserves. We suggest the time limit for the County to request a downzoning should be shortened from 15 years to 5 years. Five years should be more than sufficient time for a developer to begin construction activity on a parcel.

4. **The need for immediate bonding for open space.** We would like to reiterate a point

we made in our December 1998 letter. In regard to purchasing open space, more emphasis needs to be placed on what we have called the Inner County: places where scenic and biological values are high, places that are of importance to Pima County residents, places they drive by every day, and that they expect to stay natural.

The Tucson Mountain foothills, the Tortolita Mountain foothills, the Cienega Creek/Agua Verde area, are examples of such places. They deserve special treatment and they deserve it now. We recommend that the next open space bond be scheduled as soon as possible, that at least $100 million be authorized, and that the choice of lands to be purchased be thought out carefully in advance.

5. **The need for clear, long term policies relating to upzoning/downzoning.** We concur with the recommendation that upzoning be deferred in areas of federally designated Critical Habitat, Ranch Conservation, or where riparian resources will be lost. We recommend that this policy should extend to locations where a negative impact on habitat preservation may occur as well as locations where transportation corridors are already nearing capacity or are over capacity. In fact, in areas where traffic problems are especially serious and road widenings are not a feasible option, downzonings should become policy. Bad zoning decisions are to blame for many of our current land use problems; more enlightened zoning decisions can help us solve these problems.

6. **The role of ranch and agricultural land conservation.** We concur with the recommendation that the County purchase development rights in order to encourage the continuation of ranching in certain locations. At the same time, we are very aware of the poor condition of some ranches and the limited habitat they provide. Thus, it will be essential for the purchase of development rights to be closely tied to improvement in habitat. We take the long view that ranching may not be an ideal use of the land, but it is less damaging than concrete. That is, while it is not possible, in the short term, to restore a subdivision to natural open space, it is possible to improve the condition of grazing land to make it good habitat

We are also of the opinion that floodplain land, especially along the Santa Cruz River, should be retained in agricultural use. All over the country, the best farm land, generally in floodplains, is being lost to construction. Other states such as Washington and California provide tax advantages for farmers if they keep their land in agricultural uses. Here, instead of removing land from the floodplain and converting it to subdivisions, we should provide tax advantages for the growing of drought-tolerant crops. Floodplain land is a limited commodity, much more suitable for agriculture than construction. Also, of course, even when land is "removed" from the floodplain to be converted to residential construction, flooding does occur. Then, the tax payers must foot the bill for allowing construction in inappropriate places.

7. **The importance of adequate funding**. We strongly concur with the Coalition for Sonoran Desert Protection that the amount of funding necessary to implement the plan must be specified. We realize that obtaining funding depends on multiple considerations, many of which are not at all certain. Nonetheless, it is important not to be naively optimistic about the funding opportunities available. The County must work with other jurisdictions – local, state, and federal – to clarify funding availability before adopting the Plan and receiving the Federal permit.

In conclusion, we are heartened by the scope of the Plan, by its comprehensiveness, by the breadth of its coverage, and by the sophistication of its recommendations. We are guardedly optimistic that IF the County and all local jurisdictions can support the Plan and can stay the course over the next few decades, perhaps the urban disaster that is Phoenix and environs will not be repeated here. In reality, we doubt that all jurisdictions will support the Plan and that we can stay the course, but it's worth a try.

Finally, we offer any assistance we can provide in achieving the goals of the Plan. If you have any questions regarding our comments, we can be reached at 325-6974. Please address any response to 2224 E. 4th St., Tucson, AZ, 85719.

Sincerely,

Gayle G. Hartmann

T. L. Vincent (GH)

T. L. Vincent

December 26, 2000

Dear Mr. Chuck Huckelberry, County Administrator

I wish to have my comments placed into the official record for the Sonoran Desert Conservation Plan.
I want to first say that I am not a resident of Tucson, but I visit often to Bird watch and visit friends and to use the environment. I also shop, rent hotel rooms, rent automobiles, eat all my meals out. I recently attended a High Technology conference for the Motherboard Industry in Tucson., which contributed to the local economy.
I am a businessman and a realist. I understand that in our competitive society we need compromise. Real change comes with compromise. It is my opinion that the arid landscapes of the southwest are in great jepority because of the lack of comprise from the agricultural interest. We all must eat and have fiber for clothing. The Agricultural interest also needs to be educated and regulated in managing the for the net benefit for the looooong teeerm interest of the community, human, profit, plant communities, such as The Riparian plant communities. The Agricultural interest must also learn proper water management skills. Everything has changed in the southwest during the last 30 years, accept the skills of the agriculture interest. If these fellows ever entered any other industry they could not survive due to the management skill set required to make a profit. No industry waste resources such as the agriculture industry.
I first began visiting the southwest in 1966. I have witness the damage of cattle over grazing – it has been so irresponsible as land managers the entire industry has failed and has destroyed wildlife populations which now the tax payer is held to fix.
The cattle industry need to be taken off of public land, all welfare must be stopped. If a ranching operation is to survive it needs to be profitable without taxpayer welfare. Ranchers need to be taken off of welfare. Our public lands need to be restored and made healthy again.
Open space protection is worth nothing if the landscape is dead from overgrazing and poor management skills.
The focus of your Conservation plan must be placed on rehabilitation of the destroyed ecosystem, stream restoration, regulation of the agriculture (ranchers') interest. A job training module for ranchers which can not profitability make a living off of the land with changing their OLD DESTRUCTIVE ways needs to be crafted. Job retraining is cheaper than welfare and the cost of continually fixing range mismanagement. Remember we all have a chance to make a difference in our lifetime now is your, if you error. Error on the side of the ecosystem = good luck in your efforts.
Regards
Rich Cimino
440 Mission CT. Suite 220
Fremont Cal. 94539

Richard E. Genser

28 December, 2000

Chuck Huckelberry, County Administrator
Pima County
130 W. Congress St.
Tucson, AZ 85701

Dear Sir;

I support the written comments submitted by the Coalition for Sonoran Desert Protection.

In addition, I strongly suggest that there be a moratorium on all up-planning and rezonings in critical habitat, WILDLIFE CORRIDORS, and all sensitive areas until approval of the final SDCP.

Respectfully,

Richard Genser

3221 E. Blossom Dancer Lane • Tucson, Arizona 85718
520•529•4899 email: rexgnsr@aol.com

December 27, 2000

Mr. Chuck Huckelberry, County Administrator
Pima County Government
130 W. Congress
Tucson, Arizona 85701

Dear Mr. Huckelberry:

The purpose of this letter is to express Sonoran Desert Mountain Bicyclists (SDMB) support for the Sonoran Desert Conservation Plan. We are a Tucson based non-profit organization dedicated to trail maintenance and construction. We respectfully request information regarding future land management policies that may flow from its adoption and implementation.

A considerable portion of the lands included in the conservation plan are now being used for recreational purposes by the county's trail users, including mountain bicyclists. A significant number of the trails that cross or are located within these areas are listed on the county trails plan. How will the acceptance of the conservation plan by the Board of Supervisors and the U.S. Fish and Wildlife Service impact the use of trails in Pima County?

One area of special concern for SDMB is Tucson Mountain Park. Mountain bicyclists have been successfully sharing the trails in TMP for almost 20 years now, and have had no discernible effect on the park's habitat values (we offer as evidence the park's recent designation as critical habitat for the pygmy-owl). We do, however, believe that the park could be *much* more effectively managed, and towards that end we offered our advice and assistance to Pima County Parks and Recreation Department Director Rafael Payan in early 2000. While Mr. Payan has yet to take us up on our offer, we are immediately prepared to assist with trail system planning, the closure and revegetation of unapproved "wildcat" trails, trail maintenance, signage design and installation, volunteer trail patrols, and much more.

In our experience, the traditional trail user groups (hikers, equestrians and mountain bicyclists) have very mild and easily manageable impacts, and we are confident that if Pima County officials and the trails community work together, we can ensure that one of the Pima County's most popular outdoor activities--recreational trail use--can coexist with and complement the ambitious goals of the Sonoran Desert Conservation Plan.

Thank you for the opportunity to comment on the Sonoran Desert Conservation Plan.

Sincerely,

Mark Kobayashi, Co-chair

c: The Honorable Sharon Bronson, Chairperson, Pima County Board of Supervisors

Center for Environmental Connections

1520 S. Desert Crest Dr.
Tucson AZ 85713
Phone/Fax: (520) 623-3874
E-mail: colorw@ azstarnet.com

Chuck Huckelberry, County Administrator
130 West Congress 10th Floor
Tucson AZ 85701

RE: Sonoran Desert Conservation Plan

December 29, 2000

Dear Mr. Huckelberry,

Thank you for the opportunity to comment on the Draft Sonoran Desert Conservation Plan.

Center for Environmental Connections concurs with the statements made in the comment submitted by the Coalition for Sonoran Desert Protection.

Past land use practices have brought several species in Pima County to the brink of extinction and beyond. When considering the negative impacts of proposed projects to Critical Habitat and other sensitive areas, the County should also take into consideration the cumulative impact of all current zoning and all proposed projects of every jurisdiction within Pima County. Anything less is unrealistic and unscientific.

We supported the creation of the Ironwood National Monument and the Las Cienegas Conservation Area. These designations are a step in the right direction, but it would be unacceptable for the County to consider these new designations as mitigation measures for destruction of habitat elsewhere. The management of these areas remains mostly unchanged, so no net gain has been created to be used for mitigation of lost habitat elsewhere. Although new management plans for these areas may have some positive effect, these plans will not be solidified for at least one year after the projected date of the finalized SDCP.

It is important that the County involve a broad spectrum of the community in creating the final SDCP. The County's record in community involvement has been abysmal. The County has held many meetings on the SDCP, but the format of these meetings was designed to suppress public input. In private meetings, County representatives have demonized a number stakeholder groups to other members of the community.

Despite the efforts of your representatives to pit one stakeholder group against another, the net result has been a uniform feeling that the real enemy is the County. This is not a good position for the County to try to "sell" such a large project as the SDCP to the citizens of Pima County.

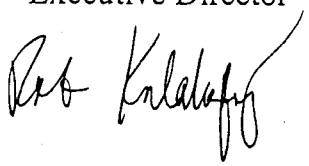
Pima County Transportation's handling of the Thornydale widening project has led many citizens to wonder if the County is willing to honor any agreements made in the SDCP.

We hope the way the County cut a private deal with a developer on Canoa Ranch isn't a template for future SDCP projects. Defacing the historic and cultural landscape of Canoa Ranch with hundreds of acres of commercial development (in the name of "conservation") was an insult to the many concerned stakeholders who were totally excluded from the decision-making process.

In order for the SDCP to be successful, the County must learn to genuinely include its citizens in the decision-making process. If stakeholders are excluded from the process, the SDCP will fail.

Thank you for your consideration.

Sincerely,
Rob Kulakofsky
Executive Director



Cc: Honorable Board of Supervisors
David Harlow, US Fish and Wildlife Service

December 30, 2000

C. H. Huckleberry
County Administrator
Sonoran Desert Conservation Plan
Pima County Administrators Plan

Dear Mr. Huckleberry,

As an avid outdoors enthusiast and resident of Corona de Tucson, I believe you need to be aware of the possible impact by new development to both the wildlife and archaeological significance and possible impact of new development, especially the Santa Rita Ranch Specific plan (first amendment) Co23-87-03. All development in the Santa Rita Mountain/Corona de Tucson area should be deferred until the Draft Preliminary of the Sonoran Desert Conservation Plan (SDCP) is completed.

Sincerely,

Kenneth E. Wawiorka

1/05/00

To Whom It May Concern:

The Sonoran Desert Conservation Plan (SDCP) encompasses a vast area. The area in which I live, the Northern range of the Santa Rita Mountains the latest focal point of future development in the Tucson area, I feel requires more rigorous studies and preservation. There are many issues but my primary concerns are of the archeological significance and of the flora and fauna in the area. During a local hike, within one mile of my residence and adjacent to a proposed future development (Santa Rita Ranch), I came across the largest display of Native American grinding holes that I have ever seen in my 20 years of hiking and backpacking in Arizona and other Southwestern states. Without proper archeological studies of this area we may never appropriately understand the history of these lands. As to the wildlife in the area, the following is a list of some of the bird sightings I have experienced not only on local area hikes, but also have been fortunate enough to experience the majority of these in my own backyard:

Birds:

Great Horned owl	Barn and Cliff swallows	Wilson's Warbler
Barn owl	Gila woodpecker	Audubon's warbler
Turkey Vulture	Red-naped sapsucker	Western kingbird
Harris hawk	Allen's hummingbird	Western tanager
Red-tailed hawk	Rufous hummingbird	Hooded oriole
Marsh hawk	Broad-tailed hummingbird	Bullock's oriole
Coopers hawk	Broad-billed hummingbird	Scott's oriole
Merlin	Black-chinned hummingbird	Vermilion flycatcher
Black hawk	Anna's hummingbird	Pyrrhuloxia
Golden Eagle	American goldfinch	Lazuli Bunting

The above list is only a partial list of the many varieties of wildlife in the local area. This Audubon corridor must be protected. Thank you in advance for making the Sonoran Desert Conservation Plan a priority for Tucson and Pima County. What we do today will impact everyone in the future.

Sincerely,

Kenneth E. Wawiorka

United States Department of the Interior

NATIONAL PARK SERVICE
Saguaro National Park
3693 South Old Spanish Trail
Tucson, Arizona 85730

IN REPLY REFER TO:

A44

December 29, 2000

Pima County Board of Supervisors
Attn: Chuck Huckleberry, County Administrator
130 West Congress, 10th Floor
Tucson, AZ 85701-1317

Dear Mr. Huckleberry,

Thank you for the opportunity to comment on Pima County's Sonoran Desert Conservation Plan. The National Park Service applauds this ambitious and progressive conservation planning effort. Park management and staff have been active supporters and participants from the inception of this process, and we are committed to remain involved.

Both districts of Saguaro National Park will play key roles in the final Sonoran Desert Conservation Plan; in return, the Park will benefit greatly from the Plan. Many of Saguaro National Park's natural resources are currently threatened by habitat fragmentation and losses of connection to other protected natural areas. The Sonoran Desert Conservation Plan's landscape level planning perspective, and its emphasis on maintaining connectivity between existing and proposed protected natural areas is crucial for the long-term viability of many of the Park's vertebrate fauna. In addition, many of the current recommendations from the Plan will have immediate benefits for Saguaro National Park and its resources. We are also pleased at the integrated approach Pima County has taken to develop the Plan.

We have expertise and information, and many other resources to contribute to the Sonoran Desert Conservation Plan. Our commitment to the Plan has been institutionalized in the recently signed Cooperative Agreement with Pima County, and soon in our own planning documents. If you have any questions regarding Saguaro National Park's participation in the Sonoran Desert Conservation Plan, do not hesitate to call me (520/733-5101); Meg Weesner, Chief of Science and Resource Management (520/733-5170); or Natasha Kline, Biologist (520/733-5171).

Sincerely,

Susan M. Early for Franklin C. Walker
Superintendent

1/05/01

ELKHORN RANCH
HC 1 Box 97
Tucson, AZ 85736
(520) 822-1040
December 28, 2000

Mr. Chuck Huckelberry, County Administrator
County Administrator's Office
130 W. Congress
Tucson, AZ 85701-1317

Regarding: Comments Concerning Draft Preliminary Sonoran Desert Conservation Plan

Dear Mr. Chuck Huckelberry:

We are pleased to have the opportunity to submit comments concerning Pima County's *Draft Preliminary Sonoran Desert Conservation Plan* (SDCP). We are ranchers and private land owners from the Altar Valley southwest of Tucson. We are also active members of the Altar Valley Conservation Alliance a non profit organization, with a core membership of private land owners / ranchers from the Altar Valley and cooperators from the various resource management agencies active in our watershed. Our comments are summarized below.

Ranch Conservation. We applaud Pima County's recognition of the important role ranches play in protecting open space and habitat.

Plan Structure and Alternatives. We gather that the County is moving past the information gathering stage and that 9/26/00 Draft Preliminary SDCP is supposed to be looking more "plan like". We are having difficulty finding the plan amidst all the data, to use simple words. There does not seem to be any clear proposal for action nor anything resembling alternatives? We realize that this is not an Environmental Impact Statement, but it has been our understanding that the SDCP and EIS were to proceed in tandem. We found the series of recommendations to the Board of Supervisors beginning on page 6 of the 9/26/00 SDCP document to be premature. Shouldn't these ideas be framed within the context of alternatives that would be analyzed in an EIS? The recommendations posed thus far seem to focus on zoning approaches that are significantly more restrictive. We suggest that there may be other techniques and that a wide range of options be considered, particularly at this early phase.

Involvement in Permit. When Pima County "sold us" on being cooperators in SDCP development, one of the most compelling arguments was the eventual endangered species compliance permitting opportunity for our individual and Altar Valley Conservation Alliance activities. We have repeatedly asked how this will work, and there are repeatedly no answers. We have a keen interest in working cooperatively with the County to achieve our many shared goals, and hope that there are some answers soon about how this will work.

Public Participation. Has the Steering Committee's role been determined? Will Subarea Planning continue? We suggest that subarea planning is particularly important, at least here in the Altar Valley where this is a well defined watershed, the Buenos Aires National Wildlife Refuge, and an existing group of people engaged in planning for the area.

Altar Valley Specific Comments related to 10/17/2000 mailing. We agree that reclamation of the Brawley Wash (p. 53) is extremely important, but your description of the origins of the problems and solutions do not do justice to the complexity of the situation. We urge you to review the materials compiled by the Altar Valley Conservation Alliance Resource Assessment project as you formulate plans. There are incredible opportunities for cooperation, particularly on projects along the main channel of the Brawley. We hope the County will work with us on these mutual goals.

On page 54, the reader is left hanging in a dreadful fashion ... "The main threat to biological resources in this

subarea". What was meant to be said there -- a rather important statement! We agree that an incentives oriented approach would be ideal, but sincerely hope that you would let local land owners be involved in figuring out partnerships necessary to achieve land protection. Continuing on to page 55, we are not at all pleased with what we gather to be the County's plan to purchase property for "more public land". It would seem that this idea is completely opposite the County's comments elsewhere about ranch conservation, incentive programs, and the like -- and it is certainly not an approach that we support.

Please consider the following comments already submitted to the US Fish and Wildlife Service.

1. **There is insufficient information to allow for proper National Environmental Policy Act (NEPA) scoping at this time.** The draft Pima County materials are at best a compilation of information on biological resources and potential issues, in fact the draft County "plan" states that it "serves as a summary of technical and scientific information". Without a preliminary plan, it is not possible to make meaningful NEPA scoping comments.

2. **The County does not present meaningful options.** Although the County draft plan states that is "is intended to frame a broad range of options," it is difficult to understand the nature of the options. NEPA scoping should be deferred until a reasonable range of actual alternatives have been identified, rather than just "options" or "conservation" opportunities.

3. **The Environmental Impact Statement (EIS) needs to address alternatives that reflect the realities of land ownership and existing land stewardship.** Approximately 80% of the Altar Valley is owned by the State of Arizona in trust for the school system. Most of the lands are under active resource utilization, primarily grazing. Given the land ownership characteristics in the Valley and the active resource utilization in the Valley, it is not appropriate to consider a reserve system approach in the Altar Valley. Rather the EIS should examine a resource management approach in the Valley that is more comparable to forestry plans than to "hard-line" reserve systems such as those used in the Southern California NCCP/HCP program.

4. **The EIS needs to examine the County Habitat Conservation Plan (HCP) in relations to the resource management issues identified in the "Preserving Ranch Lands in Pima County" (October 2000) report.** Habitat systems in the Altar Valley are ultimately dependent on the health of the watershed. The EIS must address the resource issues raised in the report, including the role of fire, mesquite control and erosion control in maintaining and enhancing the health of the watershed. The EIS must also address the "Findings" of the report.

5. **The goals and objectives of the "Altar Valley Watershed Resource Assessment" (in progress) must be addressed in relation to species management goals.** Eleven specific objectives have been identified to date and must be addressed (see attached).

6. **The EIS must address the County Plan in relation to the Pygmy Owl Critical Habitat Designation. Updated information on the pygmy owl needs to be related to the initial critical habitat designation so that the designation does not become written in stone.** Such updated information should be incorporated into an analysis of the extent to which the County Plan and other programs should result in modifications to the critical habitat designation for the pygmy owl.

We appreciate your attention to our concerns and look forward to continued work with you and the USFWS.

Sincerely,

Mary and Charley Miller

cc: Mr. Dave Harlow, USFWS

MANAGEMENT GOALS AND OBJECTIVES

Based on the information gathered in Tasks 3, 4, and 5, four major resource issues stand out: 1) the Altar Wash arroyo, 2) mesquite encroachment in the uplands, 3) invasive non-native grasses, and 4) fire. The specific broad-based management objectives identified are as follows:

- *Objective 1*
  To the maximum extent possible, heal the entrenched arroyo of the Altar Wash floodplain.
- *Objective 2*
  Mitigate the effects of the Altar Wash arroyo on downcutting, erosion, water infiltration, sediment transfer, and floodplain vegetation.
- *Objective 3*
  Control the encroachment of mesquite trees in upland areas.
- *Objective 4*
  Develop adaptive management pilot programs to mitigate the effects of mesquite encroachment on vegetation cover, erosion, forage production, wildlife habitat, and water infiltration.
- *Objective 5*
  Maintain a diversity of native grasses and forbs in the watershed.
- *Objective 6*
  Develop and test strategies to contain or reverse the spread of Lehmann lovegrass.
- *Objective 7*
  Encourage further implementation of management practices that favor increased cover of native perennial grasses.
- *Objective 8*
  Utilize prescribed and natural fires to maintain grassland vegetation in the watershed where there are no conflicts with other resource management objectives.
- *Objective 9*
  Utilize prescribed and natural fires to reduce shrub cover, curtail mesquite recruitment, and encourage grasses.
- *Objective 10*
  Collaborate with researchers and the Buenos Aires National Wildlife Refuge to monitor the effects of fire and develop burning methods that encourage native perennial grasses.
- *Objective 11*
  Identify and abate areas of acute erosion.

MEMORANDUM

Date: January 5, 2001

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

From: C.H. Huckelberry
County Administrator

Re: **Correspondence Received in Response to the Draft Preliminary Sonoran Desert Conservation Plan and the Scope of the Environmental Impact Statement**

I. Overview

The attached correspondence has been received in response to the draft *Preliminary Sonoran Desert Conservation Plan* during the comment period which lasted for over three months (September 26, 2000 through January 1, 2001). More than 160 letters that total over 400 pages were contributed by individuals, community groups, business interests, the ranch community, and government agencies. These comments relate to both the draft plan, issued by the County as the lead local entity, and to the scope of the Environmental Impact Statement that will be developed during the next eighteen months by the United States Fish and Wildlife Service, which serves as the lead federal agency. These letters also include contributions that resulted from the more than fifteen community meetings held during the comment period. In the last months, cooperative agreements have been signed with federal agencies, and the Metropolitan Domestic Improvement Water District. The City of Tucson and the Town of Marana have agreed to join Pima County and the federal agencies in the ongoing efforts of the Governmental Working Group. This group will meet monthly throughout 2001 and 2002 to craft the management plans and agreements that are needed for each agency and jurisdiction to implement the regional Sonoran Desert Conservation Plan. During 2001 we will also develop the Comprehensive Plan for Pima County and combine the public process with on-going conservation planning so that there is complete integration of the efforts. We will issue drafts of the Comprehensive Plan, the Multi-Species Conservation Plan, the Environmental Impact Statement, and the Implementing Agreement at the same time.

- The first draft of each of these four major documents will be released in July of 2001.
- The second draft of each will be released in September of 2001.
- The third draft of each will be released in November of 2001.

I will be forwarding to the Board a report that details and responds to the issues identified by the attached comment letters and makes recommendations for the Board's consideration as we enter the last and most important part of the planning process. Letters are organized as follows:

- Citizens and Citizen Groups (123 letters)
- Government Entities (7 letters)
- Ranch and Private Property Interests (13 letters)
- Real Estate, Development and Business Interests (14 letters)
- Resource Extraction Industry (6 letters)

The notices and attendance lists from federal scoping meetings and the County's community meetings are also included in the attached document.

II. Letters Received from Citizens and Citizen Groups:

1. Arivaca Watershed Education Taskforce
2. Arizona Center for Law in the Public Interest (November 24, 2000)
3. Arizona Center for Law in the Public Interest (December 29, 2000)
4. Arizona Desert Bighorn Sheep Society
5. Arizona League of Conservation Voters

6. Jo Behman
7. Louis and Robyn Benson
8. Michael Berard
9. Ekdal Buys
10. James Byers

11. Kacey Carleton
12. Center for Biological Diversity (November 23, 2000)
13. Center for Biological Diversity (December 21, 2000)
14. Paul Charette
15. Citizens for Preservation of Scenic Picture Rocks Community
16. Coalition for Sonoran Desert Protection (November 22, 2000)
17. Coalition for Sonoran Desert Protection (December 22, 2000)
18. Ernest Allen Cohen
19. Hector Conde
20. Paul Crawford

21. Robert Dahl
22. Desert Watch
23. Suzanne Dhruv
24. Brian Dolan
25. Dan Dorsey

26. Roy Emrick

27. Holly Finstrom (November 21, 2000)
28. Holly Finstrom (December 23, 2000)
29. Robin Fogden
30. Friends of Sweetwater
31. Harold Fritts

32. Kimberly Garcia
33. Richard Genser
34. Clayton George
35. Larry Glickman and Sarah Haas
36. Global Citizen University
37. Vicki Cox Golder
38. Don and Alverta Gunther

39. Holly Hancock
40. Jeanmarie Haney
41. Robbie Hannawacker
42. Zay Hartigan
43. Gayle Hartmann
44. Jim Hays
45. Chet Hedden
46. Anne and Sky Hilts
47. Harlan Hobbs
48. Jim Hoffman
49. William Hoffman
50. Barbara Holtzman
51. Bruce Howlett

52. Ted Jeryuch

53. Jeffrey Kapp
54. Theresa Kapp
55. Theresa and Jeffer Kapp
56. Laura Key
57. Larry and Claire Klingler
58. Kendall Kroesen
59. Rob Kulakofsky

60. Jill Littrell
61. Jonathan Lunine

62. Pat McMorrow
63. Christina and Douglas McVie
64. Margaret Messmer
65. Brian Metcalf
66. Robert Mossman

67. The Nature Conservancy

68. Giovanni Panza (November 24, 2000)
69. Giovanni Panza (December 18, 2000)
70. Kathryn Pensinger
71. Lloyd Perper
72. Anne Perrin
73. Kenn Perrin
74. Ann Audrey Phillips
75. Pima Trails Association
76. Martin and Cathryn Pokorny
77. Jen Pyle
78. Jennifer Pyle

79. Rob Rauh
80. Judy Reed
81. Karen Riker
82. Barbara Rose (November 24, 2000)
83. Barbara Rose (January 1, 2001)

84. Irene Schmoller
85. Robert Seymour
86. Jan, Kimberly and Tom Skineer
87. Jon Sjogren
88. Jon and Kathy Sjogren
89. Sierra Club -- Grand Canyon Chapter
90. Sierra Club -- Rincon Group (November 22, 2000)
91. Sierra Club -- Rincon Group (December 28, 2000)
92. Victoria Sikora
93. Quinn Simpson
94. Sonoran Institute
95. Jan Springer
96. Stafford Peak Watershed Educaton Taskforce
97. Richard Starkey
98. Bailey Stevens
99. Laurence Stevens
100. Nancy Stevens
101. Ed and Marianne Stolmaker

102. William Thornton
103. Tucson Mountains Association (November 20, 2000)
104. Tucson Mountains Association (December 27, 2000)
105. Tucson Regional Water Council

106. Urban Trails Coalition

107. Christopher and Elizabeth Warren
108. Audrey and Donald Weber
109 Sharon Welch (November 24, 2000)
110. Sharon Welch (December 2000)
111. Westland Resources
112. June Williamson
113. Mrs. Robert Williamson
114. Don Wilson
115. Karen Wilson
116. L.G. and Barbara Wilson
117. Carl Winters
118. Women for Sustainable Technologies
119. Steven Wood

120. Steven and Luanne Wood
121. Nancy Whyte

122. Don Zepp
123. Michael Zimet and Christina McVie

III. Letters Received from Government Entities:

124. Arizona Department of Water Resources
125. Arizona Game and Fish Department (November 24, 2000)
126. Arizona Game and Fish Department (December 21, 2000)
127. City of Tucson (December 18, 2000)
128. Environmental Protection Agency, Region IX
129. Town of Marana, Office of the Mayor
130. Tucson Water

IV. Letters Received Regarding Ranch Interests:

131. Altar Valley Conservation Alliance
132. Chilton Ranch & Cattle Company
133. Cynthia Coping (September 15, 2000)
134. Cynthia Coping (November 6, 2000)
135. Donald Honnas (October 12, 2000)
136. Donald Honnas (December 29, 2000)
137. John King
138. Tim Lengerich
139. Mitchel McClaran
140. Mary and Charley Miller
141. Natural Resource Conservation District
142. Nathan Sayre
143. Sierrita Mining and Ranching Company

V. Letters Received from Real Estate, Development and Business Interests:

144. Arizona Electric Power Cooperative
145. Asta Planning and Zoning
146. Diamond Ventures
147. Metropolitan Pima Alliance
148. Southern Arizona Home Builders (November 22, 2000)
149. Southern Arizona Home Builders (December 29, 2000)
150. Stantec (November 21, 2000)
151. Stantec (December 29, 2000)
152. Tucson Association of Realtors (October 23, 2000)
153. Tucson Association of Realtors (December 29, 2000)
154. Vanguard Companies
155. Peter Vokac

156. Westland Resources for New World Homes (November 23, 2000)
157. Westland Resources for New World Homes (January 1, 2001)

VI. Letters Received from the Resource Extraction Industry:

158. ASARCO (November 22, 2000)
159. ASARCO (December 28, 2000)
160. Arizona Mining Association (November 21, 2000)
161. Arizona Mining Association (January 1, 2001)
162. Stuart Bengson
163. Jonathan DuHamel

VII. Notices and Attendance Lists - Federal Scoping and County-wide Community Meetings

- Participation Registration, October 4, 2000 Scoping Meeting (First Session)
- Participation Registration, October 4, 2000 Scoping Meeting (Second Session)
- Notices of Open House / Information Sessions, November through December (15 Sessions)

VIII. Conclusion

Over 400 pages of comments were submitted in response to the draft *Preliminary Sonoran Desert Conservation Plan*. The majority of these letters represent the views of citizens and community groups, and the vast majority of these comments reflect strong support for the Sonoran Desert Conservation Plan. I will forward a report that details and responds to the issues identified by the attached comment letters and makes recommendations for the Board's consideration as we enter the last and most important part of the planning process

Attachment

II. Letters Received from Citizens and Citizen Groups:

1. Arivaca Watershed Education Taskforce
2. Arizona Center for Law in the Public Interest (November 24, 2000)
3. Arizona Center for Law in the Public Interest (December 29, 2000)
4. Arizona Desert Bighorn Sheep Society
5. Arizona League of Conservation Voters

6. Jo Behman
7. Louis and Robyn Benson
8. Michael Berard
9. Ekdal Buys
10. James Byers

11. Kacey Carleton
12. Center for Biological Diversity (November 23, 2000)
13. Center for Biological Diversity (December 21, 2000)
14. Paul Charette
15. Citizens for Preservation of Scenic Picture Rocks Community
16. Coalition for Sonoran Desert Protection (November 22, 2000)
17. Coalition for Sonoran Desert Protection (December 22, 2000)
18. Ernest Allen Cohen
19. Hector Conde
20. Paul Crawford

21. Robert Dahl
22. Desert Watch
23. Suzanne Dhruv
24. Brian Dolan
25. Dan Dorsey

26. Roy Emrick

27. Holly Finstrom (November 21, 2000)
28. Holly Finstrom (December 23, 2000)
29. Robin Fogden
30. Friends of Sweetwater
31. Harold Fritts

32. Kimberly Garcia
33. Richard Genser
34. Clayton George
35. Larry Glickman and Sarah Haas
36. Global Citizen University
37. Vicki Cox Golder
38. Don and Alverta Gunther

Letters Received from Citizens and Citizen Groups, continued ...

39. Holly Hancock
40. Jeanmarie Haney
41. Robbie Hannawacker
42. Zay Hartigan
43. Gayle Hartmann
44. Jim Hays
45. Chet Hedden
46. Anne and Sky Hilts
47. Harlan Hobbs
48. Jim Hoffman
49. William Hoffman
50. Barbara Holtzman
51. Bruce Howlett

52. Ted Jeryuch
53. Jeffrey Kapp
54. Theresa Kapp
55. Theresa and Jeffer Kapp
56. Laura Key
57. Larry and Claire Klingler
58. Kendall Kroesen
59. Rob Kulakofsky

60. Jill Littrell
61. Jonathan Lunine

62. Pat McMorrow
63. Christina and Douglas McVie
64. Margaret Messmer
65. Brian Metcalf
66. Robert Mossman

67. The Nature Conservancy

68. Giovanni Panza (November 24, 2000)
69. Giovanni Panza (December 18, 2000)
70. Kathryn Pensinger
71. Lloyd Perper
72. Anne Perrin
73. Kenn Perrin
74. Ann Audrey Phillips
75. Pima Trails Association
76. Martin and Cathryn Pokorny
77. Jen Pyle
78. Jennifer Pyle
79. Rob Rauh
80. Judy Reed
81. Karen Riker
82. Barbara Rose (November 24, 2000)
83. Barbara Rose (January 1, 2001)

Letters Received from Citizens and Citizen Groups, continued ...

84. Irene Schmoller
85. Robert Seymour
86. Jan, Kimberly and Tom Skineer
87. Jon Sjogren
88. Jon and Kathy Sjogren
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117. Carl Winters
118. Women for Sustainable Technologies
119. Steven Wood
120. Steven and Luanne Wood
121. Nancy Whyte

122. Don Zepp
123. Michael Zimet and Christina McVie

AWET Arivaca Watershed Education Taskforce
Post Office Box 9, Arivaca, Arizona 85601 Phone: 520·398·2391

Mr. Chuck Huckelberry
County Administrator, Pima County
130 West Congress, 10th Floor
Tucson, AZ 85701

Dear Mr. Huckelberry:

We are writing to provide our support and to comment on the recently issued Draft Preliminary Sonoran Desert Conservation Plan. We are happy to see many of the recommendations we suggested in the March 2000 *Arivaca Resources* report show up under various sections of the Draft. Specifically, we support the following points:

Board of Supervisors Memorandum
Recommendations to Facilitate Final Development of the Sonoran Desert Conservation Plan

AWET SUPPORTS

7. Modify land Use Planning and Zoning codes in the Unincorporated Areas of Pima County
   A. Defer upzoning or granting of conditional use permits in areas of federally designated Critical Habitat, Ranch Conservation, or where riparian resources will be lost.

AWET SUPPORTS

8. Pursue New or Amended State Legislation
   A. Grant the counties the ability to regulate lot splitting by creating a small subdivision ordinance.
   E. Create incentives for private proterty owners to voluntarily establish permanent conservation easements on their land by allowing such property to be reclassified for property tax purposes from vacant land with a 16 percent assessment ratio to the existing 5 percent assessment ratio.

AWET SUPPORTS

9. Financing Local Implementation
   E. Mitigation Payments for Rezoned Critical Habitat - For any rezoning of property in areas identified for conservation by the Sonoran Desert Conservation Plan, an appropriate mitigation payment will be required as a special condition of rezoning. The payments would be designated to purchase alternative property containing high resource and habitat to offset the loss of habitat caused by rezoning of the property in question.

V. The Draft Preliminary Sonoran Desert Conservation Plan

AWET SUPPORTS 1.C. 1-6

1. Ranch Conservation

C. Current Management and Existing Gaps

1. Establish a program that provides certainty for long-term State, BLM, and Forest Service leases.
2. Establish a fairly constructed Purchase of Development Rights program for Pima County
3. Establish a means to compensate ranchers for decrease in their investment/purchase value of grazing leases at a certain stocking rate should the animal unit numbers be decreased by an agency.
4. Effect changes in the property tax laws that allow a "conservation classification" for private lands for their open space values and that do not meet the agricultural requirements of 40 head of livestock.
5. Build flexibility into the State Statute that mandates 40 head of livestock as a minimum requirement for Agricultural lands tax status, especially in drought years or after fire events.
6. Establish a "grass banks" program which would allow ranchers to "rest" pastures more frequently or perhaps after prescribed burns which would require about three years of resting for the grasses to come back.

AWET SUPPORTS

4. Riparian Protection, Management and Restoration

C. Current Management and Existing Goals

Local, State and Federal Management of Riparian Resources

-Safe Yield Task Force for the Tucson Active Management Area is considering recommending that Arizona Department of Water Resources be given authority to work with local communities to designate subareas where groundwater might be regulated to achieve additional goals other than safe-yield, such as subsidence mitigation and protection of groundwater-dependent streams.

Comments:

AWET has met with ADWR on this issue and strongly supports the creation of a subarea in the Arivaca watershed. Current statutes allow a developer to obtain an assured 100 year water supply certificate if they make a cash donation to a recharge district within the same Active Management Area, even if the watershed their development impacts clearly does not have the water resources to support the development for 100 years. AWET feels the recharge project should at the very least be implemented in the watershed the development impacts and projected water use should remain within annual safe yield estimates for the watershed.

4. Riparian Protection, Management and Restoration

D. Conservation Standards and Recommendations

AWET SUPPORTS

2. Recommendations - Protection; Restoration; Revegetation; Improved Riparian Conditions

Streams: subarea 6A Arivaca Creek requires preservation and augmentation of the stability of native fish and frogs.

Systems: Arivaca Creek has an extensive riparian area requiring protection.

Comments:

Members of AWET have been individually monitoring water table conditions for over two decades and have noticed distinct patterns in the relation of precipitation to aquifer conditions. When Arivaca Lake overflows from periods of heavy rainfall, the water table in the basin responds within a few days, rising dramatically - up to 26 feet in one instance from two flood events. Normally, the lake overflows on the average of once every five years, and results in minor recharge episodes of a few feet over a period of several months.

During "normal" years, runoff events would occur about half a dozen times during the summer and once or twice during the winter, resulting in slow recharge of the aquifer over a year's time. However, the last two years have seen dry winters with little or no rainfall and summers with one or two small runoff episodes occurring from generally light monsoon storms. The net result has been little or no recharge.

Groundwater pumping has aggravated the dewatering of the basin but the amount withdrawn has usually been below the amount of water recharged annually, so the hydrology of the basin has remained more or less in equilibrium. This year the cienega and Arivaca Creek have reflected the general drying trend by nearly disappearing as human demand on groundwater exceeded natural recharge.

AWET suggests several actions leading to sustainable yield in the Arivaca watershed. By reducing demand on water supplies and increasing the amount of water coming into the system, human occupation of the area could continue indefinitely and still have adequate water to sustain the cienega and creek. Without intervention, in a few years the Arivaca watershed may very well find itself in the same situation as Tucson, with no Central Arizona Project to bail them out at the last minute.

AWET suggests the following actions be pursued in addition to those mentioned above:

1. Purchase grandfathered water rights ("paper" water rights, since there is no proof there is enough water in the aquifer to sustain all the water rights if they were put to use) from willing sellers to reduce overallocation of water resources.

2. Purchase conservation easements from willing sellers to limit further lot splitting and new well development.

3. Designate Arivaca watershed as a subarea within the Tucson Active Management Area. To prevent mining of groundwater by large developments.

4. Water from Arivaca Lake/dam should be used to help the diversity of fluvial processes - movement of channels, deposition of alluvial sediments, maintenance of shallow groundwater tables the cienega and creek depend on, to name a few.

5. We object to the statement on page 39: "Removal of existing surface water diversions could restore flows to parts of: ...Arivaca Creek." We oppose the removal of ALL diversions.

6. If a small landowner agrees to extinguish all split rights in perpetuity, they should be eligible for the 5% tax rate.

7. Clarify the definition of "vacant land" in 8F.

ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST

1840 E. RIVER ROAD
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TUCSON, ARIZONA 85718
(520) 529-1798
(520) 529-2927 (FAX)
WWW.ACLPI.ORG

JOY E. HERR-CARDILLO
SENIOR STAFF ATTORNEY

November 24, 2000

VIA FACSIMILE

Mr. David Harlow
Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 102
Phoenix, Arizona 85021

Re: Sonoran Desert Conservation Plan for Pima County, Arizona
Notice of Intent published in 65 Fed. Reg. 54295

Dear Mr. Harlow:

The Arizona Center for Law in the Public Interest provides the following comments in response to the above-referenced Notice of Intent.

Given the scope and breadth of the proposed Sonoran Desert Conservation Plan (SDCP), we believe that the Environmental Impact Statement (EIS) should address all reasonably foreseeable direct, indirect and cumulative effects that granting a Section 10 permit to Pima County would have on the area's environment, including water quality, air quality, and cultural resources. Some of the specific issues that we believe must be addressed in the EIS are as follows:

1. Possible growth-inducing effects.

The EIS should consider the extent to which issuance of the permit would affect continued population growth in Southern Arizona. Would issuance of the permit encourage or allow growth that would otherwise be forestalled? To what extent does the SDCP mitigate the negative effects of continued or increased growth? The EIS should also address growth-related issues, such as how the growth authorized outside of designated conservation areas would affect other environmental issues including water availability, water quality, air quality, and the preservation of cultural and historic resources. What impact will the growth in the nondesignated areas have on the quality of life for the residents of Pima County?

November 24, 2000

2. Ranch conservation.

The EIS should also fully explore the environmental impacts of the SDCP's proposed "ranch conservation." The EIS should analyze the true effects of cattle grazing on wildlife and vegetation, and should address whether "ranch conservation" as proposed in the SDCP is consistent with the goals of the ESA and HCPs. The EIS should also consider reasonable alternatives to the proposed "ranch conservation" and the comparative impact those alternatives would have on the environment.

3. Riparian Protection, Management and Restoration.

The EIS should address and evaluate whether the goals of riparian protection, management and restoration set forth in the SDCP are, in fact, achievable if the population of Pima County continues to grow at the projected rate.

4. Alternatives.

It is imperative that the EIS contain a thorough discussion of all reasonable alternatives, not simply a "proposed action" and "no action" alternative. In addition, the EIS should address appropriate mitigation measures not already included in the proposed action.

5. Coordination among jurisdictions.

The EIS should also consider and analyze the effects of either cooperation or lack of cooperation among the various jurisdictions within the habitat. To what extent can the goals of the SDCP be achieved if the other jurisdictions fail to cooperate?

Thank you for your consideration of these comments.

Very truly yours,

Joy E. Herr-Cardillo

ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST

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TUCSON, ARIZONA 85718
(520) 529-1798
(520) 529-2927 (FAX)
WWW.ACLPI.ORG

JOY E. HERR-CARDILLO
SENIOR STAFF ATTORNEY

December 29, 2000

VIA FACSIMILE

Chuck Huckelberry, County Administrator
Pima County
130 W. Congress, 10th Floor
Tucson, AZ 85701

Re: Preliminary Draft Sonoran Desert Conservation Plan

Dear Mr. Huckelberry:

Thank you for the opportunity to comment on the above-referenced plan. As you may know, the Arizona Center for Law in the Public Interest is a member of The Coalition for Sonoran Desert Protection and, therefore, joins in the comments previously submitted by the Coalition. We write separately to emphasize issues which we are of particular significance to us in light of our ongoing work in these areas.

1. Growth Management.

While we fully support the concept of the Sonoran Desert Conservation Plan (SDCP) and its goal of protecting and restoring endangered species, we believe that it is critical to recognize that the SDCP is not a "growth management" plan. Thus, while the SDCP may ultimately impact growth in Pima County, it is not a substitute for the meaningful planning that is so desperately needed here in Southern Arizona. We believe the SDCP is fully compatible with the goal of growth management and, therefore, encourage the County to pursue both on parallel paths.

December 29, 2000

2. New or Amended State Legislation.

The Center supports the concepts recommended in section VI.8 of the draft SDCP, however, we echo the Coalition's suggestion that the County to pursue, as part of its legislative agenda, a change in the manner in which state trust lands are currently managed and liquidated. We agree with the Coalition that without a change in state trust lands management, the County will be unable to adequately manage community growth, development and sprawl.

3. Ranching

Like the Coalition, we believe that there is an inherent assumption in the draft SDCP that preserving ranching is in the public interest. We seriously question this assumption and believe that it is imperative that the true costs of ranching, such as taxpayer subsidies, habitat restoration costs, and other expenditures, be fully and objectively evaluated. In the SDCP process, the County should carefully examine whether and to what extent the public actually benefits from ranching or whether there exist other better alternatives for protection for private ranch land and public lands which currently have grazing leases.

We also strenously object to the proposal in the SDCP that the County establish a program that provides "certainty" for long-term State, BLM and Forest Service grazing leases. Rather, we believe that the County should work with State Lands, the BLM and the Forest Service to permanently end livestock grazing in defined habitat for the covered species and other important protected areas.

Similarly, we disagree with the proposal that the County establish a system of monetary or other compensation for ranchers to reduce numbers of cattle permitted to graze on public lands. Such subsidies should not be shouldered by taxpayers. We are also skeptical of any plan involving the County's use of public funds to purchase "development rights" on ranch lands unless adequate protections are in place to protect against inflated values and other abuses.

4. Riparian Protection, Management and Restoration.

We support the SDCP goal of protecting and restoring threatened riparian areas. However, as the SDCP acknowledges, a principal threat to the riparian areas is groundwater pumping. Clearly, this problem is exacerbated by our continued population growth. Thus, the SDCP should evaluate whether the goal of protecting or restoring our riparian areas can, in fact, be achieved if we reach the population levels that are currently projected for the coming decade. Further, the SDCP should fully explore local and statewide strategies to reduce groundwater pumping, including placing limitations upon new development dependent on groundwater.

SILVER BELL

IRONWOOD SURVEYS

(1 ch.X 10 ch.= 1 ac.)

turn SE.off Sasco Rd. onto Silver Bell Rd. 2.2 mi.- 0.1 mi. in on side track head towards Ragged Top NE 1/4 Sec. 24 T11S R9E

Date:	Plot:	*Onte/ac.*	*Cefl/ac.*	*Prju/ac.*
5/24/00				
	1B	20	113	1
	1R	14	80	4
	avg.	*17*	*96.5*	*2.5*
	turn 90 deg. Left of Ragged Top			
	2B	32	73	0
	2R	36	105	0
	avg	*34*	*89*	*0*
	turn 90 deg. away from Ragged Top			
	3B	18	97	1
	3R	5	137	1
	avg.	*11.5*	*117*	*1*
	2 mi. further on Silver Bell Rd. - head off in opposite dir. away from Ragged Top - N. of Rd. Mid.Sec.20 T11S R9E			
	4B	8	55	1
	4R	13	50	2
	avg.	*10.5*	*52.5*	*1.5*
	90 deg. to E.			
	5B	11	29	0
	5R	12	37	0
	avg.	*11.5*	*33*	*0*
	90 deg.S. back towards Rd.(hit Rd.@8 ch. X over Rd. & continue on other side to 10 ch.			
	6B	12	60	0
	6R	6	53	0
	avg.	*9*	*56.5*	*0*

Date:	Plot:	*Onte/ac.*	*Cefl/ac.*	*Prju/ac.*
	Tangerine Rd. Power Line - E.			
5/26/00				
	7B	98	25	3
	7R	118	24	2
	avg.	*108*	*24.5*	*2.5*
	turn 90 deg. - S.			
	8B	118	32	4
	8R	85	25	8
	avg.	*101.5*	*28.5*	*6*
	go back & X over power line to W.			
	9B	47	33	0
	9R	45	35	2
	avg.	*46*	*34*	*1*
	Tangerine Rd. borrow pit - W.			
	10B	90	14	6
	10R	105	28	5
	avg.	*97.5*	*21*	*5.5*
	turn 90 deg.N. did only 1/2 ac. (had to stop due to shooting in area) #'s = X2			
	11B	86	24	4
	11R	74	30	2
	avg.	*80*	*27*	*3*
	Tangerine Rd. sub.station - W.			
	12B	97	10	13
	12R	102	8	13
	avg.	*99.5*	*9*	*13*
	90 deg. turn to N.			
	13B	78	21	16
	13R	98	25	16
	avg.	*88*	*23*	*16*
	90 deg. turn to E.			
	14B	7	27	7
	14R	15	25	9
	avg.	*11*	*26*	*8*

ARIZONA DESERT BIGHORN SHEEP SOCIETY, INC.
P.O. Drawer 7545
Phoenix, Arizona 85011
(480) 854-8950 • (480) 854-8966-fax
www.adbss.org

December 28, 2000

Pima County Administration
Sonoran Desert Conservation Plan
130 West Congress, 10th Floor
Tucson, Arizona 85701-1317

Regarding: Draft Preliminary Sonoran Desert Conservation Plan
Review Comments

Planning Team,

The Arizona Desert Bighorn Sheep Society (ADBSS) appreciates the opportunity to offer comment on the Preliminary Sonoran Desert Conservation Plan (SDCP). The ADBSS is an organization of more than 1,100 members dedicated to the conservation of bighorn sheep in Arizona. For more than 30 years the ADBSS has successfully worked with the Arizona Game and Fish Department to maintain, enhance and reintroduce bighorn sheep populations throughout Arizona, including the Silverbell, Ragged Top and Catalina Mtns, for the consumptive and non-consumptive enjoyment of all residents and visitors. We are especially proud of what has been achieved using sound wildlife management practices and we are hopeful that the SDCP will recognize these achievements and ensure that any resulting land preservation objectives are not used as an instrument to block these necessary and beneficial wildlife conservation efforts.

The ADBSS has reviewed the SDCP and in principle we are supportive of its wildlife habitat conservation goals. We are concerned, however, that the plan appears to use the terms *conservation* and *preservation* almost interchangeably. There was a time when these two land ethics were nearly synonymous, as both equally provided benefits to wildlife. In recent times, however, the act of preservation often results in a profound negative impact and/or an unwarranted restriction on traditional wildlife conservation. With preservation the irreversible effects of man on our landscape are ignored. In order to offset the negative impacts of roads, canals, increased visitation, climatic changes and in general a more fragmented and arid environment, wildlife conservation activities must be allowed or the wildlife we are trying to preserve will likely perish. We can no longer simply rely on protecting these areas with a park, monument or wilderness designation for history has shown us that soon afterwards the resident wildlife suffers an undesirable population decline. The goal of conservation should be to establish and maintain thriving populations of wildlife, which are in balance with available habitat and managed appropriately using all available management tools. We should not be content on simply preserving remnant wildlife populations. Wildlife today needs mans help in order to survive and thrive.

For this reason it is vitally important that any preservation initiative prompted by the SDCP contain specific wording that will not restrict or prohibit sound and necessary wildlife conservation activities and projects. We are not suggesting that these activities be allowed on a wholesale basis but rather that any activity be afforded the opportunity for evaluation and consideration based on its wildlife conservation merits. It is not appropriate, for these legitimate activities to be rejected, not on their merits, but rather just because the area is now a monument or a wilderness. We do not believe that this is the intent of the SDCP and we hope Pima County will not be duped into believing that pure preservation is the answer to wildlife habitat concerns. Wildlife today needs the assistance of man in order to survive and none of us wish to see these ecologically valuable areas and the wildlife species dependent upon them preserved to death.

The ADBSS earlier expressed this conservation concern to your administration and Secretary Babbitt during the establishment of the Ironwood Forest National Monument. (Copies attached.) Our concerns, unfortunately, went unanswered and we are now faced with the uphill task of ensuring that the desert bighorn sheep population within the Silverbell and Ragged Top Mountains is not compromised with this monument designation.

We look forward to working with you on the further development and implementation of the Sonoran Desert Conservation Plan and ask that you please place our organization on your mailing list for all future notices and updates. Contrary to your published intent for public involvement the ADBSS has found it most difficult to participate in this planning process. Our sole source for monitoring this program has been from dated newspaper clippings forwarded from some of our Pima County members. We would like to be a more active participant in the process and noted that no wildlife conservation organization is represented on either your steering committee, advisory committee or consulting alliance group.

Sincerely,

James W. P. Roe
President

xc: John Kennedy, AGFD

attachments;

letter to Ms. Sharon Bronson, dated April, 2000
letter to Mr. Bruce Babbitt, dated May, 2000

AZ LCV

Arizona
League of Conservation Voters

P.O. Box 40154, Tucson, AZ 85717

phone: (520) 622-2819
fax: (520) 624-2577

December 21, 2000

Chuck Huckleberry, County Administrator
Pima County
130 W. Congress, 10th Floor
Tucson, AZ 85701

Dear Mr. Huckleberry:

The Arizona League of Conservation Voters (AZLCV) is a statewide environmental advocacy group with over 4,000 members. More than 2,500 of our supporters reside in Pima County. We are a member group of the Coalition for Sonoran Desert Protection (Coalition). Our chief concern is with legislation affecting Arizona's environment, however, we believe the Sonoran Desert Conservation Plan, if written and executed in a manner consistent with it's stated goals for conservation, would be an invaluable tool in preserving some of Arizona's most sensitive wildlife and habitat.

The AZLCV supports the Coalition's comments on Pima County's preliminary draft Sonoran Desert Conservation Plan (SDCP). We agree that detailed information regarding specific recovery goals and protective management standards and guidelines for each covered species should be present in detail in the SDCP.

The fundamental purpose of a Habitat Conservation Plan is orderly land use which ensures the survival and recovery of imperiled wildlife and plants, and conservation of the ecosystems upon which they depend. Therefore, we believe it is of the utmost importance for the County to establish under the SDCP a hardline covered species preserve alongside proposed new and/or expanded mountain parks, natural reserves, and riparian and ranch conservation areas. Because a primary goal of the SDCP is the conservation of covered species, the County should dedicate a specific protected area, the hardline covered species preserve, for this purpose.

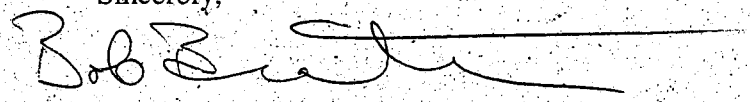
While the plan is being developed, we believe it is crucial to implement "Interim Conservation Policies" as proposed by the Coalition. The AZLCV encourages you to immediately enact measures recommended by your office in the draft report as well as proposals put forth by the Coalition.

Possibly most important is the implementation of funding the SDCP. Identifying precisely how much funding will be necessary to implement the plan is essential to the success of

the plan. Mechanisms should also be in place to provide for funding to address future unforeseen circumstances which might alter or affect the plan.

Designed, implemented and managed properly, in accordance with environmental regulations, the SDCP would be central to the preservation of the fragile desert and natural heritage unique to Pima County. We commend the County on their efforts and encourage you to continue open dialogue with the public in order to continue developing an HCP that will be an effective conservation tool and bring together the required "ownership" of the plan by all county residents.

Sincerely,



Bob Beatson
Director

Pima County Board of Supervisors
130 W. Congress, 10th Floor
Tucson, AZ 85701
To: Chuck Huckelberry, County Supervisor

Dear Mr Huckelberry;

I would like you to know that I support the Coalition for Sonoran Desert Protection's work & I advocate the strongest protection possible for the Sonoran Desert through Pima County's Sonoran Desert Conservation Plan process.

Thank you.

Sincerely,

Jo Behrman
2609 W. Calle Padilla
Tucson, AZ 85745

DTM 11/27
Sherry

November 24,2000

Mr. David Harlow
Field Supervisor
U.S. Fish and Wildlife Service
2321 W. Royal Palm Road Suite 102
Phoenix, AZ 85021

Dear Mr. Harlow:

As members of the Sonoran Desert Conservation Plan(SDCP) steering committee and residents of the Town of Tortolita(In critical habitat), we would like you to consider the impact on our quality of life as you complete the Environmental Impact Statement(EIS).

We would like the EIS to include the effects of high density in environmentally sensitive areas. Including effects on, air quality, loss of native vegetation, loss of archeological, cultural and historic resources, loss of open space, loss of critical habitat, loss of quality of life and loss of endangered species.

We would like the EIS to include an accurate, scientific study on ground water availability and safety. We would like to see included in the study the effects of, high density rezoning, golf courses, agriculture and mining have on our water supply.

We would like included in the EIS an assurance that enough funds will be available to implement the SDCP.

The EIS needs to set guidelines on steps to be taken when work is authorized in critical habit to prevent another mess like at Cortaro and Thornydale.

Thank you for your consideration of our comments.

Sincerely,

Louis Benson
Robyn Benson

Louis Benson
Robyn Benson
2590 W. Tortolita Hills Trl.
Tucson, AZ 85742

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

Please continue your efforts in preserving open space south and west of Mission Rd. and Ajo Way. Many of us, in the area, fear that development is imminent and our chance for preserving beautiful desert will be lost in just a few years.

Do your future plans include the area east of the recent acquisition of 700 acres (Rollings property)? — It should!

NAME Michael Berard

ADDRESS 4444 S. Mission Rd.

CITY Tucson, AZ

ZIP 85746

Ekdal J. Buys, Jr.
5811 West El Camino del Cerro
Tucson, Arizona 85745

November 21, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021

GENERAL COMMENTS re: Sonoran Desert Conservation Plan (SDCP)

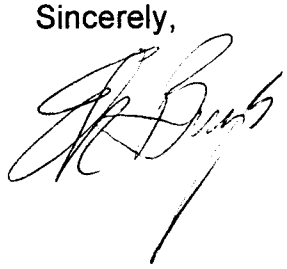
Dear Mr. Harlow,

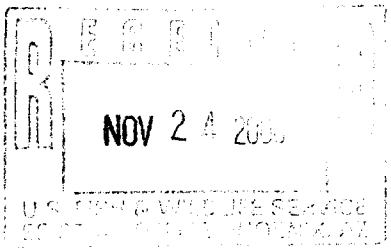
I recently had the good fortune to spend some time with Wally Van Sickle, president and founder of IDEA WILD, an organization located in Fort Collins, Colorado and dedicated to the preservation of threatened species and their habitats. He reminded me, as I need to be reminded now and again, that much more than aesthetics is involved in the struggle to prevent the increasing number of species extinctions on this small planet. That reminder prompted me to write to you to plead for the development and implementation of a strong Sonoran Desert Conservation Plan (SDCP).

Among many concerns I have, two stand out in my mind: (1) the SDCP will be born without the funding required to implement it successfully, and (2) persons whose pocketbooks direct their reasoning will position themselves via strategic land purchases, zoning changes, and/or development proposals in such a way as to destroy or greatly damage attempts to implement the SDCP. Either or both eventualities, in my mind, would be tragic.

It appears to me that the prevention of habitat destruction and species extinctions is a concern of those of all political orientations--even Julian Simon in his *The Ultimate Resource 2*. The SDCP has wide support; I trust that support will bear fruit.

Sincerely,





Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 W. Congress, 10th Floor
Tucson, AZ 85701

Ladies and Gentlemen:

I support the Coalition for Sonoran Desert Protection's work and advocate the **strongest protection possible** for the Sonoran Desert through Pima County's Sonoran Desert Conservation Plan process. Riparian areas are the most important to conserve—their value to future generations of desert dwellers in terms of life quality *cannot* be overestimated.

Yours truly,

James M. Byers 12/14/2000

James M. Byers
13625 E. Camino la Cebadilla
Tucson, AZ 85749

From: Kacey Carleton
To: Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 W. Congress, 10th Floor
Tucson, Az. 85701
Date: December 22, 2000
Subject: Sonoran Desert Conservation Plan

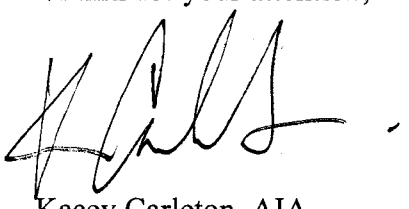
I am in strong support of the work of the Coalition for Sonoran Desert Protection.

Please keep in mind as you review the preliminary draft of the Sonoran Desert Conservation Plan that Pima County faces no challenge as important as protecting our unique environment. We have all seen it slipping away and must become increasingly far sighted in our planning.

As an Architect and design professional, I urge you to examine the motives and myths of the growth lobby. There are alternatives to rampant development and we have a multitude of resources in our community to move in this direction.

It just takes a short hike through the desert to confirm our unique surroundings; we must confirm this richness through appropriate planning.

Thanks for your attention,



Kacey Carleton, AIA
Burns and Wald-Hopkins Architects
261 N. Court Av.
Tucson, Az 85701

Center for Biological Diversity

Protecting and restoring endangered species and wild places of Western North America and the Pacific through science, policy, education, and environmental law

DELIVERED VIA FAX
HARD COPY TO FOLLOW

November 23, 2000

Mr. David Harlow, Field Supervisor,
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103,
Phoenix, AZ, 85021

RE: Environmental Impact Statement Scoping for the Sonoran Desert Conservation Plan

Dear Mr. Harlow:

Thank you for the opportunity to provide comments on issues which should be addressed in the Service's Environmental Impact Statement for Pima County's Sonoran Desert Conservation Plan. The Coalition for Sonoran Desert Protection has provided the Service with detailed comments on this subject. The Center hereby incorporates by reference those Coalition comments.

Thank you for your consideration.

Sincerely,

/s/ David Hogan
David Hogan

Tucson • Phoenix • San Diego • Silver City • Berkeley • Portland • Shaw Island

Southern California Office • PO Box 628 • Santa Ysabel, CA • 82070
T: (760) 782-9244 • F: (760) 782-0301
www.biologicaldiversity.org

Center for Biological Diversity

Protecting and restoring endangered species and wild places of Western North America and the Pacific through science, policy, education, and environmental law.

December 21, 2000

Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 West Congress, 10th Floor
Tucson AZ 85701

Re: Preliminary draft Sonoran Desert Conservation Plan

Dear Mr. Huckelberry:

Thank you for the opportunity to provide comments on the County's preliminary draft Sonoran Desert Conservation Plan. The Center has carefully reviewed and fully supports comments on the plan submitted by the Coalition for Sonoran Desert Protection. The Center hereby incorporates by reference those Coalition comments.

Thank you for your consideration.

Sincerely,

David Hogan

Tucson • Phoenix • San Diego • Silver City • Berkeley • Portland • Shaw Island

Southern California Office • PO Box 628 • Santa Ysabel, CA • 82070
T: (760) 782-9244 • F: (760) 782-0301
www.biologicaldiversity.org

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

Paul Charette
8837 E. Windflower Dr
Tucson, Az 85715

Please put me on
your mailing list.

NAME _____

ADDRESS _____

CITY _____

ZIP _____

December 1, 2000
6856 N. Spring Wagon Drive
Tucson, AZ 85743

Pima County Board of Supervisors
130 West Congress, 10th Floor
Tucson, Arizona 85701

Att: Chuck Huckelberry, County Administrator

After careful reading of the preliminary draft of Pima County's Sonoran Desert Conservation Plan, it is with great admiration of the efforts put forth so far that we would like to suggest an additional parcel to be investigated for inclusion in the final plan. This is presently State Trust Land, designated T13S, R11E, Section 2, which lies along Picture Rocks Road between Van Ark Road and North Spring Wagon Drive.

Not many would disagree that Saguaro National Park is one of Pima County's greatest treasures. Tourists and natives alike enjoy the natural majesty of a desert blessed by so much vegetation and animal life. One of the most beautiful and popular drives through its Western Division is along Picture Rock Road. An especially scenic section of Picture Rocks Road, which offers unobstructed panoramic views of the Park, Avra Valley, and as far as Picacho Peak, however, is not protected land at all. It is State Trust Land which is probably only a very short time away from "disposal", as the County report warns.

What is also surprising about the fact that this parcel is not mentioned in the Plan is that it is known to local residents to contain some of the very species that the Plan seeks to protect, most notably, the cactus ferruginous pygmy-owl and ironwood trees. The fact that ironwood trees exist in a location, the Plan reports, is important because of the habitat they afford. However, if this site is fully developed to it's potential of over 600 homes, their habitat value will be lost.

Some may argue that this parcel is fragmented from the park which surrounds it. Although to the east and south sec
tions are in private hands, many are not developed, and others pose no barrier and is a corridor for animals, witnessed by roaming deer, javelina, fox, and coyote. Certainly, there is no barrier for the aviary world, and the rich varied assortment of prey attract all sorts of raptors, from great horned owls to falcons and hawks. We would sincerely hope that the County experts could identity other species deemed worthy of protection.

Also, from its value for tourism, the fact that it is bordered by homes is not visually evident to the north or south. Please encourage those working on the Plan who are not familiar with this property to take a drive through it before work on the final phase of the plan commences. If any land in the county is worth conserving, this should be added. The fact that it is State Trust

Land, and not already in private hands should make it more obtainable. One tax payer pocket would have to pay the other pocket without the huge profit of a middleman being paid. Another possibility is that perhaps only development rights would need to be purchased.

640 acres in such a tremendous project might seem like too small to consider, but think of that acreage in Eastern terms and they become gold. Our tourists are our gold, with or without endangered species.

Sincerely,

Citizens for Preservation of
Scenic Picture Rocks Road

Patricia A. McMorrow
Deborah G. Badolato
Fran & Bob Butzberger
James T. Anderson
Andrea Dunn
Loring K. Jensen
Bob & Cynthy
Robert & Ernestine Stephens
Raymond & Eileen Verbanac
Gillian Donnelly
Mary V. Barkley
Candace B. Bengtson
N. R. Nyt

Mauricio & Diane Ramirez
Richard J. Cundiff
Helen H. Cundiff
Eydie & Bob Geslip
Gertrude L. Jensen
Bill Howard
Mary Howard
Elvira Bell
Angelica Stokes
Warren L. Donnelly
Jenny Capara
Judy Berens

Coalition for Sonoran Desert Protection

300 E. University Blvd., Suite 120
Tucson, Arizona 85705
p (520) 388-9925 • f (520) 629-0525
csdp@azstarnet.com • www.sonorandesert.org

Post-it® Fax Note 7671	Date 11/22/00	# of pages ▶ 9
To Mr. David Harlow	From Coalition for	
Co./Dept. FWS	Co. Sonoran Des. Prot.	
Phone #	Phone #	
Fax #	Fax #	

Hard copy to follow

DH 11/27

Arizona Center for Law in the Public Interest
Arizona League of Conservation Voters
Arizona Native Plant Society
Buffers
Center for Biological Diversity
Center for Environmental Connections
Center for Environmental Ethics
Defenders of Wildlife
Desert Watch
Drylands Institute
Environmental and Cultural Conservation Organization
Friends of Cabeza Prieta
Friends of the Rillito River
Friends of Sweetwater
Gates Pass Area Neighborhood Association
GREEN—GrassRoots Environmental Effectiveness Network
Neighborhood Coalition of Greater Tucson
Northern Tucson Mountains Resource Conservation-Education Project
Northwest Coalition for Responsible Development
Oro Valley Neighborhood Coalition
Pima Farms/Scenic Drive Neighborhood Association
Protect Land and Neighborhoods
Saguaro Forest Associates
Save the Scenic Santa Ritas
Sierra Club-Grand Canyon Chapter
Sierra Club-Rincon Group
Silverbell Mountain Alliance
Sky Island Alliance
Sky Island Watch
Society for Ecological Restoration
Sonoran Arthropod Studies Institute
Southwest Tucson Environmental Alliance
Southwestern Biological Institute
Student Environmental Action Coalition/Southwest
Tucson Audubon Society
Tucson Herpetological Society
Tucson Mountains Association
Tucson Solar Alliance
The Wildlands Project
Wildlife Damage Review
Women for Sustainable Technologies

November 22, 2000

Mr. David Harlow
Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road Suite 102
Phoenix, AZ 85021

Dear Mr. Harlow:

The Coalition for Sonoran Desert Protection appreciates the opportunity to provide scoping comments for the Environmental Impact Statement for Pima County's Sonoran Desert Conservation Plan.

The Coalition for Sonoran Desert Protection (Coalition) is an alliance of 42 environmental and neighborhood organizations whose goal is to promote scientifically-based ecosystem protection in Pima County through the Sonoran Desert Conservation Plan (SDCP) process. Formed in early 1998, the Coalition promotes the highest conservation standards possible through both Endangered Species Act multi-species habitat conservation planning process and the community-wide efforts of regional conservation and urban growth planning.

Our comments below address various specific issues contained in the preliminary draft SDCP and general issues we would like to see addressed in the Environmental Impact Statement (EIS). There are a number of issues which should be addressed in the EIS so that the public may fully understand the effects of the SDCP on the human environment, as required by the National Environmental Policy Act. Because the scope of the EIS under the National Environmental Policy Act is broader than the County's plan itself, we expect the Service to provide extensive discussions of both the impacts of the SDCP on wildlife, vegetation and covered species as well as of the impacts on non-wildlife resources such as urban quality, water and air quality, natural and depletable resources, and cultural and historic resources. We hope you will consider the following comments.

FAXED 11/22/00

1. National Environmental Policy Act Obligations

In order to provide the public with adequate information regarding the Section 10 permit, the EIS must contain a "detailed statement" of the environmental impacts associated with the proposed federal action." 42 U.S.C. § 4332(2)(C)(i). The EIS must discuss all "reasonably foreseeable" cumulative, direct and indirect environmental effects of granting a Section 10 permit to the County for the take of listed species, regardless of whether the impacts would occur in or outside Pima County. Indirect effects in this case would include "growth-inducing effects" and other effects related to changes the Section 10 permit will have upon "the pattern of land use, population density or growth rate, and related effects on air, water and other natural systems, including ecosystems" in Pima County. 40 C.F.R. § 1508.8(b). In addition, the EIS should discuss "...any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented" as well as the "means to mitigate adverse environmental impacts." 40 C.F.R. § 1502.16. We will outline below the details and information which we feel are essential in order to examine the effects of this action on the environment of Pima County.

The EIS must also contain a discussion of alternatives for granting the County's Section 10 permit. 40 C.F.R.§ 1502.14. As stated in the Council on Environmental Quality's regulations, the alternatives section is the "heart of the environmental impact statement." 40 C.F.R. § 1502.14. The Service should "rigorously explore and objectively evaluate all reasonable alternatives..." 40 C.F.R.§ 1502.14(a). Most importantly, the Service must provide a discussion of "appropriate mitigation measures not already included in the proposed action or alternatives." 40 C.F.R.§ 1502.14(f). The Service should include in its EIS a range of alternatives, rather than simply a "proposed action" and a "no action" alternative. We believe that a plan of this size and scope, affecting millions of acres of land, hundreds of wildlife species and nearly a million residents will require an in-depth discussion of several alternatives.

2. Location and Effects of Covered Species Preserve, Parks, and Riparian and Ranch Conservation

The EIS should present detailed information regarding exactly where the wildlife, vegetation and covered species preserve, mountain parks, other reserves, and riparian and ranch conservation areas will be located. The EIS should detail the effects of SDCP goals for these areas on the human environment in Pima County.

The Service should include in its EIS the County's procedure and specific criteria used in mapping out the covered species preserve, mountain parks, other reserves, and riparian and ranch conservation areas. For example, the public needs to know specifically which areas hold the best occupied or potential habitat for covered species, what kind of habitat currently exists within given areas, and what areas need to be restored in order to fully function as habitat for the covered species.

It is the Coalition's position that the preserve should be established by drawing property-by-

property hard lines clearly delineating exactly which land will be set aside for wildlife and vegetation conservation, and which land will be developed. Establishing a preserve in this manner provides the greatest degree of certainty for everyone; species, landowners, and the public at large. Property owner cooperation in the drawing of these hard lines is not essential as believed by Fish and Wildlife, but should be encouraged.

The establishment of a hard-line regional preserve will be necessary to carry out the SDCP's goal of ensuring "the long term survival of the full spectrum of plants and animals that are indigenous to Pima County through maintaining or improving the habitat conditions and ecosystem functions necessary for their survival." This goal can only be accomplished through the establishment of a hard-line preserve specific to this purpose alongside a possible soft-line buffer preserve and County SDCP elements of expansion and creation of mountain parks, other reserves, riparian habitat restoration, and ranch conservation.

The establishment of soft-line preserves -- where some development may still occur on a portion of every property within the preserve -- has unfortunately been allowed by the U.S. Fish and Wildlife Service for some other regional Habitat Conservation Plans, including the San Diego Multiple Species Conservation Plan. Under that plan, the City of San Diego pointed proudly to its regional wildlife preserve but failed to disclose that up to 25% of every property located fully within the preserve could be developed. This design will inevitably result in an extremely fragmented preserve system.

3. Activities within the Covered Species Preserve, Parks, and Riparian and Ranch Conservation Areas

The EIS should present detailed information identifying what activities will be authorized in the covered species preserve, mountain parks, other reserves, and riparian and ranch conservation areas. The EIS should also detail the effects of any such activities on the covered species preserve, parks, and riparian and ranch conservation areas.

The SDCP is an Endangered Species Act Habitat Conservation Plan. By law, the fundamental purpose of a Habitat Conservation Plan is orderly land use which ensures the survival and recovery of imperiled wildlife and plants, and conservation of the ecosystems upon which they depend. Development will presumably proceed in less sensitive areas under the plan. It is the Coalition's position that areas preserved in exchange for development under the plan must therefore necessarily be free from harmful land use practices, including urban development, cattle grazing, off-road vehicle use and others.

4. Activities adjacent to the Covered Species Preserve, Parks, and Riparian and Ranch Conservation Areas

The EIS should present detailed information identifying what activities will be authorized adjacent to the covered species preserve, mountain parks, other reserves, and riparian and ranch

conservation areas. The EIS should also present detailed information identifying the effects of any authorized adjacent land uses on the covered species preserve, mountain parks, other reserves, and riparian and ranch conservation areas.

For example, the preliminary draft SDCP indicates that re-zoning of property will occur after the plan is in place. But re-zoning property either within or adjacent to a SDCP reserve after plan approval may jeopardize the plan's integrity by allowing previously unconsidered effects on the preserve.

According to the Service's HCP Handbook, the re-zoning of an area contrary to land uses specified in the HCP could invalidate the County's permit. HCP Handbook, 7-5. The public must be presented in the EIS clear information showing what activities will take place within an area or region within Pima County and within the preserve boundaries. The EIS and HCP must show under what conditions zoning may be changed in the future.

5. Livestock Grazing and the SDCP

The EIS should detail whether and to what extent cattle grazing will be authorized in the covered species preserve, mountain parks, other reserves, and riparian and ranch conservation areas. The EIS should also detail the true effects of cattle grazing on Pima County wildlife and vegetation species to be covered by the SDCP.

Negative effects of cattle grazing have been significantly downplayed in various County and consultant SDCP reports to date. Ranch conservation for the purposes of maintaining working ranches, delineating an urban boundary and maintaining open space may be appropriate, but must not be confused with wildlife and vegetation conservation.

It is the Coalition's position that the best available scientific evidence indicates cattle grazing causes profound ecological damage, especially in the arid deserts of the American Southwest. Although cattle grazing is one of the leading causes of habitat degradation and species endangerment in the Southwest, the County's SDCP encourages and promotes ranching as a means to conserve wildlife and vegetation. The plan equates ranching with the preservation of not only open space, but also wildlife and habitat conservation. But the premise that wildlife and vegetation can be conserved through cattle grazing and ranching is faulty. "Open space" preserve areas that include cattle ranching may be appropriate for the SDCP. Nevertheless, these open space preserves must not be lumped into the same category as the wildlife, vegetation and covered species preserve. Further, broad scale incentives to enable ranchers to continue cattle grazing without any regard to potential habitat degradation as a result should not be encouraged or subsidized.

Certain types of wildlife and vegetation management may be compatible with livestock grazing. But where grazing is a cause of habitat degradation or species endangerment, livestock grazing is antithetical to the purpose and legal requirements of the SDCP and Endangered Species Act. It is

the Coalition's position that wildlife, vegetation and covered species conservation under the plan should therefore occur in areas completely free of livestock grazing where grazing is a cause of habitat degradation or species endangerment.

In addition, there is an inherent assumption in the preliminary draft SDCP that preserving ranching is in the public interest. The Service should examine in the EIS whether and to what extent the public actually benefits from ranching or whether another form of protection for private ranch land and public lands with grazing leases will better benefit the public.

There is little indication of how or if the SDCP will attempt to encourage better ranching practices on ranch land and how the SDCP will provide regulations or incentives to do so. What will the County do to determine whether a rancher is enhancing habitat on his/her property or not? How will the plan work to not provide incentives to ranchers who use harmful practices in their ranching? Please investigate the effect that continued ranching in sensitive areas will have on the environment in Pima County. Please also investigate how the County will protect habitat under a plan that so far only encourages cattle grazing and ranching.

6. Impacts on Species and Environment in Non-Preserve Areas

The EIS should detail the effects on the environment and specifically wildlife, vegetation and endangered species in areas which will predictably be lost to development under the SDCP, as well as impacts on the people who live in these areas. With development encroaching on much of the remaining open space in the County, an evaluation of these areas is essential to a full understanding of the effects of the plan.

7. Implementation Funding and the SDCP

The EIS should present detailed information regarding precisely how much funding will be necessary to implement the SDCP. The EIS should also identify how much funding is available at the time of the SDCP's approval and what mechanisms will produce any additional necessary funding for implementation of the SDCP.

The Sonoran Desert Conservation Plan is a Habitat Conservation Plan under the Endangered Species Act. Under the ESA, adequate and available implementation funding must be identified for all HCPs at the time of their approval. The EIS must also detail how this ESA obligation will be carried out.

It is the Coalition's position that substantial funding and/or other mechanisms necessary to establish the covered species hard-line preserve, mountain parks, other reserves, and riparian and ranch conservation areas must be detailed in the SDCP HCP and EIS and in place at the time of approval. Mechanisms must also be in place at the time of approval to ensure adequate funding and other resources necessary to carry out future land protection, preserve and species protective management and monitoring and to address unforeseen circumstances. Habitat destruction and

take of listed species under the SDCP HCP should proceed only as all necessary mitigation funding and other resources become available. The only means by which the Service and the public may adequately evaluate the SDCP and whether it will provide the necessary funding is by providing specific and concrete information on this in the EIS.

We suggest that any funding necessary to implement the SDCP be in place or guaranteed according to some specified mechanism (i.e. impact fees) prior to Service approval of the plan. The Service unfortunately approved the San Diego MSCP with only a promise by the City of San Diego to develop a "regional funding mechanism" within three years. Three years have passed, however, with little or no work on this funding mechanism. Similarly, the Natomas Basin HCP (a regional HCP) failed to provide adequate funding and adjustments of funding over time to carry out land acquisition. In the Balcones Canyonlands Conservation Plan in Austin, TX, only a fraction of the funding needed for developing and implementing preserve management plans ever materialized.

8. Preserve and Species Management and Monitoring and the SDCP

The EIS should present detailed information regarding how the covered species preserve, mountain parks, other reserves, and riparian and ranch conservation areas will be protectively managed and monitored over the life of the take permit.

It is the Coalition's position that a management and monitoring plan identifying how portions of the preserve and particular wildlife, vegetation and covered species will be managed for the duration of the plan must be included in the SDCP HCP and EIS in order for the public and the Service to adequately analyze the effects of the SDCP on the environment.

Detailed preserve area management and monitoring plans identifying precisely how and when protective preserve and species management and monitoring will be accomplished over the life of regional incidental take permits are critical components of multi-species-type plans. For example, the control of exotic species is a crucial management issue for any Sonoran desert protected area. A detailed management and monitoring plan must be included in the SDCP HCP so as to address the control of sources and spread of exotics, among many other issues.

The SDCP HCP and EIS should include the following two types of monitoring: 1) compliance monitoring, and 2) effects and effectiveness monitoring. U.S. FWS/NOAA Addendum to the HCP Handbook, Exec. Summary, May 2000. Compliance monitoring covers the permittee's implementation of the requirements of the HCP permit and its implementation agreement. Effectiveness monitoring investigates the impacts of the authorized take and the operating conservation program to verify progress. Both types of monitoring are essential components of any HCP. In addition, the "[m]onitoring program must be based on sound science..." Id. In order to verify the legitimacy of the plan and assure public support, it is essential that the EIS contain detailed plans setting forth the monitoring requirements and how they will be accomplished.

In the past, Fish and Wildlife has allowed preparation of management and monitoring plans to occur after approval of other multi-species plans in clear violation of the Endangered Species Act, thereby excluding an opportunity by the public to evaluate the adequacy of the overall plan. A preserve and species management plan -- a.k.a. framework plan -- promised by the City of San Diego within one year of approval of the San Diego MSCP has still not been prepared three years later. In the California City of Carlsbad's Habitat Management Plan, the U.S. Fish and Wildlife Service plans to allow the preparation of the management and monitoring plans to be deferred for years while immediately permitting habitat destruction and species take. The Balcones Canyonlands Conservation Plan contained almost no biological monitoring whatsoever. This is quite clearly unacceptable. Monitoring must not be left out of Pima County's SDCP. Otherwise, the plan has little to no legitimacy as a conservation plan that will aid the wildlife in this region.

9. Adaptive Management

The EIS should present detailed information on whether and to what extent adaptive management of wildlife, vegetation, covered species, the covered species preserve, mountain parks, other reserves, and riparian and ranch conservation areas will occur. The EIS should also present detailed information identifying the types of adaptive management which might occur, what agencies will be responsible for any adaptive management, how much contingency funding and other resources will be set aside for adaptive management and what agencies will be responsible for any unforeseen costs. It is the Coalition's position that adaptive management must be integrated into Pima County's incidental take permit.

The Service has indicated that the "degree of potential effects of the activity on the species covered in the incidental take permit" can determine whether adaptive management will be used within the plan. (U.S. FWS/NOAA Addendum to the HCP Handbook, Exec. Summary, May 2000). For example, there is still significant uncertainty surrounding the habitat needs and required conservation management activities necessary to recover the cactus ferruginous pygmy-owl. In order to account for this uncertainty, and given the existing extremely poor condition of the species, the plan must have built-in adaptability to change for the benefit of the species if new information arises on conservation needs for this species or any others covered by the SDCP.

10. Listed Species Recovery and the SDCP

The EIS should present detailed information on how the SDCP will accomplish Endangered Species Act mandated goals for recovery of species covered by the plan.

Under the ESA, the term "conservation" means the use of all necessary measures to provide for the survival and recovery of listed species. It is the Coalition's position that the SDCP HCP must therefore ensure the survival of covered species and contribute to the recovery of these species relative to the extent of their historic range and distribution in Pima County through scientific documentation, analysis and peer-review. The EIS should present all specific information

showing how this will be accomplished.

The Service has unfortunately taken the position in the past that HCPs need only not appreciably reduce the likelihood of survival and recovery of covered species. But the ESA requires that HCPs accomplish more than just prevent extinction or not preclude recovery. HCPs such as the SDCP must go further than just mitigating for the loss of endangered wildlife and sensitive vegetation to development. The Coalition expects, and the law requires, that the County's SDCP will do more than the bare minimum to protect endangered wildlife and sensitive vegetation.

11. Pygmy-Owl Conservation and the SDCP

The EIS should present detailed information on how the SDCP will provide for the recovery of the pygmy-owl. It is the Coalition's position that implementation of the SDCP should not result in destruction or adverse modification of any vegetation known to have been occupied or otherwise utilized since 1990 by the pygmy-owl, nor should the SDCP allow any destruction or adverse modification of pygmy-owl critical habitat. The SDCP should not allow any killing of pygmy owls, including "accidental" killing such as that permitted in the Lazy K Bar Habitat Conservation Plan, because the current Arizona population is far below any level which might allow for the loss of some individual owls.

12. Conservation Activity

The EIS should present detailed information regarding specific recovery goals and protective management standards and guidelines for each covered species.

The plan does not currently contain detailed information as to where and how it plans to target conservation activity. The plan should include specific recovery goals and protective management standards and guidelines for each covered species. For example, what are the proposed actions for Critical and Sensitive Habitats?

13. Other Agencies and the SDCP

The EIS should present detailed information regarding how the SDCP will be affected by activities in other jurisdictions. For example, the Tohono O'Odham reservation, Marana, and Oro Valley all contain important wildlife habitat and vegetative resources. How much reliance, if any, does the County place on the O'Odham lands for preservation of open space and habitat for its HCP? What will the effect on the plan be of the continued growth and development of cities which have not joined in the plan? How will the absence of these jurisdictions be accounted for in species conservation, especially when so much habitat lies in areas not covered under the plan? How will the SDCP address the possibility of annexation of County lands and subsequent approval of unforeseen impacts by others?

14. Effects of Anticipated Growth and the SDCP

The EIS should present detailed information on how growth authorized outside of any covered species preserve, mountain parks, other reserves, and riparian and ranch conservation areas will affect other important environmental issues including water availability, water quality, non-point source water pollution, air quality, cultural and historic resources and others.

Thank you for your consideration of these comments. Please contact us if you have any questions or wish to meet regarding these comments.

Sincerely,

Carolyn Campbell

Rich Genser

Coalition for
Sonoran Desert Protection

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Arizona Center for Law in the Public Interest
Arizona League of Conservation Voters
Arizona Native Plant Society
Buffers
Center for Biological Diversity
Center for Environmental Connections
Center for Environmental Ethics
Defenders of Wildlife
Desert Watch
Drylands Institute
Environmental and Cultural Conservation Organization
Friends of Cabeza Prieta
Friends of the Rillito River
Friends of Sweetwater
Gates Pass Area Neighborhood Association
GREEN—GrassRoots Environmental Effectiveness Network
Neighborhood Coalition of Greater Tucson
Northern Tucson Mountains Resource Conservation-Education Project
Northwest Coalition for Responsible Development
Oro Valley Neighborhood Coalition
Pima Farms/Scenic Drive Neighborhood Association
Protect Land and Neighborhoods
Saguaro Forest Associates
Save the Scenic Santa Ritas
Sierra Club-Grand Canyon Chapter
Sierra Club-Rincon Group
Silverbell Mountain Alliance
Sky Island Alliance
Sky Island Watch
Society for Ecological Restoration
Sonoran Arthropod Studies Institute
Southwest Tucson Environmental Alliance
Southwestern Biological Institute
Student Environmental Action Coalition/Southwest
Tucson Audubon Society
Tucson Herpetological Society
Tucson Mountains Association
Tucson Solar Alliance
The Wildlands Project
Wildlife Damage Review
Women for Sustainable Technologies

December 22, 2000

Chuck Huckelberry, County Administrator
Pima County
130 W. Congress, 10th Floor
Tucson, AZ 85701

Dear Mr. Huckelberry:

The Coalition for Sonoran Desert Protection is pleased to have the opportunity to comment on Pima County's preliminary draft Sonoran Desert Conservation Plan.

As you know, the Coalition for Sonoran Desert Protection (Coalition) is an alliance of 42 environmental and neighborhood organizations whose goal is to promote scientifically-based ecosystem protection in Pima County through the Sonoran Desert Conservation Plan (SDCP) process. Formed in early 1998, the Coalition promotes the highest conservation standards for both Endangered Species Act (ESA) habitat conservation planning and community-wide regional conservation and urban growth planning.

Two years ago, Pima County embarked on one of the most ambitious conservation planning efforts ever considered. Indeed, Interior Secretary Bruce Babbitt called the Sonoran Desert Conservation Plan, "the most exciting event anywhere in the United States," and said "I can't think of a higher priority," in a presentation to a Congressional Committee in 1999. The Coalition wholeheartedly supports this effort. You and your staff have done a remarkable job in assembling data, compiling reports and gathering experts to review documents. The Coalition especially applauds the caliber of scientists on the County's Science Technical Advisory Team, and encourages Pima County to continue the STAT's role as an independent committee whose role it will be to bring forward science-based information and a preserve design, giving us the best hope of protecting and recovering our vulnerable species.

As stated above, the Coalition exists for the sole purpose of working toward development and implementation of the Sonoran Desert Conservation Plan. The organizations that make up the Coalition directly represent over 30,000 residents of Pima County and we can safely say that the Coalition speaks for the

vast majority of environmentalists, as well as many neighborhood organizations, in the county. With that in mind, the Coalition would like to stay informed of and involved with all aspects of the County's work on this plan in order to accomplish the goals of the ESA and habitat protection.

Coalition members have reviewed many of the detailed documents that have been published by your office. The preliminary draft Sonoran Desert Conservation Plan, however, is rather general and lacks many of the details necessary for specific feedback. As such, the Coalition comments are focused on what we feel need to be considered and included when these detailed programs are developed. The one element of the Conservation Plan that does provide many specific recommendations thus far is the Ranch Conservation element. This level of detail warrants specific, detailed responses from the Coalition. With this is mind, we offer the following comments for your review. The last section of our document details the positions of the Coalition's member groups on the issues of ranching in general, and grazing policies in protected preserve areas in particular. The Coalition will be preparing and presenting to you a full ranch policy recommendation in the coming months.

Thank you again for the hard work by you and your staff on this most important issue to the residents of Pima County – humans, wildlife and plant communities.

Sincerely,

Carolyn Campbell, Director

Rich Genser, Chair

Coalition Comments on the Preliminary Draft Sonoran Desert Conservation Plan

I. Endangered Species Act and Habitat Conservation Planning Background

A. The Endangered Species Act Mandates Ecosystem and Species Conservation

The fundamental purpose of the Endangered Species Act (ESA) is to conserve endangered and threatened species and the ecosystems upon which they depend for survival. 16 U.S.C. § 1531(b). "Conserve" is defined as "the use of all methods and procedures which are necessary to bring any endangered and threatened species to the point at which the measures provided by [the ESA] are no longer necessary." 16 U.S.C. § 1532(3). Congress's goal in enacting the ESA was to halt and reverse the trend toward species extinction "whatever the cost." Babbitt v. Sweet Home Chapter of Communities, 515 U.S. 687, 698 (1995). Thus, the ESA's goal is to recover species, not simply maintain the status quo.

B. Section 7 Mandates Species Conservation and Protection of Critical Habitat

Under section 7(a)(2) of the ESA each federal agency has a duty to insure that any action it proposes to authorize, fund, or otherwise carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of habitat of such species. 16 U.S.C. § 1536(a)(2). In order to ensure compliance with this provision, section 7 requires each federal agency that proposes to authorize, fund, or carry out any action that may affect listed species to consult formally with the U.S. Fish and Wildlife Service (Service) regarding the impact of this action on listed species. See 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a).

The Service's issuance of incidental take permits and approval of HCPs under section 10 of the ESA are agency actions requiring section 7 consultation. When the Service is considering issuance of a section 10 permit, it must engage in intra-agency consultation regarding the effects of the permit on listed species. During the consultation process, the Service must: 1) review all relevant information concerning the listed species; 2) evaluate the current status of the species; and 3) analyze the direct, indirect, and cumulative effects of the action on the species. 50 C.F.R.§ 402.14(g).

At the end of the intra-agency consultation, the Service must prepare a biological opinion on whether its action will jeopardize any fish, wildlife or plant species or will destroy or adversely modify critical habitat. 16 U.S.C. § 1536(b)(3)(A). The biological opinion must be based on the best available scientific information. 16 U.S.C. § 1536(a)(2), (b), must describe the direct, indirect and cumulative effects of the agency action on these listed species, and must include a summary of the information upon which this opinion is based. 16 U.S.C. § 1536(b)(3)(A). 50 C.F.R.§ 402.14(g), (h). If the Service finds that the project will jeopardize any listed species, it must include in the opinion "reasonable and prudent alternatives" that would prevent jeopardy, if they exist. 16 U.S.C. § 1536(b)(3)(A); 50 C.F.R.§ 402.14(h). If no reasonable and prudent alternatives exist, the Service must so indicate in the biological opinion. 50 C.F.R.§ 402.14(h)(3).

C. Section 9 of the ESA Prohibits Take of Listed Species

Section 9 of the ESA prohibits any person, including any local government entity, from "taking" an endangered or threatened species. 16 U.S.C. §§ 1532(13), 1538(a)(1)(B). "Take" is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or to attempt to engage in any such conduct." 16 U.S.C. § 1532(19). The Service has defined "harm" by regulation to include significant modification or degradation of a species' habitat that "actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding and sheltering." 50 C.F.R. § 17.3. In addition, the take of federally listed plants on non-federal lands is prohibited by section 9 of the ESA if the action resulting in the take is a violation of state law. 16 U.S.C. § 1538(a)(2)(B).

D. Section 10 of the ESA Allows Incidental Take in Accordance with a Conservation Plan

Section 10 of the ESA provides a limited exception to the prohibition on take that is "incidental to, and not the purpose of, ... an otherwise lawful activity,"such as urban development, carried out by private parties and local government agencies. 16 U.S.C. § 1539(a)(1)(B). Both individuals and/or local jurisdictions may apply for incidental take permits (ITP) if they submit a habitat conservation plan which is approved by the Service. The purpose of a regional multiple species conservation plan is to provide for orderly, long-term land use planning while simultaneously reducing incremental habitat loss and increase the number of species which can be protected. See Endangered Species Habitat Conservation Planning Handbook, Service and National Marine Fisheries Service (HCP Handbook), Nov. 1996, at 1-14.

The Coalition requests that the County give due consideration to *avoiding* the take of endangered or threatened species before it creates a plan to mitigate for the take of those species. We hope the County will consider creating a plan that will simply avoid sensitive areas which these species use or inhabit and thus obviate the need to mitigate for the take of species related to them.

If the County determines that it can not continue with its activities without taking endangered species, the County must create a conservation plan in order to obtain an incidental take permit. The conservation plan must specify:

1) the impact that will likely result from the taking;
2) what steps the applicant will take to monitor, minimize, and mitigate such impacts, and the funding that will be available to implement such measures;
3) what alternative actions the applicant considered, and the reasons why such alternatives are not being proposed; and,
4) any other measures the Service requires "as necessary or appropriate for purposes of the plan."

16 U.S.C. § 1539(a)(2)(A); 50 C.F.R. § 17.32(b)(1).
The Coalition would like to emphasize that the County is required to describe the *impact that will*

likely result from the taking of endangered species pursuant to County activities, rather than just the impact that will result from the passage of the SDCP itself. It is the underlying actions such as the issuance of building permits, capital improvement projects, and other county activities that are being permitted under section 10. Therefore, it is the impact of these continued activities which must be adequately examined and clearly conveyed to the public. It is crucial that the public has clear knowledge of the effects of the continued taking of endangered species on our environment here in Pima County.

The conservation plan must also include a description of all actions within the planning area that: 1) are likely to result in incidental take; and 2) are reasonably certain to occur over the life of the permit. HCP Handbook, at 3-12. In addition, the plan must contain a procedure by which the permittee will deal with unforeseen or extraordinary circumstances in the future. 50 C.F.R. 17.22(b)(1)(iii)(C).

The Secretary of Interior may issue the incidental take permit, after opportunity for public comment if:

(1) The taking will be incidental;
(2) The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;
(3) The applicant will ensure that adequate funding for the conservation plan and procedures to deal with unforeseen circumstances will be provided;
(4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild;
(5) Other additional measures;
(6) The director has received such other assurances as he may require that the plan will be implemented.

50 C.F.R. § 17.22(b)(2). The Service may issue the permit only if the section 10 issuance criteria above have been satisfied for all species that are covered by the HCP, including listed plant species and unlisted species. See HCP Handbook, at 4-4; 50 C.F.R. §§ 17.22 and 17.32 (1999). The permit "shall contain such terms and conditions as the Secretary deems necessary or appropriate to carry out the purposes of this paragraph including ... such reporting requirements as the Secretary deems necessary for determining whether terms and conditions are being complied with." 16 U.S.C. § 1539(a)(2)(B). If the permittee is not complying with the terms of the permit, the Secretary "shall revoke" the permit. 16 U.S.C. § 1539(a)(2)(C).

II. Content Of the SDCP

The SDCP is first and foremost an HCP which will allow the County to apply for a section 10 incidental take permit. It is on the criteria for HCPs outlined in the ESA that the SDCP must primarily be considered. Other aspects of the Plan such as cultural, historical and general open space elements are not specifically relevant to the core purpose of the plan.

A. Covered Species Recovery Standards and Guidelines

The SDCP should present detailed information regarding specific recovery goals and protective management standards and guidelines for each covered species. The ESA term "conservation" means the use of all necessary measures to provide for the survival and recovery of listed species. It is precisely for this reason that this word is used in the ESA Section 10 term "conservation plan." It will be necessary for the SDCP to live up to this standard in order for the County to receive a take permit in accordance with both ESA sections 7 and 10. Specifically, it is the Coalition's position that the SDCP should contain all necessary detail to ensure the survival of covered species and contribute to the recovery of these species relative to the extent of their historic range and distribution in Pima County through scientific documentation, analysis and peer-review.

In the past the Service has taken the position that HCPs need only not appreciably reduce the likelihood of survival and recovery of covered species. This is unfortunate. The Coalition expects, and the ESA requires, that HCPs such as the County's SDCP must go further than mitigating for the loss of endangered wildlife and sensitive vegetation to development. The County has already committed to the goal of promoting the recovery of federally listed and candidate species to the point where their continued existence is no longer at risk. Based on this, we do not anticipate any disagreement over the County's obligation to comply with ESA conservation mandates for covered species.

We suggest that the County provide specific management standards and goals directly related to each covered species as this information will be critical in determining the effectiveness of proposed SDCP conservation measures. This portion of the SDCP should specifically address the conservation status of each species, the status of each species within the SDCP planning area, the goals of the SDCP with regard to each species, and what specific management actions and conservation measures will be necessary to accomplish stated goals. This portion of the SDCP should be drafted by the Science Technical Advisory Team and should be subject peer and public review and comment.

<u>Pygmy-Owl Conservation and the SDCP</u>

The County should present detailed information on how the SDCP will provide for recovery of the pygmy-owl. Specifically, it is the Coalition's position that the SDCP should not authorize any destruction or adverse modification of any vegetation known to have been occupied or otherwise utilized since 1990 by the pygmy-owl, nor should the SDCP allow any destruction or adverse modification of pygmy-owl critical habitat or special management areas. It is also the Coalition's position that the SDCP should not allow any killing of pygmy-owls, including "accidental" killing such as that permitted in the Lazy K Bar Habitat Conservation Plan. The current Arizona population of the species is far below any level which might allow for the loss of *any* individual owls.

With regard to pygmy-owl conservation in the vicinity of the Tortolita Fan, the SDCP will have little chance of achieving adequate conservation, and thus coverage, for the pygmy-owl without purchase of significant private land, and purchase of state trust lands for habitat preservation. The SDCP should provide a means by which state land in the Tortolita Mountains, which may currently be sold or leased for development, will be preserved.

B. Hard-line Covered Species Preserve

The County should establish under the SDCP a hard-line Covered Species Preserve alongside proposed new and/or expanded mountain parks, natural reserves, and riparian and ranch conservation areas. Areas proposed for protection by the County as new and expanded mountain parks, natural reserves and riparian conservation areas (protected areas) are likely to provide important habitat for SDCP covered species. But because a primary goal of the SDCP is the conservation of covered species, it is the Coalition's position that the County should dedicate in name and management a specific protected area - the hard-line Covered Species Preserve - dedicated for this purpose.

The Covered Species Preserve should be established by drawing property-by-property hard lines clearly delineating exactly which land will be set aside for conservation of covered species, and which land will be developed. Hard-lines should also be established for the County's other proposed protected areas. Establishing the Covered Species Preserve and other protected areas in this manner provides the greatest degree of certainty for everyone; species, landowners, and the public at large. Property owner cooperation in the drawing of these hard lines is not essential as believed by Fish and Wildlife, but should be encouraged.

The Covered Species Preserve could comprise in part some or all of the County's proposed protected areas, but its fundamental purpose must be the conservation of the covered species. Protection of scenic mountains and other important natural areas will inevitably follow from this goal, especially alongside the mountain parks, riparian conservation and other SDCP elements.

The County's procedure and specific criteria used in mapping out the Covered Species Preserve and other protected areas should be specifically identified within the SDCP. For example, the public should be informed as to specifically which areas hold the best occupied or potential habitat for covered species, what kind of habitat currently exists within given areas, and what areas need to be restored in order to fully function as habitat for the covered species.

The establishment of soft-line preserves where some development may still occur on a portion of every property within the preserve has been allowed by the Service for some other regional habitat conservation plans, including the San Diego Multiple Species Conservation Plan (MSCP). This has been unfortunate. Under that plan, the City of San Diego pointed proudly to its regional wildlife preserve but failed to disclose that up to 25% of every property located fully within the preserve could be developed. Such designs inevitably result in extremely fragmented preserve systems.

C. Authorized Activities in, adjacent to and outside of Protected Areas

The County should present detailed information in the SDCP identifying those activities which will be authorized in the Covered Species Preserve, other protected areas, and ranch conservation areas. The County should detail the effects of any such activities on the covered species preserve and other areas.

For example, the draft SDCP does not discuss transportation planning or outline what types of activities, such as road-building, will be permitted in preserved areas. The Clark County, Nevada MSHCP specifically addresses the level of use (high use, low use) in certain areas and the associated habitat conservation with reference to roads in those areas. Changes to approved road-building projects to accommodate the MSHCP are documented in the report, and as evidenced by the unlawful clearing at Cortaro and Thornydale roads, this will be a necessary element of the SDCP.

The SDCP is an Endangered Species Act Habitat Conservation Plan. As discussed above, the fundamental purpose of a Habitat Conservation Plan is orderly land use which ensures the survival and recovery of imperiled wildlife and plants, and conservation of the ecosystems upon which they depend. Development will presumably proceed in less sensitive areas under the plan. Areas preserved in exchange for development under the plan must necessarily be free from harmful land use practices, including urban development, cattle grazing, off-road vehicle use and others.

The County should present detailed information identifying those activities which will be authorized immediately adjacent to and outside of the covered species preserve, other protected areas, and ranch conservation areas. The effects of any of these authorized land uses on the Covered Species Preserve and other protected areas should be identified and addressed in the SDCP. The County should also present the environmental effects of all activities which will be authorized by the SDCP outside of any protected areas.

A discussion of authorized land uses adjacent to SDCP protected areas along with management and mitigation measures will be essential to the viability of those protected areas. For example, the preliminary draft SDCP indicates that re-zoning of property will occur after the plan is in place. But re-zoning property either within or adjacent to a SDCP reserve after plan approval may jeopardize the plan's integrity by allowing previously unconsidered effects on the protected areas.

According to the Service's HCP Handbook, the re-zoning of an area contrary to land uses specified in the HCP could invalidate the County's permit. HCP Handbook, at 7-5. The public should therefore be presented with clear information in the SDCP identifying all land use intensities which will be authorized within and outside of the Covered Species Preserve and other protected areas. The SDCP should also show under what conditions zoning may be changed in

the future.

D. Mitigation and the SDCP

The County should present detailed information in the SDCP showing how it will first attempt to avoid, then minimize and finally how it will mitigate any impacts to covered species and their habitat.

In order to receive an incidental take permit from the Department of the Interior, the County must have in place a conservation plan which, to the maximum extent practicable, minimizes and mitigates the impacts of County activities on the taking of endangered species. 50 C.F.R. § 17.22(b)(2). Before the County begins mitigation planning, however, the County should first examine whether it can proceed with its activities without taking endangered species, thus obviating the need for mitigation. If it can not proceed without taking species, the County must examine the impacts of its activities, e.g., construction, capital improvement projects, and issuance of building permits, on endangered species. Once those impacts are examined, the County can determine how it will mitigate for loss of habitat and the taking of endangered species.

Mitigation and impacts to covered species

According to the Service, mitigation programs should be based on sound biological rationale and should be commensurate with the impacts they address. HCP Handbook, at 3-19. The Service has also indicated that "[t]he base mitigation strategy or initial minimization and mitigation measures which are implemented must be sufficiently vigorous so that the Service may reasonably believe that they will be successful." HCP Handbook, at 3-25. The SDCP must adequately address the impacts of its proposed activities in its mitigation program and must do so in a way that assures that the condition of species within the County or impacted by the County's activities does not worsen. In addition, the Service and the public must be given reliable data to show that the County's plan will in fact remedy the effects of take.

Mitigation and covered species recovery

Although the Service insists that recovery of listed species is not required under an HCP, the Service has stated, "recovery is nevertheless an important consideration in any HCP effort" because some HCPs may encompass all or much of a species' range and address crucial biological issues and because of the inherent biological significance of such planning areas. HCP Handbook, at 3-20. It is the Coalition's position that covered species recovery is not only required, it is crucial to public acceptance of this plan. With the issuance of the Pygmy Owl Recovery Plan later this year, or early next, the County's plan should closely follow, and even exceed, the recommendations included therein, in order to improve the chances for pygmy-owl recovery.

Mitigation and habitat loss

The SDCP should provide mitigation adequate to address habitat lost to County activities. The Service has indicated that "[m]itigation should ... compensate for habitat lost through the permitted activities of the HCP by establishing suitable habitat for the species that will be held in perpetuity..." HCP Handbook, at 3-23. However, purchase of mitigation property to offset habitat destruction alone will not satisfy this requirement because it will still result in a net loss of habitat for species. See HCP Handbook, at 3-22. In addition, mitigation, whether that mitigation is outright purchase or restoration of land, must take place at the time of or before habitat modification or destruction. It is important to note that a presumption that a project will not jeopardize species based on the promise of future mitigation measures is not valid under the ESA. Sierra Club v. Marsh, 816 F.2d 1379 (9th Cir.1987).

Permanent protection of mitigation lands

If loss of habitat for endangered species is permanent, protection of mitigation lands must also be permanent. See HCP Handbook, at 3-23. The SDCP must provide for clearly designated and protected covered species preserves in perpetuity.

E. Implementation Funding and the SDCP

The County should present detailed information in the SDCP identifying precisely how much funding will be necessary to implement the plan. The County should also identify how much funding is available at the time of the SDCP's approval and what specific mechanisms will produce any additional necessary funding for implementation of the plan.

Under the ESA, adequate and available implementation funding must be identified for all HCPs at the time of their approval. According to ESA regulations, "The duration of permits issued ... shall be sufficient to provide adequate assurances to the permittee to commit funding necessary for the activities authorized by the permit, including conservation activities and land use restrictions." 50 C.F.R. § 17.22(b)(4). By the same token, the public must have adequate assurances before approval of the permit that funding is committed and assured for the duration of the permit. Plans without adequate funding are not issued a permit in accordance with the ESA and its implementing regulations and have little validity as habitat conservation plans. Reliance on speculative third party funding is equally invalid. Sierra Club v. Babbitt, 15 F.Supp. 2d 1274, 1282 (S.D.Ala.1998).

It is the Coalition's position that substantial funding and/or other mechanisms necessary to implement the SDCP should include resources adequate to establish the Covered Species Preserve and other protected areas. Mechanisms should also be in place at the time of approval to ensure adequate funding and other resources necessary to carry out future land protection, preserve and species protective management and monitoring and to address unforeseen circumstances. Habitat destruction and take of listed species under the SDCP should proceed only as all necessary mitigation funding and other management and monitoring resources become available. The only means by which the Service and the public may adequately evaluate the SDCP and whether it will

provide the necessary funding is by providing specific and concrete information on this in the SDCP.

We suggest that any funding necessary to implement the SDCP be in place or guaranteed according to some specified mechanism (i.e. development impact fees) prior to finalization of the SDCP. Contrary to the provisions outlined in section 10 of the ESA which require that adequate funding for the plan is ensured, the Service approved the San Diego MSCP in California with only a promise by the City of San Diego, the County of San Diego and others to develop a "regional funding mechanism" within three years. Three years have passed, however, with little or no work on this funding mechanism. Similarly, the Natomas Basin regional HCP in California failed to provide adequate funding and adjustments of funding over time to carry out land acquisition. In the Balcones Canyonlands Conservation Plan in Texas, only a fraction of the funding needed for developing and implementing preserve management plans ever materialized.

6. Management and Monitoring under the SDCP

Protected Areas and Covered Species Management and Monitoring

The County should present detailed information in the SDCP regarding how the Covered Species Preserve, other protected areas and all covered species will be protectively managed and monitored over the life of the take permit. The presentation of this information will be necessary to allow the Service and public an opportunity to analyze the effectiveness of the SDCP in carrying out stated goals.

Detailed protected area and covered species management and monitoring plans identifying precisely how, when, and at what cost protective management and monitoring will be accomplished over the life of regional incidental take permits are critical components of regional HCPs such as the SDCP. These management and monitoring plans should include a threat analysis with specific recommendations on how to address those threats, much like the one included in the Clark County, Nevada MSHCP. For example, the control of exotic species is a crucial management issue for any Sonoran desert protected area. A detailed management and monitoring plan must be included in the SDCP so as to address the control of sources and spread of exotics, among the many other threats facing this ecoregion.

A threat analysis and accompanying management and monitoring plan creates a larger picture of what needs to happen in the region in general as well as a specific set of items associated with each habitat which can be linked to a specific site within the plan. For example, each ecosystem type in the Clark County, Nevada MSHCP contains a description of the area with acreage, a list of target species found in the system and a list of the threats potentially impacting those targets with an evaluation of the adequacy of existing management. Of course, some conservation sites (e.g. large national monuments, forests, or bombing ranges, etc.) contain multiple ecosystem types and this should also be considered when developing such a management and monitoring plan.

The SDCP should also include the following two types of monitoring: 1) compliance monitoring, and 2) effects and effectiveness monitoring. U.S. FWS/NOAA Addendum to the HCP Handbook, Exec. Summary, May 2000. Compliance monitoring covers the permittee's implementation of the requirements of the HCP permit and its implementation agreement. Effectiveness monitoring investigates the impacts of the authorized take and the operating conservation program to verify progress. Both types of monitoring are essential components of any HCP. In addition, the "[m]onitoring program must be based on sound science..." Id. In order to verify the legitimacy of the plan and assure public support, it is essential that the SDCP contain detailed plans setting forth the monitoring requirements and how they will be accomplished.

In the past, the Service has allowed deferral of preserve and species management and monitoring plans until after approval of regional HCPs in clear violation of the Endangered Species Act. A preserve area and covered species management plan (a.k.a. framework plan) promised by the City of San Diego within one year of approval of the San Diego, California MSCP has still not been prepared three years later. In the California City of Carlsbad's Habitat Management Plan, the Service plans to allow a deferral for preparation of the management and monitoring plan for years while immediately permitting habitat destruction and species take. The Balcones Canyonlands Conservation Plan contained almost no biological monitoring whatsoever. These examples should not be repeated with the SDCP.

Adaptive Management and the SDCP

The County should present detailed information on whether and to what extent adaptive management of covered species, the Covered Species Preserve, mountain parks, natural reserves, and riparian and ranch conservation areas will occur. The County should also present detailed information identifying the types of adaptive management which might occur, what agencies will be responsible for any adaptive management, how much contingency funding and other resources will be set aside for adaptive management and what agencies will be responsible for any unforeseen costs.

Adaptive management should be integrated into the SDCP in order to provide for a mechanism to deal with problems which may occur in the future. Adaptive management can provide "a reliable means for assessing the mitigation and minimizing strategies." HCP Handbook, at 3-23.

According to the Service, the "degree of potential effects of the activity on the species covered in the incidental take permit" can determine whether adaptive management will be used within the plan. (U.S. FWS/NOAA Addendum to the HCP Handbook, Exec. Summary, May 2000). When significant uncertainty exists for a species, it "can be addressed through the incorporation and implementation of adaptive management measures into HCPs." HCP Handbook, at 3-24. In just one example, there is still significant uncertainty surrounding the habitat needs and required conservation management activities necessary to recover the cactus ferruginous pygmy-owl. In order to account for this uncertainty, and given the existing extremely poor condition of the

species, the plan must have built-in adaptability to change for the benefit of the species if new information arises regarding conservation needs for this species or any others covered by the SDCP.

Monitoring will be an essential component of adaptive management so as to ensure changing conditions are identified. If, for example, species declines can not be identified, they will not be remedied by adaptive management within the HCP. Adaptive management should also incorporate specific "testable hypotheses linked to the conservation strategies and their biological objectives." HCP Handbook, at 3-25. Moreover, the monitoring system for the adaptive management of the HCP must be linked to measurable criteria in order to detect trends in species populations in the plan in order to determine if ecosystem management must be altered to account for changes. See HCP Handbook, at 3-25-27.

A viable adaptive management program must not only have the capability of identifying species declines or other problems, it must have the ability to remedy those problems or "adapt" practices to account for them. Therefore, an adaptive management program must identify the parties or agencies responsible for monitoring the effectiveness of the plan, the parties responsible for taking the actions necessary to remedy problems in the future, and the procedures for doing so.

The SDCP should adopt a protocol to avoid conflicts with the "No Surprises" policy adopted for HCPs. Well-planned adaptive management procedures would not constitute a "surprise" because all affected land managers would be informed ahead of time that their management may need to change pending the results of regular monitoring.

G. Duration of the SDCP Take Permit

The County should present detailed information in the SDCP addressing the anticipated duration of the take permit and how the duration of the permit relates to and complements recovery of the covered species.

Under ESA regulations, the Service, in determining the duration of the County's permit, must take into account "the duration of planned activities, as well as the possible positive and negative effects associated with permits of the proposed duration on listed species, including the extent to which the conservation plan will enhance the habitat of listed species and increase the long-term survivability of such species." 50 C.F.R. § 17.22(b)(4).

We suggest that the County outline how a net benefit to the covered species will be achieved over the life of the SDCP by providing specific criteria to monitor the effectiveness of the plan. We also note that the EPA recommended a permit duration of not over 20 years due to concerns about population growth.

H. Other Jurisdictions and Agencies

The County should present detailed information regarding how the SDCP will be affected by activities in other jurisdictions. The County should also examine and disclose the effects of its proposed activities on other jurisdictions, including but not limited to those jurisdictions that lie downstream from Pima County. For example, Pinal County, the Tohono O'odham Nation, Marana, Oro Valley, and lands owned by the State Land Department all contain important wildlife habitat and vegetative resources. How much reliance, if any, does the County place on the O'odham lands for preservation of open space and habitat for its HCP? What will the effect on the plan be of the continued growth and development of cities which have not joined in the plan? How will the absence of these jurisdictions be accounted for in species conservation, especially when so much habitat lies in areas not covered under the plan? How will the SDCP address the possibility of annexation of County lands and subsequent approval of unforeseen impacts by others?

The Coalition specifically recommends that Pima County bring both state and county transportation agencies into the SDCP process in order to integrate conservation planning and transportation planning. The recent disaster at Cortaro and Thornydale roads illustrates the importance of including transportation agencies in the planning process, and keeping these agencies informed of ongoing conservation issues and requirements related to protection of natural resources. Both the Riverside County, California and Clark County, Nevada brought transportation agencies to the table in their HCPs processes.

The SDCP in its final form should include a detailed list of roles and responsibilities for all of the major land management agencies similar to that included in the Clark County, Nevada MSHCP. These items included in the Nevada MSHCP were as general as the creation of an educational program by the USFS, setting up signs designating critical areas in certain locations by the BLM, or compiling an inventory of all culvert/bridge crossings and tortoise fencing within the permit area by Nevada DOT.

III. Other Coalition Comments

The Coalition generally supports recommendations contained in the draft SDCP, with the following comments and exceptions:

A. Cooperative Planning Agreements

The Coalition supports cooperative planning agreements with other local, state and federal agencies to prepare and implement the SDCP, but these agreements should not contain language similar to that in the draft cooperative agreement distributed on February 8, 2000 that grazing maintains or promotes "healthy and diverse ecosystems." Please see the Coalition's letter on this subject dated March 17, 2000 for details on this and other points.

In addition, the Coalition believes that county, state and federal transportation agencies must be included in cooperative planning agreements. Currently there is no mention of them in section

VI.3 under Cooperative Planning Agreements.

B. Land Use Planning and Zoning Code Modification

The ESA is not a planning tool. It merely authorizes the County to proceed with activities in the jurisdiction without the fear that the activity will "take" listed species and subject it to liability under the ESA. Because the ESA does not provide for broad-based regional planning and because the implementation of the SDCP is years away, the County should revise the Comprehensive Plan in order to plan development in the region that is compatible with the biological assessment. In addition, the County should implement interim conservation measures for *itself* and private parties to protect biological and other resources. The Coalition supports many of the recommendations for land use planning contained within the draft SDCP, however, we have several suggestions of ways in which interim planning could be improved.

The Coalition supports the County Administrator's recommendations 7.B through H on page 9 of the preliminary draft SDCP. However, with regard to recommendation A, which proposes to defer up-zoning or granting of conditional use permits in certain areas, the County should amend the land use code as recommended by the Coalition in its revised proposed interim conservation policies. We understand that some of these past recommendations may conflict with Arizona land use statutes, but at a minimum, elements of both 7.A and the Coalition's recommendations, where legally permissible, should be incorporated into such a land use code ammendment.

We support the concept of deferring most up-planning and up-zoning in sensitive areas unless the land use proposal sets aside a substantial portion of the property to protect sensitive resources, as advanced in recommendation A by the Administrator.[1] This is a worthy method to avoid "taking" any private property by still allowing reasonable use. But it is critical that the County specify how much of a given property must be set aside to protect sensitive biological, cultural and historic resources for a project to proceed pending the implementation of the SDCP and any related recovery plans. Further, the County should limit up-planning and up-zoning in <u>all</u> environmentally sensitive areas. Environmentally sensitive areas include but should not be considered limited to lands defined in the federal recovery plan for the cactus ferruginous pygmy-owl as special management areas, the proposed new and expanded mountain parks, natural reserves and riparian and ranch conservation areas as identified in the preliminary draft SDCP. Management areas in proposed and adopted recovery plans for any other listed species should also be considered as environmentally sensitive lands.

The Coalition therefore recommends that the County implement the Administrator's recommendation A with the caveat that this apply to all environmentally sensitive areas. Up-

[1] "Up-planning" includes Comprehensive Plan amendments, specific plan amendments, modifications or waivers of specific plans and major streets and routes plan amendments. "Up-zoning" includes up-zoning, re-zoning time extensions, modifications or waivers of re-zoning conditions, waivers of subdivision platting requirements, road construction projects and conditional use permits.

planning and up-zoning should only be allowed after pygmy-owl and general biological resource surveys have been completed and the property owner commits to the set aside of at least 80% of all identified environmentally sensitive lands. Development should also be "clustered" in the least sensitive portion of the property to minimize habitat fragmentation and edge effects.

Implementation of the SDCP will necessarily involve substantial acquisition of private property. The County must therefore not act to greatly increase the value of private properties which may be important for implementation of the SDCP through haphazard or premature up-zoning and/or development approvals. Up-zonings and development project approvals are not rights, and should be viewed as "privileges." The United States Constitution and property rights case law establish that private property owners are entitled to reasonable, but not necessarily maximum, use of their holdings. Up-zonings and development project approvals must be viewed as a privilege to be granted only when they will not adversely impact environmentally sensitive land and other values.

We recognize that the County may be unable to defer consideration of many up-planning and re-zoning requests in pygmy-owl habitat and other environmentally sensitive areas as previously recommended by the Coalition. These past recommendations may conflict with Arizona land use statutes. However, the Coalition maintains its opposition to up-planning and up-zoning pending preparation and approval of the SDCP. The Coalition also maintains that up-planning and up-zoning in pygmy-owl habitat must be deferred to prevent violation of the Endangered Species Act and to avoid the loss of important conservation opportunities under the SDCP. For this reason it is the Coalition's position that the County should not endorse any property-by-property habitat conservation plans for the pygmy-owl, even if these plans embrace those conditions for project approval pending preparation of the SDCP as discussed above.

In light of recent events, the Coalition is concerned about the County's understanding of the importance of interim planning. At the present time, the County continues to grant amendments to the Pima County Comprehensive Plan in environmentally sensitive areas, as evidenced by the Board of Supervisors meeting on 12/5/00. The County must not jeopardize the integrity of the SDCP by up-planning, thereby allowing development that contradicts and undermines the goals of the plan.

As evidenced by the unlawful land clearing that took place at Thornydale and Cortaro roads in November 2000, it is critical that the County not only immediately implement, but also abide by, stricter policies regarding up-zoning and up-planning while the SDCP planning process is underway. These interim measures need to address what went wrong with the situation at Thornydale and Cortaro roads and outline solutions that will prevent its recurrence. The Coalition proposed such solutions last May, specifically recommending that road construction projects within pygmy-owl habitat be suspended pending preparation of the Conservation and Recovery Plan. This particular recommendation was deemed by the County Attorney's office to not only be legal, but appropriate in light of liability issues the County faces under the ESA. In a memo to Mr. Huckelberry dated November 6, 2000, Katharina Richter of the County Attorney's

office stated:

> "Indeed, if the project is to be constructed within Critical Habitat Areas, or areas known to be actual Pygmy- habitat, the County must ensure that construction will not result in a 'take' of the endangered species."

Recent events illustrate the obvious need for prompt implementation of interim measures. More importantly, these events demonstrate that unless the County abides by its own rules, the County's commitment to the SDCP will be undermined.

C. Mitigation Payments For Re-zoned Environmentally Sensitive Lands

The Coalition supports the concept of mitigation advanced by the Administrator's recommendation 9.E on page 11 of the preliminary draft SDCP. Mitigation payments have been problematic in other jurisdictions, however, with funds from these payments often falling far short of those necessary to fully mitigate impacts to sensitive resources. We strongly recommend that the County instead apply habitat and species specific mitigation ratios to be carried out by land owners prior to their receipt of any development permits. For example, land owners could be required to mitigate the loss of ironwood dominated Sonoran desert scrub at a 4:1 ratio, whereby 4 acres of the same habitat must be secured and protected in perpetuity for every acre lost. Implementation of the Native Plant Ordinance might further reduce the impacts of development pending preparation and approval of the SDCP. In addition, increased fines and funding of enforcement of the County's ordinances is essential to the integrity of the SDCP process over the life of the permit.

D. New or Amended State Legislation

In September, the County authorized a public comment period on the draft SDCP that extends until January 1, 2001. We understand however, that the Board adopted the recommendations in section VI.8 before this period ended. The Coalition is concerned that there are recommendations being extracted and voted on in a different timeline than has been given to the public regarding the draft SDCP, and its publicly adopted deadline. The Coalition requests that any future deviation from a publicly adopted timeline either not occur, or that adequate, broad public notice be given to interested parties and the public beforehand. Nevertheless, we would like to offer the following recommendations on the legislative agenda.

The Coalition supports the concepts recommended in section VI.8 of the draft SDCP, however, we would like the County to pursue, as part of its legislative agenda, a change in the manner in which state trust lands are currently managed and liquidated. At this time, Arizona is prohibited from selling or leasing the state trust lands "except to the highest bidder at public auction." Ariz. Enab. Act, sec. 28. Pursuant to this mandate, state trust lands are either sold, especially when they lie within the path of development, or they are leased commercially or for grazing. The Coalition believes that without a change in state trust lands management, the County will be

unable to adequately manage community growth, development and sprawl. Therefore, we request that the County pursue cooperative agreements with the State Land Department regarding the SDCP, and also lobby for a change to the Department's mandate under Arizona's Enabling Act and the Arizona Constitution which would allow for preservation of state trust lands. In section VI.8.E, the Coalition proposes that the County pursue expanded authority to impose open space impact fees, in addition to the others listed.

E. Conservation Targets

The SDCP makes reference to adopting The Nature Conservancy's (TNC) plan for the Sonoran Desert on the page 6 of the Board of Supervisors memo. However, the SDCP identified 39 species (plus some invertebrates for which a number was not given) as conservation targets while TNC used 353 species and 78 natural communities. In particular, with the exception of the ironwood community, there is little mention of other native vegetation communities or their management. The protection of natural communities as identified through TNC and the Natural Heritage Network's Vegetation Community Classification should be included in the SDCP. Admittedly, the TNC plan covers a much larger area extending into Mexico, but the County should further clarify how the SDCP and TNC plan differ since the SDCP draft has 'adopted' the TNC plan.

In addition, a mechanism should be built into the plan to include other species if they begin to decline to a point that they require protection. 133 species are considered in the MSHCP for Clark County, Nevada with targets species, evaluation species and watch list species identified. Comprehensive plans for so many species are a fairly new phenomenon, however there does not appear to be anything resembling a watch list in the SDCP. Such a mechanism would allow agencies and other groups to take proactive steps to prevent species decline and obviate further species listings.

With regard to the list of "priority vulnerable species," the draft plan provides no information regarding the criteria used in identifying and prioritizing these critically important targets. We realize the development of this list has been a separate and ongoing process, but the draft plan provides no information on how the list was developed, who will be reviewing it, and how this list will be used to guide plan development and management. The determination of "priority vulnerable species" is among the most important decisions in conservation planning. Without this information, we find it impossible to comment on the effectiveness of the SDCP as a conservation tool.

Further, we are deeply concerned over the County's omission of the jaguar from the list of "priority vulnerable species" and at its refusal to pursue an ITP for the jaguar. The jaguar is federally listed as endangered and as such is recognized as a component of the fauna of the U.S. More significantly, the species is known to have occupied Pima County recently and historically and there is evidence supporting current occupation. More jaguars have been documented in Pima and Santa Cruz counties (via photos and specimens) than anywhere else in the country

(more than 50% of total confirmations). Preliminary data and modeling compiled by the Jaguar Conservation Team (of which Pima County is a signatory), strongly suggests that Pima County is among the most significant areas in the U.S. for jaguar survival and recovery. Documented breeding activity in Sonora is within easy dispersal distance of suitable habitat in Pima County. Increasing pressures from road development, mining expansion and direct killing are likely increasing jaguar dispersal into the U.S. The significant habitat which does exist in Pima County (primarily mixed scrub-grassland) lies in unincorporated Pima County, where the County acknowledges most future growth will take place. Unfortunately most of this habitat (especially that which appears critical to facilitate jaguar movement between U.S. ranges and from Mexico) falls outside of current mountain reserves and riparian areas identified as priorities for conservation.

It is commendable that the County has repeatedly expressed its commitment to the goal of promoting the recovery of federally listed and candidate species to the point where their continued existence is no longer at risk. The draft plan gives no reason why the jaguar should be excluded from this commitment and the SDCP should outline steps which will be taken to promote its survival and recovery in the U.S.

F. Resource Protection Assurance Bonds

The Coalition supports the recommendation contained in section VI.7 (H) of the draft SDCP that cultural resource assurance bonds be required to ensure that surveying, testing and mitigation are carried out during development. The Coalition's position is that the same type of bonds should be required for natural resources as well. We ask that a provision be added to section VI.7 of the draft SDCP which would require developers to post "Natural Resource Assurance Bonds" before development takes place in order to provide for accountability and protection for biological and vegetation resources during development activities.

G. Changes In County Organization Design

The Coalition supports the concept of an agency charged with "long term coordination and oversight" in implementation of the SDCP, as contained in section VI.4.E. We believe that this entity should be accountable to the elected officials and the public. Whether or not that agency should be the Pima County Department of Environmental Quality is unclear to us at this time, however. Before that determination be made, goals, objectives, duties, and responsibilities should be developed for the agency and that information clearly relayed to the public.

H. Public Participation

The Coalition believes that the County must be more proactive on soliciting comments from the general public and interested parties. The Coalition sent a letter to the County Administrator on September 20, 2000 outlining our concerns and providing a list of specific recommendations to effect a more educated and involved Steering Committee and public. The Coalition requests that

the County implement each of these recommendations, and we are available to assist in bringing these proposals into effect.

I. Livestock Grazing and the SDCP

Cattle grazing is a major conservation issue which should undergo unbiased analysis and careful management under the SDCP so as to ensure true conservation of covered species and protected areas. The best available scientific data shows that cattle grazing causes profound ecological damage, especially in the arid deserts of the American Southwest. The draft SDCP and related reports have presented biased information in favor of cattle grazing and have seriously downplayed the negative effects of cattle grazing on southwestern ecosystems, wildlife and vegetation. It appears that the County intends to advocate for continued grazing on many lands to be "protected" under the SDCP. This direction will greatly reduce the value and viability of the SDCP in providing conservation for wildlife and vegetation in general and the covered species in particular.

The SDCP incorrectly equates ranching with the preservation of not only open space, but also wildlife and habitat conservation. However, as documented in the Critical Review of Grazing found below, and as the best scientific data available on the effects of grazing indicates, the County's premise that wildlife and vegetation can be conserved through cattle grazing and ranching is faulty This is not to say that "open space" preserve areas which allow cattle grazing are completely inappropriate under the SDCP. On the contrary, ranch conservation for the purposes of maintaining working ranches, delineating an urban boundary and maintaining open space may be appropriate in the SDCP. Nevertheless, these "open space preserves" or "ranch preserves" must not be confused with or lumped into the same category as a Covered Species Preserve and other protected areas. This is the very reason the Coalition has repeatedly emphasized the importance of completely separating a Covered Species Preserve and other protected areas from ranch conservation areas.

The Covered Species Preserve proposed here by the Coalition should be free of harmful land use practices. The same should be true for any other new or expanded mountain park, natural reserve and riparian conservation areas which are established to conserve the covered species and/or as mitigation for development.

The SDCP should detail whether and to what extent cattle grazing will be authorized in any Covered Species Preserve, new and expanded mountain parks, natural reserves, and riparian conservation areas. The SDCP should also detail the true effects of cattle grazing on Pima County wildlife and vegetation, and on sensitive species to be covered by the SDCP. The Coalition believes that the SDCP must describe how it will measure the effects of grazing on a landscape level, as well as an allotment-by-allotment basis. We also believe that adaptive management practices, using measurable criteria, must be adopted by the SDCP in regards to ranching and farming practices.

There is an inherent assumption in the draft SDCP, ranch element and other documents that preserving ranching is in the public interest. However, the true costs of ranching such as taxpayer subsidies, habitat restoration costs, and other expenditures are often not examined. The County should carefully examine in the SDCP whether and to what extent the public actually benefits from ranching or whether there exist other better alternatives for protection for private ranch land and public lands with grazing leases.

The County should not establish any program that provides "certainty" for long-term State, BLM and Forest Service grazing leases. Rather, the County should work with State Lands, the BLM and the Forest Service to permanently end livestock grazing in defined habitat for the covered species and other important protected areas. If grazing is to continue outside of these areas, any incentive program must give the agencies who manage grazing leases flexibility to alter management to best suit the health of the ecosystem.

The County should not establish any system of monetary or other compensation for ranchers to reduce numbers of cattle permitted to graze on public lands. Such subsidies only serve to promote poor stewardship and the financial burden should not be shouldered by taxpayers.

The County should only consider the purchase of development rights on ranch lands to protect the covered species and other wildlife habitat contingent on a permanent end in such areas to cattle grazing.

The County should seek changes in State property tax law to permit a "conservation classification" whereby un-grazed and undeveloped private lands are taxed the least and developed lands are taxed the most. However, there should still be a strong incentive to retire grazing lands. The County should not seek to establish a stronger net incentive for continuing grazing than for halting grazing in covered species habitat and other protected areas. Otherwise, the incentive program will encourage grazing rather than allowing the land to return to more natural habitat.

The County should seek changes in Arizona property law to allow a conservation classification for state trust lands so that lease holders are not forced to graze cattle if they would rather preserve natural open space.

If grazing is to continue outside of protected areas, any incentive program should be proceeded by assessments of each grazing allotment on an individual and a landscape level. Incentives should be awarded only after biologists determine that harmful grazing practices are not occurring. Any incentive program should also include a complimentary mechanism which allows biologists to have input into the management of ranches. To do otherwise creates a compensation program that encourages grazing with the range still suffering. The ranchers would be protected, however, we feel the native species deserve protection in the process too.

The County should pursue an agreement with the State whereby state trust lands currently at risk

of conversion from grazing use to sale or commercial lease are protected from this fate without reductions in funding for public education.

The County should not pursue any weakening of Arizona statutes with regard to minimum qualifications for agricultural land tax exemptions, which will likely lead to more abuses such as "rent-a-cow" schemes.

Certain types of wildlife and vegetation management may be compatible with livestock grazing. But where grazing is a cause of habitat degradation or species endangerment, livestock grazing is antithetical to the purpose and legal requirements of the SDCP and Endangered Species Act. For this reason it is the Coalition's position that wildlife, vegetation and covered species conservation under the plan should occur in areas completely free of livestock grazing where grazing is a cause of habitat degradation or species endangerment.

A Brief Critical Review of Grazing in the Southwest and the Ranch Element of the SDCP

Below is a brief critical review of the County's reports on ranching, including supporting documentation from the scientific literature. The Coalition intends to produce a more detailed and comprehensive report on ranching in the near future.

Please note that the detail of the Coalition's response on the ranching component of the SDCP is possible only because the County has provided some measure of detail in this regard. As other elements of the SDCP are clarified, we intend to provide similarly detailed critical comments.

1. Science, Cattle Grazing, and the SDCP

The best available scientific data show that cattle grazing causes profound ecological damage, especially in the arid deserts of the American Southwest. Some of this data is summarized below.

The clearest picture of the negative effects of grazing on endangered species comes from Flather et al.[2] who identify grazing as the principal cause of species endangerment in Arizona.Grasslands in Arizona evolved in the absence of large herding ungulates. Western arid lands grasses generally lack evolutionary adaptations observed in plants occurring in grazed ecosystems such as ground-level buds, asexual reproduction, and toxic compounds that allowed them to avoid or survive heavy grazing. As a result these grasses are out-competed by grazing-adapted exotics when cattle are present.[3] Bock and Bock report perennial grass cover of 80% on an un-grazed site compared with 56% on an adjacent grazed areas in southeast Arizona.[4] Until cattle and sheep were introduced, arid western grasslands had not been heavily grazed since the Pleistocene, 10,000 years ago. Southern Arizona desert lands have recently harbored large herds of pronghorn, elk and other grazers including rabbits and rodents. But these lands have not been grazed by large herds of ungulates such as bison for thousands of years and deer are primarily browsers on shrubs.[5] Moreover, the prehistoric level of grazing pressure was kept low by predators including wolves, mountain lions, jaguars, bears, coyotes and other animals since heavily hunted or extirpated, primarily by the ranching industry.

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[2] Flather, C. T., L. A. Joyce, and C. A. Bloomgarden. 1994. Species endangerment patterns in the United States. Pp. 42. USDA Forest Service, Ft Collins; Flather, C. T., M. S. Knowles, and I. A. Kendall. 1998. Threatened and endangered species geography: characteristics of hotspots in the coterminous United States. Bioscience 48:365-276.

[3] Belsky, A. J. 1986. Does herbivory benefit plants? A review of the evidence. The American Naturalist 127:870-892; Mack, R. N., and J. N. Thompson. 1982. Evolution in Steppe with Few Large, Hoofed Animals. The American Naturalist 119:757-772.

[4] Bock, C. E., and J. H. Bock. 1991. Effects of long-term livestock exclusion in a semiarid grassland. First Biennial Conference on Research in Colorado Plateau National Parks, Flagstaff 10123-133.

[5] Mack, R. N., and J. N. Thompson. 1982. Evolution in Steppe with Few Large, Hoofed Animals. The American Naturalist 119:757-772.

Cattle grazing has been shown to cause significant harm to riparian habitats and riparian-dependent wildlife. Early reports of the "pre-settlement" landscape of southern Arizona are striking for their descriptions of lush grasslands and widespread riparian habitat.[6] Riparian plant species sapling and seedling survival is significantly lower and herbaceous cover is reduced up to three-fold in grazed areas when compared with un-grazed areas.[7] Grazing impacts to riparian habitats are particularly significant in light of the importance of these areas to native wildlife. Chaney et al. concluded that 80% of wildlife in Arizona and New Mexico were dependent on riparian areas.[8] A BLM study stated that 80% of riparian areas across the west were "damaged" by grazing. Canopy dependent bird species dramatically increased along the San Pedro River in southeast Arizona in the 5 years after cattle were excluded in 1986.[9] Bock et al. found 17 of 43 neotropical migratory bird species in riparian areas were negatively impacted by grazing in southeast Arizona.[10] Recent studies show that current western livestock grazing is key to ongoing degradation of riparian habitat.[11]

The best science shows that the effects of cattle grazing on riparian areas go far beyond just removal of vegetation. Vegetation loss leads to erosion and water channel down-cutting, which results in locally lowered water tables and dessication of streams and watersheds.[12] Belsky et al. review some 144 mostly peer reviewed papers that document negative impacts of grazing in streams and watersheds on channel stability, hydrology, soil erosion, vegetation, water quality and

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[6] Lesley, L. B. 1929. Uncle Sam's camels, the journal of May Humphreys Stacey supplemented by the report of Edward Fitzgerald Beale (1857-1858). Harvard University Press, Cambridge, MA.

[7] Glinski, R. 1977. Regeneration and distribution of sycamore and cottonwood trees along Sonoita Creek, Santa Cruz County, Arizona. USDA Forest Service Technical Report RM-43. [NA]; Szaro, R. C., and C. P. Pase. 1983. Short-term changes in a cottonwood-ash-willow association on a grazed and an ungrazed portion of Little Ash Creek in central Arizona. Journal of Range Management 36:382-384.

[8] Chaney, E., W. Wilmore and W.S. Platts. 1990. Managing change: Livestock grazing on western riparian areas. Environmental Protection Agency.

[9] Krueper, D. J. 1993. Effects of land use practices on Western riparian ecosystems *in* D. M. Finch and S. P.W., eds. Status and management of neotropical migratory birds. US Forest Service, General Technical report RM-229, Ft Collins, CO.

[10] Bock, C. E., V. Saab, T. Rich, and D. Dobkin. 1992. Effects of livestock grazing on neotropical land birds in western North America. USDA General Technical Report RM.

[11] Ohmart, R. D. 1996. Historical and present impacts of livestock grazing on fish and wildlife resources in western riparian habitats. Pp. 245-279 *in* P. R. Krausman, ed. Rangeland wildlife. Society for Range management, Denver; Belsky, J., A. Matzke, and S. Uselman. 1999. Survey of livestock influences on stream and riparian ecosystems in the western United States. Journal of Soil and Water Conservation 54:419-431.

[12] US Bureau of Land Management. 1994. Rangeland Reform '94. Final Environmental Impact Statement. US Bureau of Land Management.

biological diversity.[13] They report that an "extensive literature search did not locate peer-reviewed empirical study or other document reporting a positive effect of cattle grazing on riparian areas," although some studies found no significant differences.[14]

The best science also shows that cattle grazing causes significant harm to arid deserts, grasslands and woodlands. Removal of perennial native grasses by cattle resulted in the invasions of annual weeds and woody species like juniper, mesquite, manzanita and pines depending on elevation.[15] Ocotillo, saguaros and other columnar cacti have been displaced in the low desert by creosote and prickly pear in grazed areas though direct trampling or grazing of "nurse plants."[16] Bock and Bock compared oak savannah in southeast Arizona in a 29 year exclosure with an adjacent ranch that operated under Holistic Management (short duration heavy grazing) and found 4.4 times higher grass canopy and 2.5 times greater basal area in the exclosure.[17] Jones reviewed 54 studies for the period 1945-1996, most of them from the last 20 years, of arid grasslands throughout the west and found that rodent species diversity averaged 22% lower, soil erosion averaged 80% higher, vegetation biomass 24% lower and coverage of cryptogramic crusts 45% lower in grazed areas compared to un-grazed comparison sites.[18] Heske and Campbell also reported reduced plant species diversity in grazed areas in southeast Arizona.[19] Ward and Block and a FWS biological opinion indicate that the reduced abundance and diversity of grassland-adapted rodents and birds resulting from grazing has a "bottom-up" effect on the predators that depend on them, such as the endangered Mexican Spotted Owl and Cactus Ferruginous Pygmy-Owl.[20] In intact arid lands ecosystems, the "bare" ground between plants is often not bare but bound together by

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[13] Belsky, J., A. Matzke, and S. Uselman. 1999. Survey of livestock influences on stream and riparian ecosystems in the western United States. Journal of Soil and Water Conservation 54:419-431.

[14] Id.

[15] Arnold, J. F. 1950. Changes in ponderosa pine- bunchgrass in northern Arizona resulting from pine regeneration and grazing. Journal of Forestry 48:118-126.

[16] Blydenstein, J., C. R. Hungerford, G. I. Day, and R. R. Humphrey. 1957. Effect of domestic livestock exclusion on vegetation in the Sonoran Desert. Ecology 38:522-526; Niering, W. A., and C. H. Lowe. 1984. Vegetation of the Santa Catalina Mountains (Arizona, USA): Community types and dynamics. Vegetation 58:3-28.

[17] Bock, C. E., and J. H. Bock. 1999. Response of winter birds to drought and short-duration grazing in southeastern Arizona. Conservation Biology 13:1117-1123.

[18] Jones, A. 2000. Effects of cattle grazing on North American arid ecosystems: a quantitative review. Western North American Naturalist 60:155-164.

[19] Heske, E. J., and M. Campbell. 1991. Effects of an 11-year livestock exclosure on rodent and ant numbers in the Chihuahuan Desert, southeastern Arizona (USA). Southwestern Naturalist 36:89-93.

[20] Ward, J. P. J., and W. M. Block. 1995. Mexican Spotted Owl prey ecology. Pp. Ch 5 in USFWS. Mexican Spotted Owl Recovery Plan. US Fish and Wildlife Service, Albuquerque NM; US Fish and Wildlife Service. 1999. Biological Opinion: On-going and long-term grazing on the Coronado National Forest. Pp. 376. U.S. Fish and Wildlife Service, Phoenix, Arizona.

crusts of algae, lichen, moss and microbes. These cryptogramic crusts reduce soil erosion, enhance water infiltration and fix nitrogen. Crusts grow slowly and, as might be expected, trampling significantly reduces the crusts in grazed areas.[21]

In sum, it is clear from the best scientific data that cattle grazing has a profound, mostly negative impact on ecosystems in the Southwest. The impacts of this activity on sensitive areas within Pima County should be adequately examined and accounted for in the County's SDCP.

2. SDCP Promotes Cattle Grazing to the Detriment of Species Preservation

The draft SDCP and supplementary documents, *"Preserving Ranch Lands in Pima County,"* and *"Our Common Ground: the Ranching Element,"* have grossly downplayed the negative effects of cattle grazing on southwestern ecosystems, wildlife and vegetation. The County seems to broadly promote and encourage cattle grazing as a means to conserve wildlife and vegetation despite cattle grazing being one of the leading causes of southwest habitat degradation and species endangerment. The draft SDCP, ranch element report and others are riddled with misinformation and unsupported conclusions on the effects of cattle grazing on vegetation, wildlife and imperiled species and incorrectly portray cattle grazing as either harmless or even beneficial to southwest ecosystems and sensitive species. The SDCP and associated reports should instead present unbiased scientific data addressing the effects of cattle grazing on southwest ecosystems and specifically on the covered species.

The draft SDCP, ranch element report and others present two primary positions which are clearly not supported by the best available scientific information. These two positions are:

a) "the ecological sustainability of ranching is demonstrated by well-managed ranches and by scientific research"; and

b) Negative grazing effects are the result of past "overgrazing" and not current grazing.

One major flaw in these documents is that the term "sustainable" is never defined. Does it mean that a certain economically viable stocking rate can be maintained indefinitely without range degradation, or does it also address whether habitat for imperiled species is also allowed to recover and thrive? These two definitions are quite different, but are often confused in the documents. For example, the documents cite Pieper in support of a conclusion that "proper

[21] Brotherson, J. D., S. R. Rushforth, and J. R. Johansen. 1983. Effects of Long-term Grazing on Cryptogam Crust Cover in Navajo National Monument, Arizona. Journal of Range Management 36:579-581; Brotherson, J. D., Rushforth, S.R. 1983. Influence of Cryptogamic Crusts on Moisture Relationships of Soils in Navajo National Monument, Arizona. Great Basin Naturalist 43:73-78; Beymer, R. J., and J. M. Klopatek. 1992. Effects of Grazing on Cryptogamic Crusts in Pinyon-Juniper Woodlands in Grand Canyon National Park. American Midland Naturalist 127:139-148.

grazing of livestock is sustainable on the great majority of rangeland."[22] But Pieper's work addresses only forage production for livestock and does not consider wildlife habitat. Similarly, the documents provide no definition of "overgrazing," and it is not possible for reviewers to know whether the authors consider current levels of grazing in Pima County to be sustainable or whether some might be considered "overgrazing." While it is plausible that extremely low stocking rates are unlikely to result in significant damage to natural ecosystems, it is by no means clear that economically viable stocking levels will result in anything but significant harm to arid lands ecosystems.

The documents acknowledge that there are "negative impacts of livestock grazing" (Preserving Ranch Lands at 5) but they assert that "adjusting stocking rates, improving grazing distribution and changing season of use can mitigate" those impacts. It is certainly true that reductions in stocking rates will reduce negative impacts on range and wildlife habitat. However, the documents neither contain nor reference hard evidence that economically viable and thus "sustainable" rates of stocking do not harm wildlife habitat. Papers cited in support of this conclusion date from the 1910s and include an unpublished Natural Resources Conservation Service report. Assertions of "sustainability" remain unproven, and the term itself remains undefined.

The assertions in the documents that "The solution lies in controlling the timing, frequency and intensity of grazing pressure" is not entirely supported by evidence.[23] Reviews by Holechek et al., not cited in the documents, conclude that:

a) only "light" grazing (average 32% forage utilization) allows any significant range recovery and actually yields higher net monetary return than moderate or heavy grazing;

b) rotational schemes do not differ from season-long grazing at the same net utilization levels, in effects on arid range condition; and,

c) claims of improvement in range and soil condition under schemes of short duration heavy grazing as promoted by Savory under the rubric "Holistic Resource Management," were not supported by 13 different controlled experiments.[24]

Holechek et al.'s general conclusion is that the only significant mitigating effect on range conditions came from reduced utilization levels. It bears noting that the levels recommended by Holechek et al. are significantly lower than those permitted on public lands in Pima County which

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[22] Pieper, R. D. 1994.in M. Vavra, W. A. Laycock and R. D. Pieper, eds. Ecological implications of livestock herbivory in the West. Soc. for Range Management, Denver.

[23] Preliminary Draft Sonoran Desert Conservation Plan, at 15.

[24] Holechek, J. L., H. Gomes, F. Molinar, and D. Galt. 1999. Grazing studies: what we've learned. Rangelands 21:12-16; Savory, A., and J. Butterfield. 1999. Holistic management : a new framework for decision making. Island Press, Washington, D.C.

can be as high as 50% under the Coronado Forest Plan (1988, as amended 1996), and largely left to the discretion of the leaseholder of state lands. And again, these reviews by Holechek et al. only analyze effects of different grazing intensities on range condition, not wildlife habitat.

The Ranch Team asserts that livestock exclusion has not resulted in range recovery on the San Carlos Apache Reservation, Ft Huachuca, and Buenos Aires National Wildlife Refuge (p 17) without citing any scientific studies. It is plausible, as they suggest, that damage from grazing may have been largely irreversible in these cases, and that active management is required for restoration. But this is a strange argument against reducing or suspending grazing when it is admitted that grazing caused the degradation in the first place.

3. Conclusion

From the critical review we have provided, it is clear that the County must rethink the entirety of the Ranch Element in the SDCP. Section 10 of the ESA is clear in its insistence that Habitat Conservation Plans must be based on the best available scientific data; it is likewise clear that the Ranch Element of the SDCP as presented to date is not.

In addition to the references provided with this brief review, the Coalition has an extensive bibliography of peer-reviewed scientific research with respect to the effects of grazing on western range land. We would be pleased to provide the County with access to this resource at any time.

to the viability of SDCP. The success of SDCP is too vital to the people of Pima County to leave them out of any meaningful role in the process. It is too late to have their input in the Plan. It is not too late to have their input in the final product.

My deep concern with the flawed process that has gone forward up to now is not a prejudgment of the quality of the Plan. There is much in the Plan that is creative, courageous and forward looking. The opportunity is too good and too important to be damaged by the exclusionary process which has been used so far and by the rigid control over the Plan exercised thus far by appointed employees of Pima County.

I am furnishing a copy of this letter to Mr. Huckelberry and to each of the members of the Board of Supervisors. My comments are consistent with comments contained in a letter dated September 20, 2000 sent to Mr. Huckelberry by the Coalition for Sonoran Desert Protection, copies of which were furnished to Ms. Barrett of the U.S. Fish & Wildlife Service, Mr. Kobetich of the U.S. Department of Interior, and to the Steering Committee.

Since that time, on October 17, 2000, a letter was sent by Mr. Huckelberry to the Steering Committee and members of the public announcing 15 "informational meetings and open houses" in various parts of Pima County. There is no indication in Mr. Huckelberry's letter that any of these meetings will provide any opportunity for realistic deliberation and exchange of ideas. Given the use of the term "informational" and given the fact that the meetings range from an hour and a half to two hours, there is a strong likelihood that there will not be any meaningful deliberation or effort to bridge the gap among members of the community. Once again, there is reason for concern that the County Administrator will rely upon the fact that a lot of meetings were held as a substitute for having any meaningful meetings whatsoever.

The SDCP requires the EIS for implementation. Before the process goes much further, the Fish & Wildlife Service should consult with the Pima County Administrator to require that the public be permitted to exchange views, seek common ground and meaningfully deliberate over the SDCP.

Sincerely,

Ernest Allen Cohen

EAC:pew
cc: All Members of the Pima County Board of Supervisors
Chuck Huckelberry, County Administrator
Maeveen Behan, Assistant to the County Administrator
Coalition for Sonoran Desert Protection

ERNEST ALLEN COHEN
ATTORNEY AT LAW
ADMITTED NEW YORK, NEW JERSEY AND ARIZONA BAR

P.O. BOX 37273 • TUCSON, ARIZONA 85740 • PHONE: (520) 297-4100 • FAX: (520) 297-4105

October 23, 2000

VIA FAX (602) 640-2730
Mr. David Harlow, Field Supervisor
U.S. Fish & Wildlife Service
2321 W. Royal Palm Road, Suite 103
Phoenix, AZ 85021

Re: Sonoran Desert Conservation Plan for Pima County, AZ ("SDCP") - Notice of Intent to Prepare an Environmental Impact Statement ("EIS"); 65 Fed. Reg. No.174, p. 54295-6

Dear Mr. Harlow:

This letter is written in response to a notice published on September 7, 2000 in Volume 65 of the Federal Register, No. 174 at pages 54295-6.

I am an alternate delegate to the Steering Committee of the SDCP by appointment of the Pima County Board of Supervisors. The Steering Committee has had the benefit of excellent educational programs but has been denied any opportunity for deliberation with respect to the many serious policy issues discussed in the Preliminary Plan dated September 2000 ("Plan"). The Plan had no input from the Steering Committee or from the community.

Because the Steering Committee is large, broad based, and has had frequent meetings, the illusion is created that there is a mechanism for community participation. Nothing could be further from the truth.

The Steering Committee has been denied any opportunity to organize itself. It has not been allowed to select its own officers, executive committee or other committees. It has not been allowed to establish any agendas for any of its meetings or to schedule its own meetings. To date, all of its meetings have been solely educational rather than organizational or deliberative. I attended a scoping meeting of the Fish & Wildlife Service held on October 4, 2000 at the Arizona Sonora Desert Museum. The meeting was educational and was well attended. No opportunity was provided for any deliberation among the outstanding and highly qualified members of the public who attended.

The opportunity to submit written comments does not satisfy the need for deliberation. Members of the community come to the SDCP with widely divergent backgrounds and concerns. The opportunity to state those concerns does not permit the exchange of views and the coming together of the community which is essential

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Sonoran Desert Conservation Plan (SDCP) for Pima County, Arizona

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of Intent to extend the public comment period on scoping issues for preparation of an Environmental Impact Statement (EIS) related to the SDCP.

SUMMARY: On September 7, 2000, pursuant to the National Environmental Policy Act (NEPA), the public was advised that the U.S. Fish and Wildlife Service (Service) intends to prepare an EIS to evaluate the impacts of and alternatives for the possible issuing of an incidental take permit, pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act), to Pima County. At public scoping meetings held on October 4, 2000 in Tucson, Arizona, the public requested additional time in which to respond. This notice provides an extension of 30 days to the public comment period.

DATES AND ADDRESSES: Written comments on conservation alternatives and issues to be addressed in the EIS are now requested by Friday, November 24, 2000, and should be sent to Mr. David Harlow, Field Supervisor, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ, 85021 at 602/640–2720. For the information of the general public, names and addresses of anyone who comments may and can be disclosed under the Freedom of Information Act.

FOR FURTHER INFORMATION ON THE EIS, CONTACT: Ms. Sherry Barrett, Assistant Field Supervisor, Tucson Suboffice, U.S. Fish and Wildlife Service, 300 West Congress, Room 6J, Tucson, AZ, 85701, at 520/670–4617, or Mr. David Harlow, Field Supervisor, Arizona State Office, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ, 85021 at 602/640–2720. FOR FURTHER INFORMATION ON THE SDCP, CONTACT: Mr. Paul Fromer, RECON, 1927 Fifth Avenue, Suite 200, San Diego, California 92101–2358 at 619/308–9333. Information on the purpose, membership, meeting schedules, and documents associated with the SDCP may be obtained on the Internet at *http://www.co.pima.az.us/cmo/sdcp/index.html.*

SUPPLEMENTARY INFORMATION: This notice advises the public that the Service intends to extend the public scoping period through November 24, 2000, for gathering of information necessary to determine impacts and formulate alternatives for an EIS related to the potential issuance of an incidental take permit to Pima County, Arizona, and the development and implementation of the SDCP, which will provide measures to minimize and mitigate the effects of the incidental take of federally listed species.

Background: Following is a preliminary list for public scoping comments of probable environmental resources, effects, and issues associated with the proposed action. The public is requested to add items to this list, make suggestions for possible alternative actions regarding these resources, and/or comment on how these resources may be impacted by the development, implementation, and potential issuance of a permit for the Sonoran Desert Conservation Plan.

Biological resources, including listed species
Urban land uses, including residential, commercial, and industrial development
Transportation
Water resources, including hydrology and water quality
Agriculture
Air resources
Cultural and historical resources
Recreation
Ranching practices and livestock grazing
Mineral resources
Utility rights-of-way
Fire management
Social and economic resources
Environmental justice

Comments and suggestions are invited from all interested parties to ensure that a range of issues and alternatives related to the proposed action are identified. The review of this project will be conducted according to the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), National Environmental Policy Act Regulations (40 CFR 1500–1508), and other appropriate Federal laws, regulations, policies and guidance.

Related Project Documentation—It is anticipated that the EIS process will make full use (including incorporation by reference, as appropriate, pursuant to NEPA) of documents prepared by Pima County and other entities regarding the environmental and socioeconomic issues in the project area, copies of which will be available for public inspection at the Pima County Administrator's Office, 130 West Congress, 10th floor, Tucson AZ 85701.

After the environmental review is completed, the Service will publish a notice of availability and a request for comment on the draft EIS and Pima County's permit application, which will include the SDCP.

The draft EIS is expected to be completed by December, 2002.

Nancy M. Kaufman,

Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 00–27050 Filed 10–19–00; 8:45 am]

BILLING CODE 4310–94–U

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Proposed Information Collection To Be Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information described below will be submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the proposal should be made within 60 days directly to the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192, telephone (703) 648–7313.

Specific public comments are requested as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;

2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used:

3. The quality, utility, and clarity of the information to be collected; and

4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: National Spatial Data Infrastructure (NSDI) Cooperative Agreements Program (CAP).

OMB approval number: New collection.

Abstract: Respondents submit proposals for receiving assistance in implementing the National Spatial Data Infrastructure (NSDI) including metadata, clearinghouse, and

Hector O. Conde
14040 N. Lobelia Way, Tucson, AZ 85737
(520) 825-7342

November 22, 2000

To the
Pima County Board of Supervisors

Re: Comments on Sonoran Desert Conservation Plan.

It is fitting that those comments be made based on life experiences on subjects similar to the matters at hand. To that extent, I would like to bring to the board's attention my tribulations with a similar, but admittedly smaller, project. It is the Oro Valley Environmentally Sensitive Land Ordinance.

I have been part of the Public Committee for that project. From the beginning, the Committee was formed with a majority of people more interested in building on the land than on preserving it for any reason. At the beginning it was said that all decisions were going to be reached by consensus, but the rules changed when 200 acres of ironwood were on the block to be preserved, and it was voted down, ignoring their own rules. The Ordinance was supposed to be enacted, according to the OV General Plan, in July 1997, but to this day not a word on it has been written.

The project started in 1998, but did not prosper for lack of funds. The first session was in October 1999, when consultants started giving us "lessons" on all related matters.

We had a lawyer tell us how futile it could be to fight property rights or moratorium issues. We had Diamond's Rincon Institute extol the virtues of Scottsdale, a City so overpopulated that its water table declined 300 feet lately. To add insult to injury, we learned lately that all the wordsmithing that we believed was for an ordinance actually was for changes to the general plan. Those final changes have yet to be seen by any of the public, and are done privately by staff. So, we will be working on the Environmentally Sensitive Land Ordinance for another year. By the time the ordinance is drafted, no environmentally sensitive land will be left standing.

It may be argued that all this only shows a rude indifference to the will of the people, a desire that was evident on a town's survey that indicated an 80% support for open spaces, even in a town like Oro Valley. But the sad and depressing fact is that this delaying maneuvering was conducive to a

considerable loss of environmentally sensitive land that could have been averted.

We lost the ability for the Honeybee Canyon to be a wildlife corridor, and the same applies to other riparian wildlife corridors like No-Name Wash and Aqua Wash. We also lost an ironwood stand in Neighborhood 11, all to developing. And we may still lose the only biological link between the Tortolita and the Catalina mountains, because a proposed Wal-Mart may be built in the Big Wash flood plain. We predicted all this, and we asked, unsuccessfully, for interim measures at the onset of the project.

With this background, it is my opinion that the County should proceed with deliberate speed to convert all the work put in the project into an ordinance before roads bisect wildlife corridors, housing is built in washes, and all our work is lost.

All this shows, if history is of any help, that interim measures should apply to the Sonoran Desert Conservation Plan. Interim measures are just that, emergency ordinances that take place immediately until a well thought law is in place.

To that effect, I propose the following:

1. A Committee of 5 persons should be formed composed of 4 biologists with a known background in conservation biology and a planner from the County staff.
2. Any project that the staff determines is built on areas of conservation significance, like riparian areas, wildlife corridors or similar, shall be first approved by the aforementioned committee.
3. Upon their recommendation the project may or may not go in front of the Council.
4. If the commission denies the request, the BOS will address that issue by itself, before continuing.

I hope the County continues intently with this worthwhile project, keeping in mind that probably the whole United States is carefully watching our progress. Hopefully this will be an example and a landmark case.

Best wishes,

Hector Conde
Member
SDCP Steering Committee.

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

Please include on Mailing List:

Int'l Sonoran Desert Alliance
P.O. Box 687
Ajo, AZ 85321

(520) 387-6738
alianza@tabletoptelephon.com

Paul Crawford, Programs Coordinator

NAME _____

ADDRESS _____

CITY _____

ZIP _____

Dear Sirs:

As a citizen of Pima County and as a person who deeply cares about our natural heritage, I want you to know that I support the Coalition for Sonoran Desert Protection's work and advocate the strongest protection possible for the Sonoran Desert through Pima Countyís Sonoran Desert Conservation Plan process.

Very truly yours,

Robert O. Dahl
Robert O. Dahl
Arizona-Sonora Desert Museum
http://www.desertmuseum.org/index.html
Design & Planning Department
2021 N. Kinney Road
Tucson, AZ 85743
520-883-3076

Home: ottar@azstarnet.com
Homepage: http://www.azstarnet.com/~ottar
Ph: 520-797-4752

Attention:

David Harlow
Field Supervisor
USFW Service
2321 W Royal Palm Rd Suite 102
Phx Az 85021

cc Sherry Barrett USFW

Scoping of SDCP EIS

From Desert Watch
Christina McVie

11 pgs incl. cover

(1)

Dear Mr. Harlow,

In addition to the comments offered by the Coalition for Sonoran Desert Protection re scoping comments for the Sonoran Desert Conservation Plan EIS, we would like to call your attention to certain specific issues we believe may effect our human environment.

* First and foremost - WATER:
Water quality and availability dictate the carrying capacity of the Sonoran desert. The CAP canal and the use of CAP water pose serious unanswered questions for all of the desert's residents. How reliable is the assured allocation to all CAP consumers? What if climatic variables precipitate a decline in supply or even interruption of service downstream? What if the rapid growth and urban sprawl of western states, with emphasis on Arizona and specifically Pima and Pinal and Cochise and Santa Cruz counties, is dependent on assurances based on incomplete assesments and flawed assumptions? The quality and availability of ground water within the Tucson Active Management Area is also of concern. Multiple variables must be considered that may effect public health and safety. What are the long range consequences of the urban sprawl being permitted in the Oracle area of southern Pinal county (within the TAMA)? Proximity to the Page-Trowbridge Toxic Waste Dump raises concerns that down dragging of the acquifer in that area may precipitate the spread of volatile organic chemicals and other substances south toward Oro

Valley and the Tucson urban area. How will the channelization of the Cañada del Oro River effect infiltration capacity, surface runoff, underground water storage, sediment load, and organic matter input downstream? How may that determination effect the plan of Pima County and others to restore the Cañada del Oro through Oro Valley and link that to the Tres Rios River Project (the CDO, Rillito and Santa Cruz Rivers)? The channelization of the Pantano, Tanque Verde, Rillito and Santa Cruz Rivers has resulted in incision of arroyos & the degradation of existing channels resulting in channel down-cutting and enlargement. The recent completion of the bank stabilization project from Avra Valley to Sanders Road in Marana was tested last month and found wanting. In addition to the photos of the flooding at Sanders Road available from the Town of Marana, the effects included bank degradation, channel down cutting, scouring, loss of vegetation, decreased surface flow and subsequent loss of effluent dominated interbraided wetland system flowing north from the Pima/Pinal county line around the Pinal Airpark toward Picacho. There has been no surface flow at Trico-Marana and Trico bridges since. The result has been increased flood events as Pima County continues to channelize our watersheds and degrade our environment while adversely impacting our quality of life.

How does Pima County plan on addressing our

(2)

continued reliance on groundwater pumping when our well fields are threatened by radon, arsenic, TCE and other natural and/or man-made toxins. A Pima Association of Governments (PAG) report details concerns arising from potential migration of sulfate plumes north from the Green Valley area toward urban Tucson along the Santa Cruz. How, in light of all these unresolved issues, can the SDCP address safe yield and compliance with federal law? What are the short and long term implications of a limited recharge system whose efficacy is unknown versus parcel by parcel recharge which could slow flows, allow percolation, support indigenous vegetation & wildlife, and restore the health and diversity of our watersheds and ecosystem? How do our choices impact our potential for increased flood events and disruption of our community? What if it is more costly to fragment our ecosystem and our watershed with associated maintainence and management, than it is to work within its framework and avoid the need for increased flood control, wastewater systems, and retention-detention basins (and associated health risks), by water harvesting, sustainable and context sensitive design elements, and other benign methods? How can we reconcile using millions of gallons of potable water on golf courses when we are experiencing water rationing at peak use with our current population, let alone our projected growth? What about the mining industry and their consumption of potable water?

(4)

* Secondly - LINEAR CAPITAL IMPROVEMENTS:

Pima County is the largest developer in Pima County. The fragmentation and loss of habitat in combination with disruption of the natural health of our watersheds is the greatest threat to quality of life in our community. Our air and water quality are adversely impacted by a lack of context sensitive and sustainable design elements in the county's approach to highway and road improvements, bridges, flood control elements, water and sewer lines, fiber-optics, and utility installation and maintainence. What are the implications of the widening of I-10 from Ina to Red Rock on the Recovery of the Cactus Ferruginous Pygmy-owl? How could it be better designed to minimize and mitigate those impacts? Where are the standards for on-site set-asides and revegetation mitigation requirements for county projects in environmentally sensitive lands? How can citizens and neighborhoods be involved and have meaningful participation? The county discussis some ideas on page 9 of its draft dated September 2000. Interestingly, the county seems intent on not practicing what it preaches. The county has continued to upzone and grant conditional use permits in its jurisdictional boundaries within Critical Habitat Units 3 & 4 without the conditions noted in 7A. Recently, the county declined to salvage <u>any</u> ironwoods in place along Cortaro, Magee or Thornydale as it prepared to widen these roads <u>prior</u> to obtaining a 404 permit. The county submitted a map indicating, by line drawings overlaid on aerial photographs, the areas

to be disturbed, "the number of trees to be removed and transplanted," and on site mitigation measures noted as exhibits 1 & 2 in a letter from Brooks Keenan, Director of Pima County Dept. of Transportation, to Mike Wrigley @ USFW dated January 3, 2000. Those exhibits and comments do not correlate with the actual blading and impacts that occurred over the Veterans Day holiday 2000. Mr. Keenan indicates that the project will necessitate the removal of 32 trees in his letter – hundreds were bladed and chipped including a preponderance of Olneya tesota (ironwoods) up to 300-400 yrs in age (based on testing done immediately north of the impacted area at the Tucson Audubon Society's Mason Educational Center by the Arizona Native Plant Society and the University of Arizona). How does the SDCP ensure that Pima County comply with their own ordinances and recommendations? Who will enforce their compliance and what meaningful and substantial fines and other disincentives can be developed to encourage voluntary compliance? Why didn't Pima County inform the "service" it planned to blade the west side of Thornydale, north of Cortaro, for 1600+x50 feet in critical habitat? If they can't educate and regulate themselves, how can the county manage or monitor the permitting process in sensitive and critical habitats within unincorporated Pima County. On the basis of their actions, it is apparent that granting of a section 10A permit is of grave concern to us and we would suggest a no-take alternative in the case of the Cactus Ferruginous Pygmy-owl.

(6)

What are Pima County's plans for further fragmentation and habit loss within their jurisdictional boundaries in Critical Habitat Units 3 & 4 (Recovery Area 3 and the associated SMAs)? What is planned for the "improvements" to Cortaro, Thornydale north of Cortaro, Vista, Tangerine, Camino de Mañana, La Cholla, Twin Peaks, Lambert, Naranja, Moore Road, etc? How will Pima County handle context sensitive design elements to facilitate dispersal of humans and CFPOs? As residents of the area we often sit in traffic with car engines idling for 30-50 minutes. At other times, when traffic is less dense and congested, drivers zoom by our driveways at 50-60 mph, which is dangerous for us and CFPOs. Air quality is impacted to the extent that we can't clearly see the scenic vistas let alone the Santa Rita Mountains south of Tucson.

* Thirdly - Multijurisdictional Issues in RA3: The Tortolita Watershed is split between Marana, Oro Valley, Pima County, 2 school districts, the State of Arizona, federal and other interests. How can planning be meaningful and substantive when communication and cooperation between the multiple jurisdictions is preliminary, at best and poor in general, to date? Appreciating the complexity and challenges inherent within Recovery Area 3's multi jurisdictional nature, unincorporated Pima County is certainly one critical factor in the survival and recovery of the known CFPO population in the Tortolita Fan. The lack of potential suitable nesting and breeding habitat in the Altar Valley, and the significance of the breeding and nesting population in the Tortolita Watershed

within Pima and Pinal counties in Recovery Area 3, (7)
necessitates that Pima County carefully consider the
indirect, direct and cumulative impacts of the activities
they engage in or permit within CFPO Critical Habitat
within their jurisdiction. The USFW service must consider
those activities that are interrelated and/or interdependent
as well as indirect and cumulative effects (50 CFR 402.14
(g)(3) and 50 CFR 402.02). Additionally, 40 CFR Parts
1502.16 and 1508.8 states the environmental consequences
of an action include both direct effects and "Indirect
effects, which are caused by the action and are later in
time or farther removed in distance, but are still
reasonably foreseeable. Indirect effects may include
growth inducing effects and other effects related to
induced changes in the pattern of land use, population
density or growth rate, and related effects on air and
water and other natural systems, including ecosystems."
Though neither the EPA nor the Army Corps of Engineers
appear to consider it necessary to consider the regional
cumulative impacts of their permitted activities, how can
the "service" and Pima County adhere to an integrated,
regional, science based higher standard?

In December, 1998 we wrote to you in regards the
designation of critical habitat for the CFPO. We enclosed
documents with our letter (copy enclosed) that demonstrated
the intent of "the residents of the Northwest portion of the
Tucson basin to maintain the character and quality of
life" associated with "preserving scenic vistas, lush and
diverse upper Sonoran desert vegetation, wildlife habitats
and corridors, and open spaces." These documents included
copies of approximately 5000 signatures in a petition to
the multiple jurisdictions of Recovery Area 3 in 1995. Please
refer to those documents in determining the scope of your
EIS.

(8)

December 8, 1998

Mr. Thomas Gatz
Endangered Species Coordinator
Arizona Ecological Field Office
USFW
2321 W. Royal Palm Road, Suite 103
Phoenix, Arizona 85021

Dear Tom,

Enclosed please find a compilation of documents, petitions, studies, surveys and their results for your consideration in determining critical habitat for the cactus ferruginous pygmy-owl . Though Desert Watch does not advocate the determination of critical habitat at this time, we feel this information should be considered if you decide to go forward with such a designation. I have included the following for your perusal:

- Ordinance 92.04 (Protection of Native Plants) amending Ordinance 84.04 (Development Code) of the Town of Marana dated February 18, 1992.
- Petition in Support of Responsible Northwest Development to Protect Our Sonoran Desert Environment submitted to Pima County, Oro Valley, and Marana by the Greater Tortolita HOA Coalition Council in 1995- approximately 5000 signatories.
- Honey Bee Canyon Management Plan adopted by Oro Valley in December 1995.
- Town of Oro Valley General Plan Update Resident Telephone Survey of May 1995.
- Oro Valley Bond Survey Analysis of August 1995.
- Pima County Open Spaces and Parks Bond Survey of January 1997.
- Tortolita Community Plan Opinion Poll Results as of August 1998.
- Rancho Vistoso Neighborhood 11 Wildlife Habitat Study by Harris and Shaw of August 1998.
- Rocky Mountain Poll- Arizona (98-III-12) Top Environmental Problems Facing Arizona of September 1998.

These documents indicate a desire on the part of the residents of the Northwest portion of the Tucson basin to maintain the character and quality of life that they sought when they originally invested in their homes. This includes preserving scenic vistas, lush and diverse upper Sonoran desert vegetation, wildlife habitats and corridors, and open spaces.

Desert Watch remains committed to the development of the Sonoran Desert Conservation Plan as adopted by Pima County and we look forward to participating in the MSCP process with all interested stakeholders. We are at your disposal if there is anything we can do to assist you in this regard. Thanks to you and your colleagues for all of your hard work.

Sincerely,

Christina McVie

4420 W. Cortaro Farms Road
Tucson, Arizona 85742
520-744-0021

We have, within the last year, also submitted a complete (7) copy of the Web Parton Report and other documentation pertaining to Southern Pinal County. Please refer to those as well.

* Fourthly, GRAZING:

We believe that the county's draft plan is basically an endorsement of the status quo. How does the SDCP measure and evaluate the effects of grazing on a landscape level as well as on an allottment by allottment basis? It doesn't really mention any concrete measures to improve ranching in Pima County other than the potential for conservation easements and possible local tax incentives. It avoids the potential irrepairable harm ranching and farming practices may have on cultural and historic resources as well as riparian, xeroriparian and upland Sonoran desert scrub habitats and the wildlife that utilize them. Incentives should be developed for ranchers who wish to participate in cultural and historic preservation, ecological restoration of watersheds, grasslands and upland habitats as well as management practices that promote and support the survival and recovery of listed species and other species of concern.

* Fifthly, INVASIVE EXOTIC SPECIES:

How does the SDCP address the long term implications of tamarisk overwhelming delicate riparian areas or buffel grass and other non-native grasses degrading our natural ecosystem? What are the impacts for fire management practices? What happens if we geographically and genetically isolate a mountain system like the Tucson Mountains? What are the effects of loss of plant species diversity followed by loss of animal species diversity due to our pattern of development, growth and land use policies

(10)

What about non-native animal pest species?

* Lastly - PRESERVE DESIGN:

It is inconceivable to us that Pima County has not identified the private lands within the Tortolita Fan as a part of a preserve design system. The county must focus efforts at giving landowners incentives to cooperate with federal and state agencies in achieving our mutual conservation goals. Based on potential ranch conservation, potential cultural and historic preservation, potential flood control and watershed health issues, preservation of the old growth ironwood and saharo forest and survival and recovery of the CFPO, we do not feel the county has adequately addressed the need for growth control measures and other protective measures to ensure the long term viability of this biologically diverse aspect of our ecosystem. High density development within this area is contraindicated by all criteria we are aware of.

Thank you for your consideration of these issues which shall and do effect our human environment.

Respectfully,

Christina & Douglas McVie
Desert Watch
4420 W. Cortaro Farms Rd
Tucson Az 85742
602 744 0931

-----Original Message-----
From: Suzanne Dhruv [mailto:sumaer@azstarnet.com]
Sent: Friday, December 29, 2000 5:07 PM
To: Chuck Huckelberry
Subject: Sonoran Desert Conservation Plan

I truely support the Coalition for Sonoran Desert Protection's work and advocate the strongest protection possible for the Sonoran Desert through
Pima County's Sonoran Desert Conservation Plan process.

Suzanne Dhruv
Pima County Resident

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

I would like to put on your mailing list for your monthly updates and all other mailings and material.

I prefer to stay involved in this process by attending public meetings and work sessions.

Can you make presentations on the plan to other select organizations? - specifically sportsmen and wildlife conservation organizations?

I am concerned that the preservation objectives of the plan do not address the ~~needs~~ need to maintain proactive wildlife management activities. Preservation of land will not do it alone.

NAME Brian F. Dolan

ADDRESS 511 E Roberta Circle

CITY Tucson, Arizona

ZIP 85704

Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 W. Congress, 10th floor
Tucson, Arizona 85701

Dear Mr. Huckelberry,

I am writing you concerning the Sonoran Desert Protection Plan. As a resident of Pima County for 15 years,
one who has bought a house near downtown Tucson and intends to spend the rest of my life here, I want to say thank you for your efforts on the SDPP. I fully support your efforts and those of the Pima County BODs. I also fully support the comments made by the Sonoran Desert Protection Coalition to the draft of the plan.

I hope you and the BODs will continue to push strongly for the adoption of this plan.

thank you,

Dan Dorsey
221 E. Linden
Tucson, AZ 85705
624-8030

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021.

21 November 2000

Dear Mr. Harlow,

Pima County's Sonoran Desert Conservation Plan has the goal of ensuring "the long term survival of the full spectrum of plants and animals that are indigenous to Pima County through maintaining or improving the habitat conditions and ecosystem functions necessary for their survival." The positive environmental impact of this goal cannot be over stressed. It should be supported and anything that would weaken it should be eliminated. Soft-line preserves (those allowing some portion of land to be used) may be appropriate as buffers around hard-line preserves.

Thus, in addition to harmful development, mining and grazing should not be permitted.

Development which will is permitted under the SDCP must not destroy or adversely modify any pygmy-owl critical habitat or occupied owl habitat.

The take permit to be issued to the County by the Service for the SDCP must not authorize any killing -- including "accidental" killing such as that authorized under the Lazy K Habitat Conservation Plan -- of any pygmy-owls.

The County should act to protect <u>all</u> environmentally sensitive lands during preparation of the SDCP -- not just pygmy-owl critical habitat, ranch conservation and riparian areas -- through modification of County Land Use Planning and Zoning codes to defer up-planning, up-zoning, road projects and conditional use permits <u>without exception</u>.

A preserve area and species specific management and monitoring plan -- identifying precisely how and when protective preserve and species management and monitoring will be accomplished over the life of the regional incidental take permit -- must be included in the draft and final SDCP. The SDCP must ensure, through scientific documentation, analysis and peer-review, the survival of covered species and contribute to the recovery of these species relative to the extent of their historic range and distribution in Pima County.

The SDCP and EIS should address the details of how adaptive management will be incorporated into the plan. Substantial funding and/or other mechanisms necessary to protect land, protectively manage and monitor the preserve and species and to address unforeseen circumstances must be detailed in the SDCP and in place at the time of approval.

Habitat destruction and take of listed species under the SDCP should proceed only as all necessary mitigation funding and other resources becomes available. Permits for destruction should not be issued before preservation takes place.

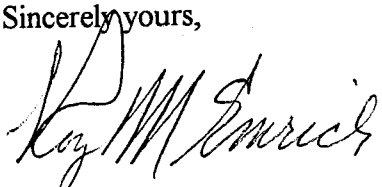
RECEIVED
NOV 22 2000
U.S. FISH & WILDLIFE SERVICE
ES STATE OFFICE-PHOENIX, AZ

The County should address in the SDCP and the Service should address in its EIS how the SDCP will be affected by activities in other jurisdictions, including how the plan will be affected by continued growth within or annexation by cities not participating in the SDCP.

The duration of the SDCP take permit for covered species should be linked to recovery of those species.

The SDCP and Service's EIS should address how occupied pygmy-owl habitat and other wildlife and vegetation conservation will occur on the Tortolita fan.

Sincerely yours,



Roy M. Emrick
2220 N. Norton Ave.
Tucson, AZ 85719

November 21, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix AZ 85021

RE: SDCP/EIS - Pima County

Dear Mr. Harlow:

I don't see how we can really save wildlife and keep increasing the population of humans indefinitely, but since we have the ESA and its related tools, we'll do our best. I have the following comments regarding the pending EIS for Pima County's MSHCP/Sonoran Desert Conservation Plan. Since I live and am environmentally active in the Tucson Mountains area, which is under extreme development pressure, I am particularly concerned that the EIS should evaluate impacts in areas where development continues. And since the Northern Tucson Mountains share a "watershed" with the Tortolitas - I am particularly concerned that the Tortolita Fan not be swept under the rug. Despite policial considerations, working ranchland should not be considered as being protective of vegetation and wildlife - open space, yes; but not conservation land. Areas protected in exchange for development should be free of destructive land use practices - including ranching.

Sincerely,

Holly Finstrom
1901 N Avenida Azahar
Tucson Az 85745
bamboo@azstarnet.com
743-9879

RECEIVED
NOV 24 2000

December 23, 2000

Pima County Board of Supervisors
Attn: Chuck Huckleberry, Pima County Administrator
130 W. Congress, 10th Fl.
Tucson Az 85701

RE: Comments on Draft Sonoran Desert Conservation Plan

Dear Supervisors and Mr. Huckleberry:

I appreciate the concept and wonderful work you have done so far on the SDCP, and thank you for the opportunity to comment. **I support the goals of the Coalition for Sonoran Desert Protection** - to assure that the final SDCP actually protects endangered and soon-to-be-endangered species and their habitats and that the Plan is science-based and not politics-based or wishful-thinking-based. I hope that you can avoid upzonings while the plan is in the interim period.

In reading the Draft Plan, I see an example of the above "wishful thinking" on Page 4 of Mr. Huckleberry's introductory letter. Cattle ranches can and do play an important role in preserving open space on the urban boundary, and preserving working ranches may be a legitimate goal of the SDCP, **but "ranch preserves" must remain separate from "covered species preserves" and must not be counted as or confused with protected areas within the Plan**. One who says ranching protects "*natural* open space" must never have had the pleasure of trying to camp or hike in such a "natural" area, with every spring befouled and at every step a cow pie.

Skipping to page 7 and the changes in County organizational design and planning and zoning codes - **Bravo!** I especially like 4.F. - the proactive land use planning in the Development Services Department, and 8.F - the voluntary conservation easements. 9.F on Page 12 = Major Development Endowment Funds - sounds good, but why not go all the way and give developers a big "carrot" for building sustainable housing - solar orientation and passive solar appliances, water harvesting, etc. Such a big carrot that it becomes almost the norm. Perhaps local government in cooperation with local sustainable businesses could educate enough new-home buyers that every new neighborhood should be at least as "eco- friendly" as Civano.

I want this Plan to emphasize connectivity by protecting riparian and other corridors among and between protected areas. Two areas of greatest concern to me are

1) Safford Peak Watershed at the north end of the Tucson Mountains, and its connection to the Tortolita Watershed, and

2) the Tucson Mountain Park connections to Greasewood Park, Tumamoc Hill, and even to Rio Santa Cruz and points eastward.

I thank the Supervisors and Mr. Huckleberry for taking this forward-looking step because we do NOT want to be another Phoenix or Los Angeles. And that's what will happen without a good, solid, science based plan.

Sincerely,

Holly Finstrom
1901 N. Avenida Azahar
Tucson Az 85745

xc: Supervisors Bronson + Grijalva

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

After attending one of your local meetings (in Catalina) I am pleased to see that there is a concern for the future of the Sutherland Basin area. As an adjacent land owner I have experienced and seen much of the wild-life that depends on the area for their survival (I have seen deer - javalina - many owls - Bobcat - tortoise - many snakes + frogs - eagles - Hawks and coyotes. I have seen many mountain lion tracks and in the adjacent Coronado National Forest I have seen Black Bear!) with a permit in the planning mode to build near 500 homes just a couple of miles to the west, it is important to aim for an expansion of Catalina State Park to the North to keep this extremely valuable buffer between Oracle Rd and Catalina State Park and Coronado National Forest. In my previous refrence to development - this is planned between Oracle Rd and Lago del Oro - and Wilds Rd and Golder Ranch Rd. Please help us protect what is left of the Sonoran Desert!

thank you.

NAME Robin L. Fogden

ADDRESS 15812 Hahshani Rd. (PO Box 8985)

CITY Tucson (Catalina) Az

ZIP 85739

Friends of Sweetwater

5655 West Sweetwater
Tucson, AZ 85745

December 28, 2000

Pima County Board of Supervisors
Attn: Chuck Huckelberry
County Administrator
130 West Congress, 10th Floor
Tucson, AZ 85701

Dear Mr. Huckelberry:

The purpose of this letter is to provide comments on the Draft Preliminary Sonoran Desert Conservation Plan. Friends of Sweetwater are one of the member groups from the Tucson Mountains Committee who provided recommendations to the Steering Committee on June 3, 2000 on the role of the Tucson Mountains in the plan. The Tucson Mountains contains both the fourth highest diversity of local flora in the state of Arizona. It contains the largest amount of undeveloped land in the Middle Santa Cruz watershed planning area. It is also home of the Tucson Mountain Park, which is the closet park to the city and one of Tucson's most visited natural areas. For these reasons, the Tucson Mountains can serve as a major mitigation for development in the Conservation Plan. Currently the Tucson Mountains are under threat, considered "The Next Frontier" in development lagging only behind Aver Valley in applications for new housing development. We recommended 3 methods to protect this area:

1. Aggressive acquisition
2. A system that will allow landowners to aggregate conservation easements
3. Far stronger land-use regulation than currently exists

Although the draft plan covers some of these elements, we did not find the plan specifically included our acquisition/conservation easement recommendations. These recommendations included:

1. Saguaro National Park West: Acquire land designated for purchase in January 1993 boundary inventory
2. Open Space Bond Land: Acquire additions slated for the Tucson Mountain Park
3. Sweetwater Conservation Land: Purchase the largest remaining tract of undeveloped land in the Tucson Mountains, the 800+ Sweetwater Properties; 140 acre Judith Chafee estate land contiguous to Saguaro National Park Wed and aggregate conservation easement by Arizona Open Land trust to provide addition buffer to the Park.
4. Pima Farms Critical Habitat Acquisition: Purchase 156 acres at the intersection of Pima Farms Road/Scenic Drive where wildlife biologists have confirmed the presence of Cactus ferruginous pygmy owls
5. Enchanted Hills Wash: Grant a 500-foot buffer protection through conservation easements of the Enchanted Hills Wash biological corridor.

In addition, we recommended a number of regulatory reforms to include Riparian Protection, Hillside Development Zone Regulations and the immediate identification of new peaks and ridges deserving protection under HDZ. We know current work is underway in the Tucson Mountains to identify additional peaks and ridges. We would like to see the Sonoran Desert Protection Plan incorporate those recommendations as part of the comprehensive plan. Our other concerns included current wash protection standards that need to be significantly strengthened to provide protection to wildlife and increasing the HDZ radius of the current 150-foot no development zone.

The county has copies of our full recommendations and we would like to see them included in the next revision of the Sonoran Desert Conservation Plan. Please feel free to contact me (743-4151) with any questions. You may also contact any member of the Tucson Mountains Committee for further clarification on our recommendations.

Thank you. We are in full support of protecting our natural environment and applaud the work you are doing to assure that we preserve our community and quality of life.

Sincerely,

Paula Chronister
Member, Friends of Sweetwater

CC: Raul Grijalva

To Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 W. Congress, 10th Floor
Tucson, AZ 85701

Thank you for all the work in developing the Sonoran Desert Conservation Plan.

I support it 100 percent and advocate the strongest protection possible for the Sonoran Desert through Pima County's Sonoran Desert Conservation Plan process.

I am a retired Plant Ecologist and have seen the desert in my neighborhood change over the past 30 years. It used to be a desert rich in diverse species of both herbs and woody species. Now most of the annual herbs have gone. Yet in areas remote to urban development, the full rich desert survives. I believe it will continue to survive with full implementation of the Sonoran Desert Conservation Plan.

Sincerely,
Harold C. Fritts

Harold C. Fritts, Professor Emeritus, Lab. of Tree-Ring Research
University of Arizona / Owner of DendroPower
5703 North Lady Lane, Tucson, AZ 85704-3905
Ph Voice/Fax: (520) 887 7291
<mailto:hfritts@ltrr.arizona.edu>
http://www.ltrr.arizona.edu/~hal/

Hello,

This is just a short note to voice my support for the Coalition for Sonoran
Desert Protection and to advocate the strongest protection possible for the
Sonoran Desert through Pima County's Sonoran Desert Conservation Plan process.

-Kimberly A. Garcia

Richard E. Genser

21 Nov 2000

Dear Mr. Hankin,

As a resident of Pima County I support the comments of the Coalition for Sonoran Desert Protection, on the EIS.

Respectfully,

Richard Genser

RECEIVED
NOV 24 2000

3221 E. Blossom Dancer Lane • Tucson, Arizona 85718
520•529•4899 email: rexgnsr@aol.com

Write E-mail

Get Fax # 740 8171 Naveen Pelan

Hotmail | My E-mail | Write E-mail | Address Book | E-Greetings

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To: www.SDCPonline.org

Subject: SDCP plan for corona de tucson

Font Style Font Size B I U

my concern is birds...i am a birdwatcher for 40 yrs and have lived in CORONA the last 15 yrs....Each yr. i see the following birds.....which are migratory...large blue heron...3 to 4 flocks of meadowlarks and a wide variety of humming birds.... the perenial birds are the red tail hawks, the perregrin falcon, the western flycatcher, cardinal, killdeer, goldfinch and the native cactus wren...presently these birds can be seen almost daily....If hi density housing is permitted, i sincerely believe it will impact most of these birds severely..and they will leave the open space they enjoy presently...this is truly a rural area and to spoil the existing natural beauty and environment will create an exodus of wildlife forever...sincerely//////////////////clayton a george..614 e savannah st. corona, az

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

Please Add us to your Mailing list and add us to your Watershed sub Committee

NAME Larry Glickman & Sarah Haas

ADDRESS 801 W. Cholla Ave

CITY Ajo, AZ

ZIP 85321

Global Citizen University

December 25, 2000

Pima County Board of Supervisors
Att: Chuck Huckelberry, County Administrator
130 West Congress, 10th Floor
Tucson, Arizona 85701

Dear Board of Supervisors,

The Board's earnest commitment to Pima County is commendably demonstrated in the *Draft Preliminary Sonoran Desert Conservation Plan.* I am grateful for all the work so many qualified and dedicated people are putting into this endeavor. The establishment of the Ironwood National Monument is particularly laudable. My desire to restore and protect the magnificently unique Sonoran Desert is all encompassing. I am in full alignment with the Coalition for Sonoran Desert Protection comments submitted December 22. Appreciative of the opportunity to offer input, I want to call additional attention to the following areas of concern:

1) water quality, conservation, and renewal – this includes assertive natural arroyo/riparian area protection, lowering exotic plant landscaping to 10%, restricting further golf course development, mandating extensive installation and use of home and business greywater systems, and increased public education
2) ecological damage caused by cattle grazing – this is not adequately addressed in the plan
3) elimination of vague plan wording
4) clearly stated enforcement procedures
5) establishment of interconnected urban greenbelts and ecologically sound housing development requirements
6) application of permaculture principles in private and public restoration work
7) protection of the Tortilla Fan
8) broadscale community education

Whatever form the final plan takes, it is essential that the general public be well educated regarding the content and basis of the plan and the interconnected web of life that constitutes the Sonoran Desert. Plan implementation and effectiveness will be greatly

PMB 229, 2818 North Campbell, Tucson, AZ 85719-2811 e-mail: globalcitizenu@aol.com

improved if people are well aware of plan design and the bioregion where we reside. I attended the SDCP educational meeting at Wood's Library where a man stated that he moved to Tucson because of its unique natural environment, not because of any interest in its endangered species. Most of humanity, myself included, is blind to the inter-relatedness of all natural life and that our own survival as a species is contingent on living in harmony with overall ecosystems.

As an educator skilled in curriculum development, I found myself reviewing the plan as a text from which excellent, experiential education courses could be developed for all ages. Further, I would welcome the opportunity to participate in developing an educational project of this nature if avenues were open to do so.

Again, my gratitude for your diligent work on behalf of the Sonoran Desert and the people you serve.

Sincerely,

Nicole Christine

Nicole Christine, Director

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

Catalina Area should have their own sub-group. We are NOT similar to the Tortolita Fan area. Our environment, economics, interests etc. are different. Myself + Jan Johnson would be willing to organize such a group.

Good meeting - Thanks for answering our questions.

NAME Vicki Cox Golder

ADDRESS 3415 E. Golder Ranch Rd.

CITY Tucson,

ZIP 85739

-----Original Message-----
From: DGuntherBdgun@cs.com [mailto:DGuntherBdgun@cs.com]
Sent: Wednesday, December 13, 2000 12:21 PM
To: Chuck Huckelberry
Cc: csdp@azstarnet.com
Subject: SDCP

Sir: Please let the supervisors know that my wife and I both very strongly endorse the Sonoran Desert Conservation Plan as it is now written. We definitely do not want to see it downsized. If any it can be made even more conservation and envionmentally upgraded. Thank you for your consideration.

Don & Alberta Gunther
4760 W. Red Wolf Dr.
Tucson, AZ 85742-8967
520-744-1629

-----Original Message-----
From: HHAN13@aol.com [mailto:HHAN13@aol.com]
Sent: Sunday, December 31, 2000 11:09 AM
To: Chuck Huckelberry
Cc: handyjill@msn.com
Subject: Sonoran Desert Protection

Dear Mr. Huckelberry,

I am writing this to urge you and the Pima County Board of Supervisors to develop the strongest plan possible in regards to the Sonoran Desert. I am a born and raised Tucsonan who is in complete support of the work the Coalition for Sonoran Desert Protection is doing. The Sonoran Desert Conservation Plan must be adopted in it's strongest form possible. Tucson has the opportunity to become an example city for the rest of the country and world by adopting and funding this plan in it's strongest and most enforceable form. The quality of life that a city can provide is where the competition will lie in the future. Let's work to make Tucson a model city with a fabulous quality of life to boost and maintain our enconomy into the 21st century. Maintaining our stunning environment is the first step.

The Sonoran Desert Conservation Plan is a precedent setting document. Keep up the good work and make it an example for other cities to envy.

Sincerely,

Holly Hancock
2539 W. Calle Paraiso
Tucson, AZ 85745
(520) 623-1719

December 20, 2000

Jeanmarie Haney
1139 E. Edison
Tucson, AZ 85719

Chuck Huckelberry, County Administrator
Pima County Board of Supervisors
130 W. Congress, 10th Floor
Tucson, AZ 85701

Dear Mr. Huckelberry:

I support the Coalition for Sonoran Desert Protection's work and advocate the strongest protection possible for the Sonoran Desert through Pima County's Sonoran Desert Conservation Plan process. I especially think it's important to preserve the remaining riparian habitat in Pima County, by whatever means possible.

In addition, I advocate for bold and daring action to preserve Ironwood/Saguaro habitat in the northwest part of Pima County. I support working with Pinal and Santa Cruz counties to help them establish their own multi-species conservation planning process, with the highest levels of protection.

Sincerely,

Jeanmarie Haney

Jeanmarie Haney

Hi Chuck Huckelberry.

I have been living in the Tucson region for 2 years now. Although I prefer small towns, I have adapted to city life and I have developed pride in my community, but most for our natural surroundings. I strongly feel that it is important for our community to have the highest regard for our unique desert home, and keeping the desert as untouched as we can.

I have read the Sonoran Desert Conservation Plan last Spring as information for a research paper. Part of my research involved door to door surveys, which I felt guilty about doing, but the results were a relief. People expressed a strong concern for preserving our open space, and managing suburban sprawl.

In October I had organized a student organization at the University, and the Nature Club has receive a lot of recognition since then. I have asked our members to make their comments on the Sonoran Desert Conservation plan and respond to you. I am pleased to live in a county that really plays an interactive role with its community. I plan on reviewing the literature once again, and making further comments.

Thank you!

Robbie Hannawacker (founder of UA's Nature Club)
(520)792-0970

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http://explorer.msn.com

Sir ,

I am writing to let you know that I am very much in support of the conservation plan that is being developed . The fragmentation that this region is experiencing is just terrible . I am hoping you will do all that you can to encourage and support the conservation plan .

Thank you ,

Zay Hartigan
HCR 2 box 155
Patagonia , AZ , 85624
520-394-2420

12/16/00

GAYLE G. HARTMANN
2224 EAST 4TH STREET
TUCSON, ARIZONA 85719

29 September 2000

Charles Huckelberry
Pima County Administrator
130 W. Congress
Tucson, AZ 85701

Dear Chuck,

I just want you to know that, in my opinion, the *Draft Preliminary Sonoran Desert Conservation Plan* is a superb document – impressive in scope and innovative in the solutions it offers. Clearly, there is a long way to go to implement it; in particular, the state, other jurisdictions, and the public must be brought into the process. Nonetheless, in comparison with other planning processes that I have participated in, it offers real solutions to the land use problems that have been bedeviling Pima County for decades.

I would especially like to extend my thanks to the excellent Pima County staff members who, I know, compiled much of the data that support the plan and came up with many of the solutions it proposes. Linda Mayro, John Regan, Julia Fonseca, Frank Behlau, Dave Cushman, Steve Anderson, and Maeveen Behan, and very likely others that I do not know, have all done a superb job. Not only have they produced an excellent product, but they have saved many of us from countless hours of participation in a planning process that surely would not have produced a plan anywhere near as comprehensive or innovative as the one the County has prepared.

Please relay my thanks to all of them!

Sincerely,

Gayle Hartmann

xc: Supervisor Sharon Bronson
Chair, Pima County Board of Supervisors

Recycled Paper

-----Original Message-----
From: James Hays [mailto:jhays@post.harvard.edu]
Sent: Monday, December 18, 2000 12:47 PM
To: Chuck Huckelberry
Subject: Sonoran Desert Conservation Plan

This is to add my support for the Pima County Sonoran Desert Conservation Plan. Please keep up the good work!

--James F. Hays

--

****
Jim Hays
jhays@post.harvard.edu
3381 W. Foxes Den Drive (520) 903-1634
Tucson AZ 85745

Chet Hedden, Ph.D.
1314 North Bedford Place
Tucson, AZ 85715-5615
USA

VOICE/FAX: 1-520-296-6477
E-MAIL: chet@xyzu.net

December 29, 2000

Chuck Huckelberry
County Administrator
130 W. Congress, 10th Floor
Tucson, AZ 85701

SUBJECT: SDCP Comment/Request: The SERPENT Proposal

Dear Mr. Huckelberry:

In response to the publication of the Draft Sonoran Desert Conservation Plan of September 26, 2000, I have the following suggestion for an addition to the education and outreach component of the Plan. As nothing in the Draft Plan guarantees its long-term success, I would like to offer a way to help ensure continuity of stewardship over time while at the same time improving the educational experience of Pima County students and their teachers. Central to this proposal are mutually beneficial partnerships among key public and private organizations who are joined by a common interest in better understanding and preserving the unique Sonoran ecosystem while enhancing the training and education of the County's future workforce through technology. The project would be called the Sonoran Ecosystem Research Partnership for Education with New Technologies (SERPENT).

I ask only one thing: that this project be included as part of the Plan so that the students and teachers who participate can receive appropriate recognition for their contributions.

The SERPENT Project

The Sonoran Ecosystem Research Partnership for Education with New Technologies is a long-range education and research program in which students employ geographical information system (GIS) technologies to assist and support research, planning, policy making, and policy implementation and monitoring of the Sonoran Desert Conservation Plan beginning in 2001 and continuing as far into the future as interest and resources permit. This program would bring faculty and students from approximately sixth grade through graduate school levels into a mutually beneficial relationship with researchers and policy makers, both to enrich the students' and teachers' educational experience and to assist Pima County in accomplishing the goals of the Plan. The SERPENT project should be added to the Process/Participant

Chart (Figure 1 on page 61 of the Draft Preliminary Plan of September 26, 2000).

Benefits of the SERPENT

Educational benefits of this program include good citizenship and scientific and technical training beyond that possible through classroom exposure alone. Some students in similar programs have even been paid for their work as members of cooperating research teams and have acquired valuable employment skills along with core subject matter knowledge as they gain self esteem from helping solve real-world problems they care about.

GIS technologies have been applied in educational settings under the problem-based learning rubric for over 10 years so there are many examples upon which to model this program that prove the educational benefits of deploying GIS technology as the foundation for curricula situated in the real world. This technology is applied in school programs that investigate topics like land use, wildlife, coastal erosion, forest, watershed, and wetlands management and monitoring. Student-run projects employ GIS in studies of urban growth, responses to natural disasters, hazardous materials contamination, transportation and distribution system planning, and many other topics. By incorporating complex problem-solving into the core of the curriculum, students gain experience as project planners, collaborators, decision makers, evaluators, and communicators.

The benefits to the SDCP include volunteer labor to augment the processes of finalizing and implementing the Plan and the development of the next generation of scientists, technicians, planners, and policy makers that the County needs to ensure the long-term success of the Plan.

Suggested Student and Teacher Contributions

Participants in the SERPENT would be trained and would provide a range of services to the County and its communities.

- The principal contribution of the students and teachers participating in the program would be as investigators, implementers, and evaluators using an outcome-based model that ensures compliance with the provisions of the Plan. Students mentored under this program would form the core of the next generation of stewards of the Plan.

- In the short term, students and teachers would participate in the ongoing public comment process by attending community meetings where they would present their investigations and make recommendations based on those investigations.

- Throughout the research, planning, and implementation stages of the process, students and teachers would assist in the field with habitat restoration, species counts, identification and excavation of archeological sites, surveys, and other forms of data collection and analysis.

- Throughout research, planning, and implementation, students and teachers would help in the field, the classroom, and the laboratory in creation of GIS databases and the processing of data into meaningful representations of existing conditions and projected trends from which policies to ensure the long-term stability of the ecosystem can be formulated.

- In the long-term, students and teachers would help in the implementation of the Plan, once finalized, and in the monitoring of the implementation of the Plan to ensure compliance, measure the effects of the implementation of its policies, and suggest changes as new information on the effects of its policies is derived.

- Students and teachers would explore and pilot innovative applications of technology to the preservation of ecosystems, such as the use of GIS in habitat restoration and the study and reconstruction of individual sites or zones of historical, prehistorical, or biological significance.

Project Direction and Management

This proposed collaboration requires partnerships among individuals and groups of varying interests, backgrounds, skills, and expertise. Potential cooperating groups include the County's Youth Conservation Corps and Department of Environmental Quality; other government agencies like Fish and Wildlife, BLM, National Forest Service, National Park Service; private and public entities like the Nature Conservancy, Arizona-Sonora Desert Museum, Arizona State Museum, Southwest Center, and affiliates of the Coalition for Sonoran Desert Preservation; educational institutions including University of Arizona and Pima Community College and the County's 25 public school districts; and the municipal and tribal jurisdictions of the County (Tohono O'odham and Pascua Yaqui nations, Tucson, Marana, Oro Valley, Sahaurita, and South Tucson).

Fortunately, extensive previous experience has shown that the organizational model that would underlie the SERPENT project is self-motivating, self-perpetuating, and synergistic. All that is required is for someone to set the process in motion. Setting that process in motion would be my role.

As initiator and coordinator of this project, I will (a) identify and enlist a core team of representatives from higher education, school districts, philanthropic and private research organizations, government, and Native American communities; (b) secure volunteers, donations of equipment and software, training in GIS, and personally train teachers and students where necessary; and (c) manage and coordinate the overall program. In addition to assisting teachers with curriculum design and training, overall management of this community-based program will involve strategic planning; motivation, supervision, and coordination of personnel; resource/funding procurement; and reporting.

As researcher, I will initially carry out one or more small scale demonstration studies with selected groups of students working on one or two of the Plan's elements (e.g., cultural resources, riparian habitat protection, etc.). The studies will examine the effectiveness of the application of GIS to some aspect of problem-based learning and measure both the content learning and any related outcomes, using research methodologies like those commonly used in small group studies. These pilot projects will serve as a basis for obtaining funding beyond what may be available locally to enable expansion of the project as implementation of the SDCP proceeds. Possible sources of additional funding are the National Science Foundation, Department of Education, and Environmental Protection Agency.

I have been consulting with and will be assisted in this work by the Virtual Immersion in Science Inquiry for Teachers (VISIT) "collaboratory," an NSF-funded resource for support of projects like SERPENT which is headquartered at Eastern Michigan University. I will also construct and maintain a website to support and coordinate the communication requirements of the program.

I am committed to the concept and goals of the Sonoran Desert Conservation Plan and would welcome the opportunity to contribute to it.

Cordially,

Chet Hedden, Ph.D.

Regarding the Sonoran Desert Conservation Plan, we agree with the Coalition for Sonoran Desert Protection and would like them to speak for us.
We live at Swan & River , 4230 N Via Raposa zip of 85718. 529-1772
Thanks, Anne & Sky Hilts

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

1. RANCH PRESERVATION APPEARS TO INCLUDE STATE TRUST LANDS. PRESERVATION IS IN CONFLICT WITH STATE TRUST MANDATE. IN ADDITION, THE STATE CANNOT NEGOTIATE A SALE OR EXCHANGE. YOUR PLAN NEEDS TO ADDRESS HOW YOU CAN ACCOMPLISH THE PRESERVATION OF STATE LANDS.
2. CRITICAL OWL HABITAT DOES NOT INCLUDE OR SHOW THE LANDS IN SAGUARO NP WEST - WHY?
3. AT MINIMUM YOU SHOULD INVENTORY CRITICAL HABITAT ON TOHONO O'ODHAM LANDS
4. YOU SHOULD SEEK COOPERATION W/ PIMA + SANTA CRUZ COUNTIES.
5. WILL THERE BE FEDERAL FUNDS AVAILABLE THRU USF+WS AS A RESULT OF THE CARA LEGISLATION?
6. SAGUARO NP BOUNDARY DOES NOT APPEAR CONSISTANT OR CORRECT ON YOUR MAPS. ALSO, ALL LANDS WITHIN THE BOUNDARY HAS NOT + MAY NOT BE ACQUIRED BY NPS.

   CURRENT BOUNDARY + LAND STATUS INFO CAN BE OBTAINED FROM: NATIONAL PARK SERVICE
   LAND RESOURCES DIVISION
   P.O. BOX 728
   SANTA FE, NM 87504

NAME ★★★★★★★ USA ★★★★★★★

ADDRESS — Harlan Hobbs
CITY — 1341 W Camino De La Oca
ZIP — Green Valley, AZ 85614-4827
520-393-1149

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

About time - need to plan rather than react.
Best description of the ESA's effect I have heard!
Very P.C. regarding ranching. There are many damaged watersheds in Pima Co. due to overgrazing, though many ranchers are responsible.
Regulation has got to be part of this process, it would be nice if we could all cooperate, incentive will only work to a point.

How many individuals of a species can we afford to loose; How many species?

What do you have against Snails?!!

NAME Jim Hoffman
ADDRESS 12450 S. Saladom Rd.
CITY Tucson, AZ
ZIP 85736

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran***

The Preliminary Sonoran Desert Conservation Plan (**SDCP**) is still replete with error, contradiction, misstatement, and radical environmentalist rhetoric obviously intended to deceive. Their "scientific community" consists of science-by-interview and science-by-map making (GIS), rather than honest ecoscience like that of Block & Brennan (1993), Gyllenberg & Hanski (1997, and most especially Hanski & Gilpin (1997) dealing with metapopulation. This is especially so when it comes to the specious "multi-species model"of the report, which is just a listing, no thought being given to species interaction, habitat, genetics, evolution, climate, and disease (especially mosquito-borne and avian flu). Despite Huckelbury's impression (p. 5) that no "vegetation map" was even in existence, (Brown, 1994) had been the standard reference for years (Fonseca & Scalero, 1999). Prejudicial rhetoric is replete on p. 1 of Huckelbury's memo, where a "fact and science based preliminary" suited to "expression of community views and values" is asserted, as well as on future urban growth being guided by *ecosystem* principles (p.3). Such emotional phrases as "uncontrolled growth" and "urban sprawl" occur frequently. The Sonoran Desert Conservation Plan (—or is it, "Conspiracy?"—) *is* "unique"in going far beyond traditional federal plans. It disdains any economic analysis except for the pathological Recommendations 6, 7, and most especially 8 and 9. The 6 elements of Sec. V of the memo are *not* "important preliminary findings," but rather a bald-faced attempt to deceive. Riparian elements are equated with habitat corridors (this apparently accounts for their being placed in Sec. V.4 of the report rather than Secs. V.5-6). No account was taken of the strong climate changes that characterize this area (Bales & Liverman, 1997) nor of effects on waterways like the Great Sonoran Earthquake of 1887 or the many recent quakes (of $M \geq 5$) near Yuma (Fellows, 2000). One could go on like this, finding something questionable on practically every page of the Sept 2000 SDCP, but it is doubtful whether this would deter the fanatical radical environmentalists involved. "Biodiversity" is widely viewed among eminent bioscientists as being of a religious nature, and like its churchly counterpart over a century ago, it denies evolution. It is too bad that modern biology and culture, especially human, no longer figure in their picture. "Back to 1492!"

REFERENCES

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Block, W. M. & Brennan, L. A. (1993). Habitat concepts in ornithology. *Current Ornithology* **11**, 35-91.

Brown, D. E. (Ed.) (1994). *Biotic Communities of the American Southwestern United States and Northwestern Mexico.* Salt Lake City: Univ. of Utah Press.

Fellows, L. D. (2000). Earthquake Hazard in Arizona. Phoenix: Arizona Geological Survey.

Fonseca, J. & Scalero, D. (1999). Determining species of concern within Pima County, Arizona. SDCP.

Gyllenberg, M. & Hanski, I. Habitat deterioration, habitat distance, and metapopulation persistence in a heterogeneous landscape. *Theoretical Population Biology* **52**, 198-215.

Hanski, I. A. & Gilpin, M. E. (Eds.) (1997). *Metapopulation Biology: Ecology, Genetics, and Evolution.* San Diego: Academic Press.

NAME William C. Hoffman, Ph.D

ADDRESS 2591 W. Camino Llano

CITY Tucson

ZIP 85742

December 26, 2000

Pima County Board of Supervisors
Attn: Chuck Huckleberry, Pima County Administrator
130 W. Congress, 10th Floor
Tucson, AZ 85701

Re: Comments on Draft Sonoran Desert Conservation Plan

I am writing this letter to inform the Board that I wholeheartedly support the goals of the Coalition for Sonoran Desert Protection. Among other things, I hope that the final Conservation Plan actually protects endangered and near endangered species and their habitats. I think that the county should stop upzonings, particularly in the Tucson Mountains, during the interim period before the Plan is adopted officially. It is also very important that the Plan protects riparian and other corridors among and between the protected areas. Probably most important, I hope that the Plan continues to be scientific based and never becomes politically based.

I commend the Board on taking this very forward, long overdue step to protect the wonderful Tucson desert environment which is the reason so many of us came here to live.

Sincerely,

Barbara Holtzman

Barbara Holtzman
7447 N Artesiano Rd.
Tucson, AZ 85743

759 S. Placita Amena
Green Valley AZ 85614
Nov. 24, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Rd. Suite 103
Phoenix AZ 85021

Dear Mr. Harlow;

I am sending you comments on the proposed Sonoran Desert Conservation Plan for Pima County, Arizona. I should let you know that I am a newcomer and have little prior information about the plan.

My primary comment concerns the list of list of environmental resources, effects and issues associated with the proposed action. In my view one of the items missing from the list is proposed, planned, and future land uses as envisioned by the County or by other government agencies, federal, state or local. Zoning provisions should also be included. Additionally, where available, the intentions of developers or industrialists or others who have plans that could affect future growth and development should be considered. The reason for this is clear: it is the conflict between all of these plans or proposals that will in large part identify where changes or replanning is necessary to accomplish the goals of the Conservation Plan.

I have some minor comments regarding the public presentation made in Green Valley on November 20, which should be directed to the County. It was a very good presentation overall, my only comments are that a microphone would have helped carry the presenters remarks and the display maps, while very good, are a trifle small in size and a few legend items are a bit difficult to read on the map, but overall, a good show.

As a retired environmental planner (who has worked with Paul Fromer in the past) I would like to be kept abreast of the program as it proceeds.

Yours truly,

Bruce Howlett

RECEIVED
NOV 29 2000
U.S. FISH & WILDLIFE SE
ES STATE OFFICE

Mr. Huckleberry,

To: Maeveen Sy
CDM 12/27/00

Please accept my comment on the draft SDPP as in concurrence with the comments from the Coalition for Sonoran Desert Protection.

Thanks,

Tc Sergeant

December 27, 2000

C. H. Huckleberry
County Administrator
Sonoran Desert Conservation Plan
Pima County Administrators Plan
130 West Congress, 10th Floor
Tucson, AZ 85701-1317

Dear Mr. Huckleberry,

We request that all development and zoning decisions regarding the Santa Rita Ranch Specific Plan (First Amendment) Co23-87-03 be deferred until the Draft Preliminary of the Sonoran Desert Conservation Plan (SDCP) is completed.

Respectfully Submitted,

Jeffrey L Mapp

Signature

495 E. Drawdown Trail

Corona de Tucson, AZ. 85641

December 28, 2000

C. H. Huckleberry
County Administrator
Sonoran Desert Conservation Plan
Pima County Administrators Plan
130 West Congress, 10th Floor
Tucson, AZ 85701-1317

Dear Mr. Huckleberry,

We request that all development and zoning decisions regarding the Santa Rita Ranch Specific Plan (First Amendment) Co23-87-03 be deferred until the Draft Preliminary of the Sonoran Desert Conservation Plan (SDCP) is completed.

Respectfully Submitted,

Theresa L. Kapp
495 E. Drawdown Trail
Corona de Tucson, AZ 85641

December 28, 2000

C. H. Huckleberry
County Administrator
Sonoran Desert Conservation Plan
Pima County Administrators Plan
130 West Congress, 10th Floor
Tucson, AZ 85701-1317

Dear Mr. Huckleberry,

As residents of Cornona de Tucson we would like to document the various animals and birds that we have seen on a regular basis from our yard and during walks through our neighborhood:

Rabbits
Jack Rabbits
Coyotes
Javelinas
Pack Rats
Skunks
Deer
Ground Squirrels
Horned Toads
Rattlesnakes
Scorpions
Great Horned Owls
Hummingbirds
Roadrunners
Hawks
Quail
Turkey Vultures
Woodpeckers
Phainopepla
Cactus Wren
Cardinals
Robins

Respectfully Submitted,

Theresa L. Kapp & Jeffrey L. Kapp

495 East Drawdown Trail
Corona de Tucson, AZ 85641

January 1, 2001

Pima County Board of Supervisors
Attn.: Chuck Huckleberry, County Administrator
130 W. Congress (10th floor)
Tucson, Arizona 85701

To Pima County Supervisors:

To begin, I would like to applaud Pima County's efforts to date to develop a long-term plan to protect Sonoran Desert ecosystems and species here in eastern Pima County. Here are several general comments about the Sonoran Desert Conservation Plan and the planning process:

First, I would like to encourage you to continue to emphasize the contributions of the Science Technical Advisory Team throughout the planning process. Clearly, basing the plan and the establishment of preserves on input from a range of objective scientists will be essential to the acceptance and success of the SDCP. My impression is that the general public considers the plan to be as much or more about quality of life as about protecting threatened and endangered species. Although I agree that the single most important quality of life factor in eastern Pima County is the presence of the natural areas around us, I am concerned that the foundation for the plan must be scientific knowledge regarding the species and habitat to be protected, and that the focus for the plan must be reducing incremental habitat loss and protecting the greatest number of species possible on a consistent, long-term basis.

Second, the preserves established to protect covered species should be established in perpetuity, with clear and specific boundaries, and with no development whatsoever allowed within these boundaries. While conservation plans elsewhere have allowed a percentage of areas within designated preserves to be developed, it is clear that the habitat fragmentation that follows such an approach is not as appropriate or effective as absolute species preserves with precise boundaries. (Areas in which a certain percentage of land can be developed might be established adjacent to these stronger preserves.) Also, cattle grazing and use of motorized off-road vehicles should not be allowed within covered species preserves unless it can be scientifically documented that this will have no detrimental effects on the protected species or their habitat.

Third, the SDCP should include realistic cost projections and define the specific mechanisms that will be needed to implement the plan. This includes the costs of establishing preserves as well as ongoing monitoring and management. Further, development impact fees should be considered as a source for a portion of the necessary funding.

Fourth, the county should include other jurisdictions and their representatives in the development of the plan as much as is practicable. Although the county should remain the leader in developing the plan, the success of the plan obviously depends on the support of other governmental entities, including various municipalities as well as the Tohono O'odham Nation.

Finally, regarding future public input meetings regarding the SDCP: These should be well-publicized through the local news media as well as through other means of communication, and a much greater number of meetings should be offered in the heart of our urban population center.

Sincerely,

Laura J. Key

4502 E. Ninth St.
Tucson, Arizona 95711

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

Please let us know about future meetings -
We live in Catalina near Tang & La Cholla

LARRY & CLAIRE KLINGLER
12151 N. COMO DR.
TUCSON AZ 85742
742-5510 phone/fax

Our questions involve protection of water, private prop rights, animal & plant conservation. Thank you!

NAME _____

ADDRESS _____

CITY _____

ZIP _____

-----Original Message-----
From: Kendall Kroesen [mailto:kkroesen@theriver.com]
Sent: Friday, December 22, 2000 3:56 PM
To: Chuck Huckelberry
Subject: Sonoran Desert Conservation Plan

Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 W. Congress, 10th Floor
Tucson, AZ 85701

Dear Sir,

I wholeheartedly support the County's efforts to formulate a conservation plan for the Sonoran Desert in Pima County. Please continue along this path!
In specific, I commend to you comments on the draft plan that already have been submitted by the Coalition for Sonoran Desert Protection. Please work with The Coalition to make the conservation plan as comprehensive and progressive as possible.

Thank you.

Kendall Kroesen
kkroesen@theriver.com
915 E Hampton St
Tucson AZ 85719-2941

Center for Environmental Connections

1520 S. Desert Crest Dr.
Tucson AZ 85713
Phone/Fax: (520) 623-3874
E-mail: colorw@ azstarnet.com

NOV 27 2000

David Harlow
Field Supervisor
US Fish and Wildlife Service
2321 West Royal Palm Road #102
Phoenix AZ 85021

November 23, 2000

Dear Mr. Harlow,

Thank you for allowing us the opportunity to comment on the scoping process of the Environmental Impact Statement (EIS) for Pima County's Sonoran Desert Conservation Plan (SDCP).

We believe the EIS should consider having the SDCP integrated into the Recovery Plan for any threatened and endangered species included in the Section 10 permit.

Although the SDCP is a take permit, Section 10 is not a license for extinction. We believe some species, such as the cactus ferruginous pygmy-owl, are so close to extinction that no take of individuals, occupied habitat or adjacent properties should currently be allowed. Take should only be allowed if and when population levels are fully viable and can easily survive a loss of habitat, individuals and genetic diversity.

Areas set aside as preserves should be comprised of large tracts of undisturbed open space. Fragmentation of preserve areas by development increases the negative impacts of human activities. Human activity reduces the possibility of recovery and defeats the stated purpose of the preserve. We want "honest" undeveloped preserves instead of the fragmented "politically expedient" preserves set up in San Diego. The US Fish and Wildlife Service should not deceive the public by designating a preserve, when in reality, the "preserve" is nothing more than a landscape fragmented by development and no longer viable for full recovery of species.

If general areas are designated as preserve set-asides, politics and influence peddling will overpower science. Instead, preserves should be fully delineated with lines drawn on a parcel-scale map. Every specie/s to be protected within each preserve should also be designated. If buffer areas surrounding preserves are to be used to cushion the effect of human disturbance, a full description of what can and can't be done in those buffer areas should be laid out for the public.

Although every part of the preserves may not contain threatened or endangered species, the focus of establishing preserves should be on protecting areas known to have

been occupied in the last 10 years, contiguous lands surrounding these areas and viable connectivity to other occupied areas or areas of reintroduction. If reintroduction of threatened or endangered species is used in the SDCP, the area where reintroduction takes place should not be considered as land to be used as mitigation for construction or other destructive activities until the reintroduced specie has developed a fully viable population.

Designation of a large expanse of land in Pima County as National Monument and National Conservation Area does not in itself help protect species unless Resource Management Plans focused on preservation of species are in effect and enforced.

Some local bureaucrats have touted the Ironwood National Monument as a large mitigation area for destruction of cactus ferruginous pygmy-owl habitat elsewhere. This disturbs us, as scientists have yet to find a population of pygmy-owls in the area. At best, this mitigation scheme is junk science. At worst, it is "politics as usual" and a recipe for extinction.

The Ironwood National Monument is one of the last places in eastern Pima County where Bighorn sheep still survive. Bighorn sheep populations are dwindling throughout their range. We believe Bighorn sheep should be included in the SDCP species list. Including Bighorn sheep in the species list will encourage the BLM to better manage the herd on land they control.

Center for Environmental Connections supports the use of the Ranch Conservation element of the SDCP for defining the urban boundary and protecting open space. These are admirable goals, but livestock grazing and full protection of native species are incompatible. The Ranch Conservation element of the SDCP should include specific scientific, verifiable standards for livestock grazing to ensure species listed in the SDCP are not adversely affected by ranching.

We expect the EIS to include removal of livestock from all sensitive lands. Degradation of habitat occupied by threatened or endangered species through cattle grazing, mining activities and/or invasion of non-native species need to be fully addressed in the EIS.

The EIS should include a full accounting of how water consumption will affect native plant and animal species during the life of the SDCP. The SDCP should also include a plan to protect native species from the over drafting of water resources, while allowing for continued water consumption by the human population. The SDCP should be thorough enough to include plans for water conservation, reuse of effluent as well as reduction and elimination of industrial and agricultural use of water resources.

The EIS should include detailed plans to provide for and ensure quality management of preserves, biological connectivity and species recovery for the life of the Plan. A plan for monitoring compliance should also be fully covered in the SDCP.

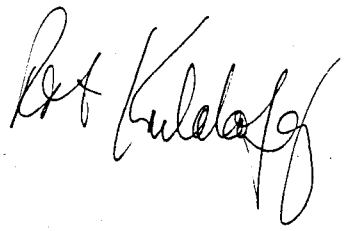
A major factor in the success of any long-term plan is an adequate and constant funding stream for scientific research, adaptive management and acquisitions of land,

water rights, etc. The EIS should offer alternatives of guaranteed funding sources for the life of the SDCP.

The SDCP will only cover areas under the jurisdiction of Pima County. However, land use outside of the County's control could have a major impact on the success of species covered in the SDCP. Land could also be effectively withdrawn from coverage under the SDCP through annexation by municipalities that are not taking part in the SDCP. The EIS should account for the impact of any potential actions taken by jurisdictions other than Pima County.

We thank you again for allowing us to comment in the scoping period of the EIS.

Sincerely,
Rob Kulakofsky
Executive Director



November 20, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021

Dear Mr. Harlow:

As a member of Tucson Mountains Association, I have been kept apprised of the Sonoran Desert Conservation Plan (SDCP). I feel strongly that the plan offers an unprecedented opportunity to thoughtfully lay guidelines for the future of our treasured desert. We MUST preserve our environmental heritage.

Living in the Tucson Mountains (the western foothills of Tucson) is an honor. Much of the glorious desert is still intact. It is spiritual to me. So, let me make some brief points that the SDCP should consider.

*To ensure long term survival of the full array of plants and animals that are indigenous to Pima County, a regional preserve must be established.

*The draft and final plan should include a preserve area and species-specific management and monitoring plan (specifying how and when this will be accomplished).

*We must ensure the survival and recovery of all covered species!

*The SDCP should specify funding sources necessary to protect land, manage and monitor the preserve and species.

*A watchful eye must be in place to avoid haphazard up-zoning and/or development approvals.

*The Environmental Impact Statement should: evaluate the impact on endangered species and other wildlife in areas where development does occur, investigate the effects of increased water and air pollution occurring from development, and do comparison studies in areas and cities not participating in the SDCP.

Thank you!

Jill Littrell

Jill Littrell
5811 West El Camino del Cerro
Tucson, Arizona 85745

RECEIVED
NOV 22 2000
U.S. FISH & WILDLIFE SERVICE
ES STATE OFFICE PHOENIX, AZ

Jonathan I. Lunine
P.O. Box 97
Sonoita AZ 85637
520-455-9274

December 27, 2000

Sonoran Desert Conservation Plan
Draft Version

County Administration
130 W Congress
10th floor
Tucson AZ 85701

Dear Mr. Huckleberry,

I am pleased to comment on the Draft Preliminary Sonoran Desert Conservation Plan, with a specific focus on the southeastern part of Pima County. With the signing into law of the Las Cienegas National Conservation Area, an important piece of the puzzle of providing quality-of-life open space to Pima County residents is in place. Now it becomes even more import to establish plans that provide for the creation and expansion of reserves adjacent to, and within, the NCA. Hence I strongly endorse the expansion of Colossal Cave County Park, and establishment of the Bingham-Cienega Preserve along the San Pedro River and the Santa Rita Mountain Park. The inclusion of these elements in the draft plan is crucial to the establishment of vital, integral open space in Pima County southeastern quadrant, where continued population growth is expected. This in turn will ensure the maintenance of recreational opportunities and quality of life for which Southern Arizona is known and justly proud. I urge the County to work closely with the State Lands Department to maximize the chances that such goals are met.

In sum, I strongly endorse the draft plan and urge that it be carried forward.

Respectfully submitted,

Jonathan I. Lunine

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

I would be interested in attending a steering committee meeting. I was a Town Chairman of an Environmental Advisory Comm. + Sec. of Environmental Advisory Comm. on city level - Westchester County, N.Y.

Pat McMorrow
6856 N. Spring Wagon Dr.
Tucson, AZ 85743
616-0693

NAME _____

ADDRESS _____

CITY _____

ZIP _____

December 29, 2000

Chuck Huckelberry, County Administrator
Pima County
130 W. Congress, 10th Floor
Tucson, AZ 85701

Dear Mr. Huckelberry:

Desert Watch would first like to express its support, in general, for the comments offered by the Coalition for Sonoran Desert Protection regarding Pima County's preliminary draft Sonoran Desert Conservation Plan (SDCP). We would also like to submit the additional comments below regarding certain specific issues we believe may affect the County's ability to obtain an Endangered Species Act (ESA) Section 10 permit.

Water Quality and Availability

Water quality and availability dictate the carrying capacity of the Sonoran Desert and are the single most important issues facing Pima County as it plans for its growth. There is no mention of these issues in the draft preliminary SDCP. For example, the Central Arizona Project (CAP) canal and the use of CAP water pose serious unanswered questions for all of the desert's residents. Specifically, the reliability of the assured allocation to all CAP consumers is the subject of serious concern. What if climatic variables precipitate a decline in supply or even interruption of services downstream? It will be crucial to consider alternatives that address water quality and availability in the event that the amount of projected growth that can be supported by Pima County's water supply has been based on incomplete assessments and flawed assumptions per previous Pima Association of Governments studies.

The draft Plan also does not address the problems surrounding the County's continued reliance on groundwater pumping when well fields are threatened by radon, arsenic, TCE and other natural and/or man-made toxins. The quality and availability of ground water within the Tucson Active Management Area is of immediate concern, and multiple variables must be considered that may affect public health and safety. For example, proximity to the Page-Trowbridge Toxic Waste Dump raises concerns that down drafting of the acquifer in that area may precipitate the spread of volatile organic chemicals and other substances south toward Oro Valley and the Tucson urban area.

A PAG report details concerns arising from potential migration of sulfate plumes north from the Green Valley area toward urban Tucson along the Santa Cruz. How, in light of all these unresolved issues, can the SDCP address safe yield and compliance with federal law? What are the short and long term implications of a limited recharge system whose efficacy is unknown, versus parcel by parcel recharge which could slow flows, allow percolation, support indigenous vegetation and wildlife, and restore the health and diversity of our watersheds and ecosystem? When examining these issues the County must consider the possibility that it will be more costly to fragment our ecosystem and our watershed, with associated maintenance and management, than it is to work within its framework and avoid the need for increased flood control, wastewater systems, and retention-detention basins (and associated health risks), by water harvesting and other sustainable methods. Other issues the County must consider include those relating to the use of millions of gallons of potable water on golf courses, and those

posed by the mining industry's consumption of potable water, as well as toxic runoff from fertilizers and pesticides and other chemicals used by both activities.

Wash channelization is also a major concern. For example, how will the channelization in Pinal County of the Canada Del Oro River (CDO) affect infiltration capacity, surface runoff, underground water storage, sediment load, and organic matter input downstream in Pima County and Northwest Tucson? How may that determination affect the plan of Pima County and others to restore the CDO throughout Oro Valley and link that to the Tres Rios River Project, which includes the CDO, Rillito and Santa Cruz Rivers? The channelization of the Pantano, Tanque Verde, Rillito and Santa Cruz Rivers has resulted in incision of arroyos and the degradation of existing channels resulting in channel downcutting and enlargement. The recent completion of the bank stabilization project from Avra Valley to Sanders Road in Marana was tested in October 2000 and found wanting. In addition to the photos of the flooding at Sanders Road available from the Town of Marana, the effects included bank degradation, channel downcutting, scouring, loss of vegetation, decreased surface flow and subsequent loss of effluent dominated interbraided wetland system flowing north from the Pima/Pinal County line around the Pinal Airpark toward Picacho. There has been no surface flow at the Trico-Marana and Trico bridges since. The result of Pima County's past approach to watershed management has been increased flood events. If Pima County continues to channelize our watersheds, thus degrading our environment and posing serious threats to endangered and other sensitive species, then it will adversely impact those species, the ecosystem, and our quality of life.

Linear Capital Improvements

In addition to federal and state roadways, railways, and power distribution lines, the CAP canal adversely impacts and fragments habitat. This is the nature of linear capital improvements.

Pima County is the largest developer in Pima County. The fragmentation and loss of habitat in our watersheds is the greatest threat to quality of life in our community. Our air and water quality are adversely impacted by a lack of context-sensitive and sustainable design elements in the County's approach to highway and road improvements, bridges, flood control elements, water and sewer lines, fiber-optics, and utility installation and maintenance. Consequences of the widening of I-10 from Ina to Red Rock on the recovery of the Cactus Ferruginous Pygmy-owl (CFPO) must be addressed in the SDCP. Alternatives within the design to avoid, minimize, and mitigate those impacts should also be addressed. It is crucial that the County outline specific standards for on-site set-asides, harvesting, transplantation, and revegetation mitigation requirements for county projects in environmentally sensitive lands.

It is also important to the success of the SDCP that citizens and neighborhoods are involved and have meaningful participation in these improvements. Reflection of community values is a part of the National Environmental Policy Act (NEPA) and essential to the County's public process. The County discusses some ideas on page 9 of its preliminary draft Plan. Thus far, the County has continued to upzone and grant conditional use permits in its jurisdictional boundaries within Critical Habitat Units 3 and 4 without the conditions noted in 7A. Recently, the County declined to salvage ironwoods in place along Cortaro, Magee and Thornydale as it began to widen these roads prior to obtaining a 404 permit. The County submitted a map indicating, by line drawings overlaid on aerial photographs, the areas to be disturbed, "the number of trees to be removed and transplanted," and on-site mitigation measures, yet this information does not correlate with the actual blading and impacts that occurred over the Veteran's Day holiday, 2000. For example, Brooks Keenan, Director of Pima County Department of

Transportation, indicated to Mike Wrigley at US Fish and Wildlife Service (USFWS) in a letter dated January 3, 2000, that the project would necessitate the "removal of 32 trees," yet hundreds were bladed and chipped. NONE were transplanted. Those removed included a preponderance of Ironwood trees of up to 300-400 years in age, based on testing done immediately north of the impacted area at the Tucson Audubon's Mason Educational Center by the Arizona Native Plant Society and the University of Arizona. Further, Pima County failed to inform the USFWS that it planned to blade the west side of Thornydale, north of Cortaro, for 1600+ x 50 feet in federally designated Critical Habitat for the endangered CFPO. Communication must be improved, and standards developed and integrated into the County's internal process, to ensure that this type of mistake never reoccurs.

The SDCP must ensure that Pima County will comply with their own ordinances and recommendations in order for the SDCP to be meaningful. Enforcement of compliance with these ordinances, as well as meaningful and substantial fines and other disincentives to encourage voluntary compliance, should be specifically outlined in the Plan.

The SDCP must outline the County's plans for further fragmentation and habitat loss within their jurisdictional boundaries in Critical Habitat Units 3 and 4 and Recovery Area 3 and the associated Special Management Areas, and their impacts. Any planned construction on Cortaro, Thornydale north of Magee, Linda Vista, Tangerine, Camino de Manana, Shannon, La Cholla, Twin Peaks, Lambert, Naranja, Moore Road, and all other roads included in these areas, must be carefully considered in terms of adverse impacts to the CFPO and other sensitive species, and mitigated in advance of the project. Pima County should also utilize context-sensitive design elements in any linear capital improvements to facilitate not only the dispersal of humans, but also sensitive species that are found in the area.

Multi-Jurisdictional Issues

The County has not yet addressed how it plans to work with other jurisdictions that fall within the area encompassed by the preliminary draft SDCP. For example, the Tortolita Watershed is split between Marana, Oro Valley, Pima County, two school districts, the State of Arizona, federal and other interests. It will be difficult, if not impossible, for this planning process to be meaningful and substantive when communication and cooperation between the multiple jurisdictions is preliminary at best, and poor in general, to date. Appreciating the complexity and challenges inherent within Recovery Area 3's multi-jurisdictional nature, unincorporated Pima County is certainly one critical factor in the survival and recovery of the known CFPO population in the Tortolita Fan, let alone the State of Arizona.

The lack of potential suitable nesting and breeding habitat in the Altar Valley, and the significance of the breeding and nesting population in the Tortolita Watershed within Pima and Pinal Counties in Recovery Area 3, necessitates that Pima County carefully consider the indirect, direct, secondary, and cumulative impacts of the activities they engage in or permit within CFPO critical habitat within their jurisdiction. The USFWS must consider those activities that are interrelated and/or interdependent as well as indirect and cumulative effects (50 C.F.R.§ 402.14(g)(3) and 50 C.F.R. § 402.02). Additionally, 40 C.F.R. Parts 1502.16 and 1508.8 states the environmental consequences of an action include both direct effects and "indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including

ecosystems." Though neither the EPA nor the Army Corps of Engineers appear to consider it necessary to consider the regional cumulative impacts of their permitted activities, the USFWS and Pima County needs to adhere to an integrated, regional, science-based higher standard.

Grazing

We believe the preliminary draft Plan is basically an endorsement of the status quo. The SDCP must measure and evaluate the effects of grazing on a landscape level as well as on an allotment by allotment basis. The Plan does not mention any concrete measures to improve ranching in Pima County other than the potential for conservation easements and possible local tax incentives. It avoids addressing the potential irreparable harm ranching and farming practices may have on cultural and historic resources as well as riparian, xero-riparian and upland Sonoran Desert scrub habitats and the wildlife that utilize them. Incentives should be developed for ranchers who wish to participate in cultural and historical preservation, ecological restoration of watersheds, grasslands and upland habitats, as well as management practices that promote and support the survival and recovery of listed species and other species of concern.

Invasive Exotic Species

The Plan should address the long term implications of the continued presence of invasive plant species and the potential alternatives available to eradicate such species. For example, tamarisk presently overwhelms delicate riparian areas, and buffel grass and other non-native grasses continue to degrade our natural grasslands. Impacts for fire management practices should be addressed within the Plan. The possibility of geographically and genetically isolating a mountain system, much like what is currently happening with the Tucson Mountains, needs to be addressed. The implications of loss of plant species diversity followed by loss of animal species diversity due to our pattern of development, growth and land use practices are significant and should not be ignored.

Other Comments

The recent experience of California and other western states, as energy deregulation moves forward, is a warning signal for the State of Arizona and Pima County in particular. How will the SDCP address the impacts of deregulation, potential brown-outs, and interruption of services this may pose? What conservation of non-renewable energy sources will the County implement? What alternative energy sources (self-generation, solar, wind) will the SDCP consider? How will the County integrate water harvesting and other permaculture concepts and principles into its planning and ordinances?

Has the County considered alternatives to its recycling and waste management policies that will be economically feasible and achieve a higher degree of compliance?

Reduced air quality must be considered as a consequence of urban growth and linear capital improvements, which encourage urban sprawl and increased vehicle use. Environmental justice and social equity require that the County not rely on market-based implementation of environmental protection policies to the extent that this may adversely impact and/or disenfranchise a distinct socio-economic segment of our population.

Finally, it is inconceivable to us that Pima County has not identified the private lands within the Tortolita Fan as a part of a preserve design system, especially in light of the conclusions and recommendations of the Recovery Plan for the CFPO. It is extremely difficult to comment on a draft Plan that purports to be science-based when, in fact, to date, very little science has been incorporated into the draft. The few exceptions to this include the Arizona Game and Fish Department's Pygmy-owl studies and recommendations, which the draft Plan does not encompass or elaborate on.

The County must focus efforts at giving landowners incentives to cooperate with federal and state agencies in achieving our mutual conservation goals. Such incentives may include, but not be limited to, tax breaks for conservation easements and voluntary lot consolidation/downzoning, the use of overlay districts, and possible rollbacks and/or implementation of sunset clauses to address inconsistent or inappropriate current zoning conditions. Based on potential ranch conservation, potential cultural and historic preservation, potential flood control and watershed health issues, preservation of the old growth ironwood and saguaro forest, and survival and recovery of the CFPO, we do not feel the County has adequately addressed the need for growth control measures and other protective measures to ensure the viability of the areas encompassed by Recovery Area 3 in perpetuity. High density development, further channelization of watersheds, fragmentation of habitat, and adverse modification of habitat within this area is contraindicated by all criteria we are aware of. Granting a section 10A permit is of grave concern to us and we strongly suggest that Pima County consider a no-take alternative in the case of the CFPO.

Thank you for your consideration of these issues.

Respectfully,

Christina and Douglas McVie
Desert Watch
4420 W. Cortaro Farms Rd.
Tucson, AZ 85742
520-744-0931

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

I was unable to attend recent gatherings regarding the proposed expansion of Catalina State Park - to the north and protection of the remaining Sonoran Desert. My property is physically beside the state property in consideration for the expansion. The abundant wildlife + plantlife in that zone are totally dependent on the natural desert for their continued wellbeing and survival. Continued unrestricted development in that area will only strain their quest for survival. I urge you to protect the Sonoran Desert that is left for all to enjoy.

NAME MARGARET MESSMER

ADDRESS 15824 NAHSANNI RD.

CITY CATALINA AZ

ZIP 85739

SWTEA
P.O Box 41925
Tucson, Az. 85717

December 29, 2000

Mr. Huckleberry:

Southwest Tucson Environmental Alliance is a nonprofit corporation formed by local citizens in and around Kinney Road and Ajo Way. It is committed to protecting the environmental quality of life in that area in particular, but all of Pima County as well. We have a paid membership of 64 people and approximately 650 people who receive our newsletter. I am writing this letter to you to express our full support for the Pima County Sonoran Desert Conservation Plan.

We support this plan because it is designed to apply science based judgements to the question of how best to protect the biological integrity of the Sonoran Desert. It recognizes the necessity of protecting wildlife and riparian corridors as they extend to and connect different parts of the desert. It recognizes the need to establish species preserves but also the need to protect separate working ranches.

We urge you to move forward with the adoption and implementation of this plan. We also urge a moratorium on all upzonings in the Tucson Mountain area until the plan has been adopted, in order to avoid any future incompatible land uses. Finally, we thank you and your staff for the many hours of hard work that have been invested in this great step toward a better future for Pima County.

Brian X. Metcalf
President of SWTEA

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

Not enough effort is being given to actually preserving land!

How can more funds - i.e. bond issues, etc. - be focused on going to purchase + preservation of lands. This is especially significant for Pygmy owl.

And where does plan address the power lines which are supposed to go through some of these areas? Surely the plan should be against them!

NAME Mr. Robert C. Mossman

ADDRESS 4344 E Hayhurst St.

CITY Tucson, AZ 85712

ZIP

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The Nature Conservancy®
ARIZONA CHAPTER
Saving the Last Great Places

PHOENIX CONSERVATION CENTER
333 East Virginia Avenue, Suite 216
Phoenix, Arizona 85004
(602) 712-0048 Fax (602) 712-0059

November 20, 2000

David Harlow
Field Supervisor, U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021

Re: Notice of Intent to Prepare an Environmental Impact Statement on the Effects of Issuing an Incidental Take Permit in Pima County, Arizona: Scoping Comments

Dear Mr. Harlow:

Thank you for the opportunity to provide scoping comments in regard to the subject Environmental Impact Statement (EIS). The Nature Conservancy, along with its conservation partners, recently completed an ecological analysis of conservation priorities in the Sonoran Desert.[1] This analysis identified an aggregate of landscape-scale conservation sites that hypothetically, when appropriately managed, would ensure the long-term persistence of most of the Sonoran Desert's biodiversity. A number of these landscape-scale sites are located in Pima County. Indeed, as part of its draft Sonoran Desert Conservation Plan[2]—which will serve as the habitat conservation plan that is the subject of the Service's EIS—Pima County used Marshall and others' (2000) landscape-scale conservation sites within the county as part of its proposed reserve (preserve) design. Because the proposed permit would allow approved incidental take outside of the proposed preserve lands, proper management of the preserves, individually and collectively, is essential to the long-term persistence of the species that are the subject of the permit.

The Nature Conservancy offers its comments from the perspective that it wants Pima County to be successful in the development and implementation of its Sonoran Desert Conservation Plan—not simply so that the county can receive a permit, but more importantly so that the plan can serve as an effective blueprint for the preservation of biodiversity within Pima County and for those areas outside Pima County that ecologically are part of the preserve system. Pima County is experiencing rapid growth pressures: its population is expected to increase by about 50% by the year 2020. To ensure the long-term persistence of the region's biodiversity, it is imperative that the county's plan be able to meet its intent. As a result, I have attempted to make my scoping comments as constructive as possible. My comments are divided into two areas: management frameworks and technical issues.

Management Frameworks

Three characteristics of the preserve design and its management should be subject to evaluation as part of the EIS:

- mix of land ownership involved and its consequences for effective management
- projected land development tendencies of local jurisdictions and their potential impact on preserve integrity
- use of county (administrative) versus ecological boundaries for individual preserve (landscape-scale conservation) sites.

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[1]Marshall, RM, S Anderson, M Batcher, P Comer, S Cornelius, R Cox, A Gondor, D Gori, J Humke, R Paredes Aguilar, IE Parra, S Schwartz. 2000. An Ecological Analysis of Conservation Priorities in the Sonoran Desert Ecoregion. Prepared by The Nature Conservancy Arizona Chapter, Sonoran Institute, and Instituto del Medio Ambiente y el Desarrollo Sustentable del Estado de Sonora with support from the Department of Defense Legacy Program and agency and institutional partners.
[2]Pima County. 2000. Draft Preliminary Sonoran Desert Conservation Plan. September 2000. Pima County, Arizona.

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Each of these preceding characteristics can and should be evaluated within a comparative context. As a result, in regard to the first characteristic, comparisons should be made on the basis of the efficacy of the preserve design for meeting the objectives of the habitat conservation plan based only on Pima County's ability to manage unincorporated lands versus when management can be coordinated across all land ownership entities (that is, private and local, state, and federal government) and is intended to meet common objectives. Given that the long-term persistence of target species and preserve ecological function may not be achievable when only unincorporated lands are considered, the EIS also should evaluate different alternatives that ensure management on non-unincorporated lands contributes to species persistence and preserve functionality (for example, the EIS could evaluate an alternative that considers the use of cooperative management agreements versus an alternative that includes no management agreements).

Second, the EIS should evaluate the robustness of the preserve design when local jurisdictions are not constrained in their future growth by the final preserve design versus when they are. Given that growth by local jurisdictions may adversely impact preserve integrity, the EIS also should evaluate different alternatives that enable participation by local jurisdictions in the habitat conservation plan (for example, the EIS could evaluate an alternative that considers the local jurisdictions are included in the permit process versus the alternative in which Pima County is the sole permittee).

Third, the EIS should evaluate the efficacy of the preserve design for meeting the objectives of the habitat conservation plan when only Pima County lands are considered versus when the appropriate ecological boundaries of individual preserve sites are considered. Given that the long-term ecological functionality of an individual preserve site may be compromised if only Pima County lands are considered, the EIS also should evaluate different alternatives that would enable adjoining counties to participate in the habitat conservation plan for those portions of their jurisdictions included within the ecologically defined boundaries of a preserve site.

Technical Issues

The following are those technical issues that The Nature Conservancy feels should be an explicit part of the EIS evaluation as to the adequacy of the Sonoran Desert Conservation Plan as a habitat conservation plan.

Functional Landscapes.—The EIS should evaluate the utility of a species by species approach for determining the efficacy of the preserve design for ensuring target species persistence versus evaluating the capability of the preserve design to preserve those natural communities and ecological processes on which the target species depend.

Invasive species.—Rather than just providing a list of invasive species that are present in Pima County, the EIS should evaluate invasive species on the basis of which are the most problematic and whether coordinated (cross-jurisdictional) management actions are needed to control such species to ensure preserve integrity and target species persistence.

Grazing Practices.—The EIS should evaluate alternative grazing practices on Pima County ranch lands and their impact on natural community, as well as target species, persistence.

Restoration and Mitigation.—The EIS should evaluate whether restoration of currently degraded landscapes or mitigation of intended future land development will be necessary to ensure the habitat conservation plan will meet its management objectives. Additionally, for situations in which compensatory mitigation may be necessary, the EIS should evaluate those factors that determine where mitigation should occur such that it will have the most benefit to adversely impacted resources and whether such mitigation can occur outside of Pima County.

Ecological Desired Future Conditions.—The ability of the habitat conservation plan to ensure the continued persistence of targeted species should be based on clearly articulated ecological desired future conditions (management goals) for targeted species and the natural communities and ecological processes on which they

depend. The EIS should evaluate whether the habitat conservation plan provides clear management goals that are reasonable (for example, will ensure target persistence), measurable, and achievable.

Measures of Success.—The EIS should evaluate whether the habitat conservation plan includes a monitoring protocol that will identify whether ecological desired future conditions are met and whether key stresses that threaten target persistence are abated.

Adaptive Management.—The EIS should evaluate whether the habitat conservation plan identifies critical data gaps, acknowledges uncertainty, and provides an adequate framework for incorporating new knowledge and management practices.

Thanks again for the opportunity to provide comments. If you have any questions about the preceding, please do not hesitate to contact me.

Sincerely,

John A. Hall, Ph.D.
Sonoran Desert Project Manager
520–547–3439 (direct line)
john_hall@tnc.org

cc: Sherry Barrett, USFWS
Gail Kobetich, DOI
Chuck Huckelberry, Pima County

Giovanni Panza
Cate McCarthy
CRB Box 8482
Tucson, Arizona 85738
Tel/Fax: 520-818-2815

Dave Harlow
Mike Rigley
Sherry Barret
U.S. Fish & Wildlife Service
2321 W. Royal Palm Rd. Suite #103
Phoenix, Arizona 85021

November 24, 2000

RE: Comment on Draft Preliminary Sonoran Desert Conservation Plan Tortolita Fan Subarea 5

Dear Mr. Harlow, Mr. Rigley, and MS Barret:

We are Pinal County residents, and our property is at Rancho Solano (NE section 13), at the bend of the Canyon del Oro, between Saddlebrooke and Biosphere 2.

Introduction

During the past year and a half we have participated in Pima County's public meetings at the Arizona Sonora Desert Museum. We have now reviewed the draft preliminary Sonoran Desert Conservation Plan dated September 26, 2000 (dpSDCP). We appreciate the opportunity to respectfully submit to the U.S. Fish & Wildlife Service the following comments, to consider in your review of the Environmental Impact Statement for the dpSDCP.

Our comments center on the Tortolita Fan subarea 5, specifically its eastern watershed and wildlife corridors that straddle the Pima/Pinal County line.

This watershed is of critical importance to northeastern Pima County because it is the headwaters of the Tucson Active Management Area (TAMA). The northern slopes of the Santa Catalina Mountains, the eastern slopes of the Tortolita Mountains, and the

southern slopes of Black Mountain, are what recharge the headwaters of the TAMA. Surface water drains these three mountain ranges through Honey Bee Canyon, Big Wash, and the Cañada del Oro.

Urbanization of the Tucson Basin and Tortolita Fan has reduced the number of open wildlife corridors from the Santa Catalina Mountains to the West. The dpSDCP proposes a Tortolita East Biological Corridor funnelled between Catalina and Rancho Vistoso, an area that continues to grow at a rapid rate.

In this document we utilize the dpSDCP's evaluative system to propose that the whole CDO watershed, from Mt. Lemmon to the Santa Cruz, across county lines, be given High Priority for protection. We also propose that existing wildlife corridors in between the Santa Catalina Mountains and the Tortolita Mountains be given protection, since they are critical to the viability of large mammal populations in the area. Finally we try to list what we perceive as the current threats to the natural resources of this area, and the impact of massive masterplanned housing developments on rural residents and the public political process.

Riparian Habitat: the Upper Cañada del Oro Wash

Of all the watercourses in Subarea 5, the Cañada del Oro Wash (CDO) is the most significant, according to the *Prioritization of Streams for Conservation in Pima County* Memorandum dated April 5, 2000. The dpSDCP acknowledges that the CDO is a Major Watercourse in northeastern Pima County, but it lists only Sutherland Wash as deserving Stream Protection in Subarea 5, and it does not include the CDO in the list of Most Imperiled River Systems. When describing potential options for reducing stress on watercourses within the Tortolita Fan Subarea, the dpSDCP omits to recognize the CDO, while acknowledging the encroachment of Big Wash.

The Riparian Conservation map in the dpSDCP highlights the CDO's significance in two different ways: as a Future River Park near the confluence with the Santa Cruz River; as a Retain/Restore Natural Flood Plain through Oro Valley. Only Sutherland Wash is highlighted as a High Priority Riparian Conservation Area, and its watershed as High Priority Watershed Boundaries.

We found numerous statements in the dpSDCP that we are paraphrasing here below, because they all apply to the CDO:

Criteria of Stream Prioritization include: presence of native fish; extensive areas of leguminous tree forest, deciduous broadleaf forest, etc.; presence of endemic or threatened or endangered species. The above criteria are based on the following data concerning: availability of water; area of high-density of hydromesic vegetation; number of fish species recorded. The dpSDCP ranks the top 20 streams by these parameters: perennial stream length; intermittent stream length; area of hydro-mesoriparian vegetation; area of Xeroriparian Class A vegetation; area of shallow groundwater; presence of native fish.

Long-term viability for species will be enabled by patches of habitat and connecting biological corridors that will establish an effective and lasting biological reserve.

Riparian resources are the most threatened and vulnerable, and native fish and frogs are in a tenuous position. There are few locations in eastern Pima County where the water table is high enough to support riparian vegetation. Create natural riparian systems that also provide urban revitalization, recreation, and park development. It is important that the urban community also experience the natural Sonoran Desert environment. This experience can be best delivered by repairing degraded riparian environments of our major drainage system.

Restore the connection between interdependent components of river systems, maintain natural flooding, preserve and re-establish connections between channels and their floodplains, and their distributary flow zones. Restore the diversity of fluvial processes, such as movement of channels, deposition of alluvial sediments, and erosion of aggraded flood plains. Manage uplands to protect the functioning of riparian and aquatic ecosystems within the watershed. Manage point-source pollution to maintain water quality. Insure sufficient instream flow.

When addressing its method of Prioritization of Streams for Conservation, the dpSDCP also pinpoints the characteristics of the CDO:

Only those streams which have part of their length outside core reserves are of high priority for protection. Streams with relatively unimpaired water quality. Availability of water at a given site, signifying the potential for the establishment of quality riparian vegetation. Fish are also a good source of food for many terrestrial and bird species, which can greatly increase the diversity of an area with their presence.

The CDO's Perennial Stream Length is 4.2 miles, its Intermittent Stream Length is 1.2 miles, its Number of Recorded Native Fish Species is 2, according to Pima County's April Memorandum. The Upper CDO watershed collects rain and snow from 96 square miles of almost entirely National Forest Land: from Romero Canyon North along Samaniego Ridge (2,000 meters) to Bachman Wash and Oracle Hill (1,612 meters), South along Oracle Ridge to Rice Peak (2,000 meters), and to Mt. Lemmon (2,781 meters). The CDO, from Mt. Lemmon to Romero Canyon, is twenty-three miles long. It sustains the biological diversity of a Sky Island drainage. It is a watershed relatively untouched by human actions, at least as far as Saddlebrooke. We are aware that half of what we described in this paragraph is in Pinal County.

We believe that Pima County can set a precedent for regional conservation on the Upper CDO. This is an opportunity for the two Counties to establish a Cooperative Planning Agreement to safeguard a shared watershed. Research and Planning Partnerships could be developed with the various educational institutions and citizens groups present in this part of Pinal County.

Prioritization of the Upper CDO would reinforce the advantages of a watershed approach to conservation planning. While the CDO from Saddlebrooke to the Santa Cruz River is being seriously encroached upon by urban development, the CDO's headwaters have received much less human visitation than the other canyon systems on the southern slopes of the Santa Catalina National Forest.

Wildlife Corridors: the Tortolitas Peak/Cordones Corridor

The dpSDCP proposes that the Catalina State Park be expanded to the North along Sutherland Wash, for the purpose of joining it at Big Wash with the Tortolita Mountain Park, which is to be expanded to the East, towards Honey Bee Canyon. The joining of these two Parks would create the proposed Tortolita East Biological Corridor. The County's application to the State Land Department's Arizona Preserve Initiative to expand the park is the major proposal to protect open space and endangered species habitat in Subarea 5.

From Tortolitas Peak, through The Cordones, to the bend of the CDO below Biosphere 2 is another large-mammal corridor. Currently this corridor comprises 63 square miles, of which 59 square miles is undeveloped State Land, with protected National Forest Land to the East. All open land, except for Highway 89. The corridor is 8

miles wide West of the Highway, and 3 miles wide to the East. The Cordones offer refuge to wildlife, and facilitate the cross-over between the two mountain ranges. Existing and approved development will tighten the corridor to a mile width to the East of The Cordones.

Threats to the Natural Resources - Impacts on the Political Process

Saddlebrooke, Catalina, and Oro Valley utilize many wells located in, or near, the CDO. These wells are recharged from Mt. Lemmon, and they have already impacted the shallow aquifer of the CDO floodplain.

Because continued growth has occured in the streambed in Catalina and Saddlebrooke, flood protection can only be assured through consideration of the CDO drainage as a whole.

During the months prior to the general elections, the Pinal County Board of Supervisors approved four rezonings in this area, for more than 8,000 new homes. Eagle Crest development will fill in existing open space between Catalina and Saddlebrooke. Saddlebrooke Units 42 - 45 will block the entrance to the upper reaches of the Canyon del Oro. The development will reach to the edge of the CDO channel, and a large part of Saddlebrooke Unit 21 is in the flood plain. Robson engineers will raise this area with twenty feet of dirt by dismantling Golder Dam. The channelization of the CDO happens along a two mile stretch where the stream bed is still visited by potent surface water flow.

Saddlebrooke Ranch is by far the largest of the recently rezoned communities, with 5,500 homes. It was approved without consideration to Pigmy Owl Critical Habitat. It will lie just north of the previously described corridor, adjacent the Page-Trowbridge Radioactive/Toxic Chemical Landfill. This rezoning is currently being challenged by a citizens referendum drive. All these new developments and the well of Oracle are within seven miles of the dump, and will draw from the same aquifer.

These new communities will add four more golf courses to the area. The two existing Saddlebrooke golf courses continue to be irrigated with groundwater and not effluent. A new water company, Ridge View Water Company, has been established to provide water for Saddlebrooke Units 42 - 45. Golf courses are routinely counted as percentage of the open space requirements in Pinal County. Golf courses are not suitable habitat for wildlife, or meaningful wildlife corridors. These golf courses alone will

strain the recharge capacity of the aquifer by 6 million gallons of water per day. This represents four months water supply for 20,400 homes with four people per home.

Little Hill Mines has expanded its operations East, behind the ridges of the Canyon del Oro. Recently they rebladed a mile section of the old road in the CDO's channel, from Irene Wash towards the Burney Mines.

Local area plans, such as The Lago del Oro Area Plan, The Cordones Area Plan, The Falcon Valley Area Plan, The Biosphere Ventures Area Plan, and the Oracle Area Plan, confirm the idea that the CDO drainage may soon lose its viability as a wildlife corridor, and that housing encroachment will completely surround the Santa Catalina Mountains.

Residents of Oracle and the surrounding area, have attempted to engage State and County officials in a meaningful dialogue. After years of pro-active and civil engagement, developers' interests still override the environment and public health and safety. Rezonings for master planned communities are allowed to marginalize and overwhelm area residents, who chose a rural life-style under GR zoning. As local residents, we are frustrated by the lack of public process and representation for these concerns at the governmental level. We hope to find more representation at the Federal Level, although we are concerned that the Environmental Protection Agency and the Army Corps of Engineers do not hold developers to the highest standards.

Twice in two years residents groups have had to conduct referendum petition drives to have our voices be considered. In the current referendum drive the developer has threatened county voters and officials with withdrawing a 5.5 million donation for youth programs if the referendum goes forward to the ballot. Having a wildcat radioactive dump near our wells, and watching ADEQ threaten us with raising our taxes if we insist on having the dump thoroughly studied, does not make us confident about our long term water quality.

Conclusion

We hope you will agree that the natural resources in Subarea 5, North of the Pima County line, deserve the attention of the Sonoran Desert Conservation Plan. Please support our efforts to develop this process in Pinal County. The strength of conservation is in regional planning. The northeastern portion of the Tortolita Fan watershed is rich in biological and cultural resources, please promote the need for more

detailed scientific documentation, studies, and assessments. Lend your influence to maintain the integrity of the northern slopes of the Santa Catalina National Forest by the designation of the Upper CDO as a High Priority Riparian Protection Area. The encroachment of urbanization without comprehensive conservation planning, threatens not only the watershed, but the animals and people within it.

Sincerely,

Giovanni Panza & Cate McCarthy

Attached Documents:

A) Map showing northern slopes of the Santa Catalina Mountains and Tortolita Fan. Highlighted is the whole course of the CDO.

B) Map showing distribution of Federal, State, and private, lands. Highlighted is the Upper CDO from the confluence with Big Wash to Mt. Lemmon.

Giovanni Panza
Cate McCarthy
CRB Box 8482
Tucson, Arizona 85738
Tel/Fax: 520-818-2815

Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Aministrator
130 West Congress, 10th Floor
Tucson, Arizona 85701

December 18, 2000

RE: Comment on Draft Preliminary Sonoran Desert Conservation Plan Tortolita Fan Subarea 5

Honorable Pima County Board of Supervisors and Chuck Huckelberry:

During the past year and a half we have participated in the County's public meetings at the Arizona-Sonora Desert Museum. We have now reviewed the draft preliminary Sonoran Desert Conservation Plan dated September 26, 2000 (dpSDCP). We applaud this effort, and we appreciate the opportunity to respectfully submit to the Board the following comments:

Our comments center on the Tortolita Fan subarea 5, specifically its eastern watershed and wildlife corridors that straddle the Pima/Pinal County line.

This watershed is of critical importance to Eastern Pima County because it is the headwaters of the Tucson Active Management Area (TAMA). The northern slopes of the Santa Catalina Mountains and the eastern slopes of the Tortolita Mountains, are what recharge the headwaters of the TAMA. Surface water drains these two mountain ranges through Honey Bee Canyon, Big Wash, and the Cañada del Oro.

Urbanization of the Tucson Basin and Tortolita Fan has reduced the number of open wildlife corridors from the Santa Catalina Mountains to the West. The dpSDCP proposes a Tortolita East Biological Corridor funnelled between Catalina and Rancho Vistoso, an area that continues to grow at a rapid rate.

In this document we utilize the dpSDCP's evaluative system to propose that the whole CDO watershed, from Mt. Lemmon to the Santa Cruz, across county lines, be given High Priority for protection. We also propose that existing wildlife corridors in between the Santa Catalina Mountains and the Tortolita Mountains be given protection, since they are critical to the viability of large mammal populations in the area. Finally we try to list what we perceive as the current threats to the natural resources of this area, and the impact of massive masterplanned housing developments on rural residents and the public political process.

Riparian Habitat: the Upper Cañada del Oro Wash

Of all the watercourses in Subarea 5, the Cañada del Oro Wash (CDO) is the most significant, according to the *Priorization of Streams for Conservation in Pima County* Memorandum dated April 5, 2000. The dpSDCP acknowledges that the CDO is a Major Watercourse in Eastern Pima County, but it lists only Sutherland Wash as deserving Stream Protection in Subarea 5, and it does not include the CDO in the list of Most Imperiled River Systems. When describing potential options for reducing stress on watercourses within the Tortolita Fan Subarea, the dpSDCP omits to recognize the CDO, while acknowledging the encroachment of Big Wash.

The Riparian Conservation map in the dpSDCP highlights the CDO's significance in two different ways: as a Future River Park near the confluence with the Santa Cruz River; as a Ritain/Restore Natural Flood Plain through Oro Valley. Only Sutherland Wash is highlighted as a High Priority Riparian Conservation Area, and its watershed as High Priority Watershed Boundaries.

We found numerous statements in the dpSDCP that we are paraphrasing here below, because they all apply to the CDO:

> Criteria of Priorization in the dpSDCP include: presence of native fish; extensive areas of leguminuos tree forest, deciduous broadleaf forest, etc.; presence of endemic or threatened or endangered species. The above criteria are based on the following data concerning: availability of water; area of high-density of hydromesic vegetation; number of fish species recorded. The dpSDCP ranks the top 20 streams by these parameters: perennial stream length; intermittent stream length; area of hydro-mesoriparian vegetation; area of Xeroriparian Class A vegetation; area of shallow groudwater; presence of native fish.

> Long-term viability for species will be enabled by patches of habitat and connecting bilogical corridors that will establish an effective and lasting biological reserve.
>
> Riparian resources are the most threatened and vulnerable, and native fish and frogs are in a tenuous position. There are few locations in eastern Pima County where the water table is high enough to support riparian vegetation. Create natural riparian systems that also provide urban rivitalization, recreation, and park development. It is important that the urban community also experience the natural Sonoran Desert environment. This experience can be best delivered by riparing degraded riparian environments of our major drainage system.
>
> Restore the connection between interdependent components of river systems, maintain natural flooding, preserve and re-establish connections between channels and their floodplains, and their distributary flow zones. Restore the diversity of fluvial processes, such as movement of channels, deposition of alluvial sediments, and erosion of aggraded flood plains. Manage uplands to protect the functioning of riparian and aquatic ecosystems within the watershed. Manage point-source pollution to maintain water quality. Insure sufficient instream flow.

When addressing its method of Prioritization of Streams for Conservation, the dpSDCP also pinpoints the charachteristics of the CDO:

> Only those streams which have part of their length outside core reserves are of high priority for protection. Streams with relatively unimpaired water quality. Availability of water at a given site, signifying the potential for the establishment of quality riparian vegetation. Fish are also a good source of food for many terrestrial and bird species, which can greatly increase the diversity of an area with their presence.

The CDO's Perennial Stream Lenght is 4.2 miles, its Intermittent Stream Length is 1.2 miles, its Number of Recorded Native Fish Species is 2, according to Pima County's April Memorandum. The Upper CDO watershed collects rain and snow from 96 square miles of almost entirely National Forest Land: from Romero Canyon North along Samaniego Ridge (2,000 meters) to Bachman Wash and Oracle Hill (1,612 meters), South along Oracle Ridge to Rice Peak (2,000), and to Mt. Lemmon (2,781 meters). The CDO from Mt. Lemmon to Romero Canyon is twentythree miles long, sustaining the biological diversity of a Sky Island drainage, relatively untouched by human actions, at least as far as Saddlebrooke. We are aware that half of what we

described in this paragraph is in Pinal County.

Wildlife Corridors: the Tortolitas Peak/Cordones Corridor

The dpSDCP proposes that the Catalina State Park be expanded to the North along Sutherland Wash, for the purpose of joining it at Big Wash with the Tortolita Mountain Park, which is to be expanded to the East, towards Honey Bee Canyon. The joining of these two Parks would create the proposed Tortolita East Biological Corridor. The County's application to the State Land Department's Arizona Preserve Initiative to expand the park is the major proposal to protect open space and endangered species habitat in Subarea 5.

From Tortolitas Peak, through The Cordones, to the bend of the CDO below Biosphere 2 is another large-mammal corridor. Currently this corridor comprises 63 square miles, of which 59 square miles is undeveloped State Land, with protected National Forest Land to the East. All open land, except for Highway 89. The corridor is 8 miles wide West of the Highway, and 3 miles wide to the East. The Cordones offer refuge to wildlife, and facilitate the cross-over between the two mountain ranges. Existing and approved development will tighten the corridor to a mile width to the East of The Cordones.

Threats to the Natural Resources - Impacts on the Political Process

Saddlebrooke, Catalina, and Oro Valley utilize many wells located in, or near, the CDO. These wells are recharged from Mt. Lemmon, and they have already impacted the shallow aquifer of the CDO floodplain.

Because continued growth has occured in the streambed in Catalina and Saddlebrooke, flood protection can only be assured through consideration of the CDO drainage as a whole.

During the months prior to the general elections, the Pinal County Board of Supervisors approved four rezonings in this area, for more than 8,000 new homes. Eagle Crest development will fill in existing open space between Catalina and Saddlebrooke. Saddlebrooke Units 42 - 45 will block the entrance to the upper reaches of the Canyon del Oro. The development will reach to the edge of the CDO channel, and a large part of Saddlebrooke Unit 21 is in the flood plain. Robson engineers will raise this area with twenty feet of dirt by dismantling Golder Dam. The channelization

of the CDO happens along a two mile stretch where the stream bed is still visited by potent surface water flow.

Saddlebrooke Ranch is by far the largest of the recently rezoned communities, with 5,500 homes. It will lie just north of the previously described corridor, adjacent the Page-Trowbridge Radioactive/Toxic Chemical Landfill. This rezoning is currently being challenged by a citizens referendum drive. All these new developments and the well of Oracle are within seven miles of the dump, and will draw from the same aquifer.

These new communities will add four more golf courses to the area. The two existing Saddlebrooke golf courses continue to be irrigated with groundwater and not effluent. A new water company, Ridge View Water Company, has been established to provide water for Saddlebrooke Units 42 - 45. Golf courses are routinely counted as percentage of the open space requirements in Pinal County. Golf courses are not suitable habitat for wildlife, or meaningful wildlife corridors. These golf courses alone will strain the recharge capacity of the aquifer by 6 million gallons of water per day. This represents four months water supply for 20,400 homes with four people per home.

Little Hill Mines has expanded its operations East, behind the ridges of the Canyon del Oro. Recently they rebladed a mile section of the old road in the CDO's channel, from Irene Wash towards the Burney Mines.

Local area plans, such as The Lago del Oro Area Plan, The Cordones Area Plan, The Falcon Valley Area Plan, The Biosphere Ventures Area Plan, and the Oracle Area Plan, confirm the idea that the CDO drainage may soon lose its viability as a wildlife corridor, and that housing encroachment will completely surround the Santa Catalina Mountains.

Conclusion

We hope the Board will agree that the natural resources in Subarea 5, North of the Pima County line, deserve the attention of the Sonoran Desert Conservation Plan. Please support our efforts to develop this process in Pinal County. The strength of conservation is in regional planning. The northeastern portion of the Tortolita Fan watershed is rich in biological and cultural resources, please promote the need for more detailed scientific documentation, studies, and assessments. Lend your influence to maintain the integrity of the northern slopes of the Santa Catalina National Forest by the designation of the Upper CDO as a High Priority Riparian Protection Area. The

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Sincerely,

Giovanni Panza & Cate McCarthy

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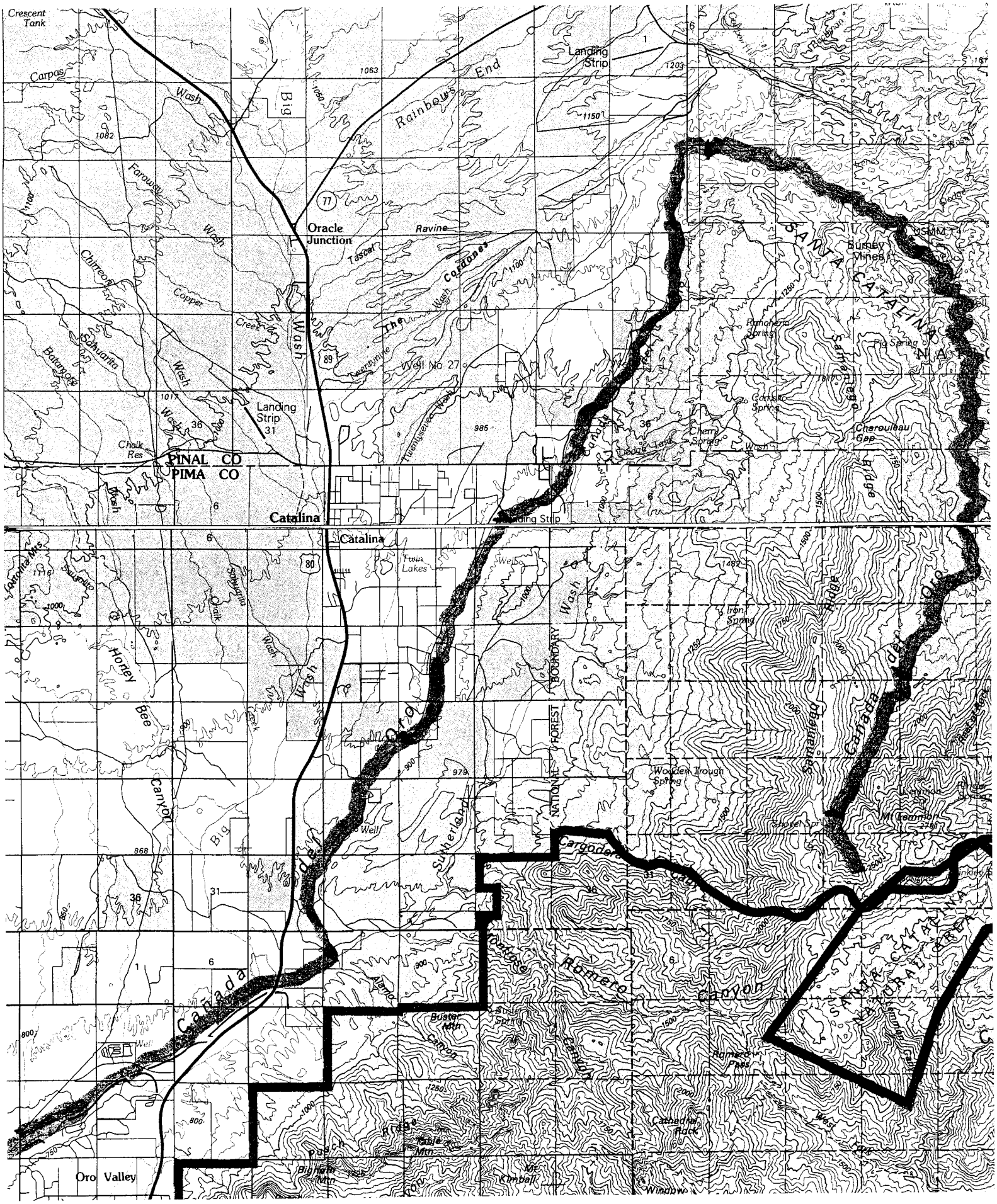
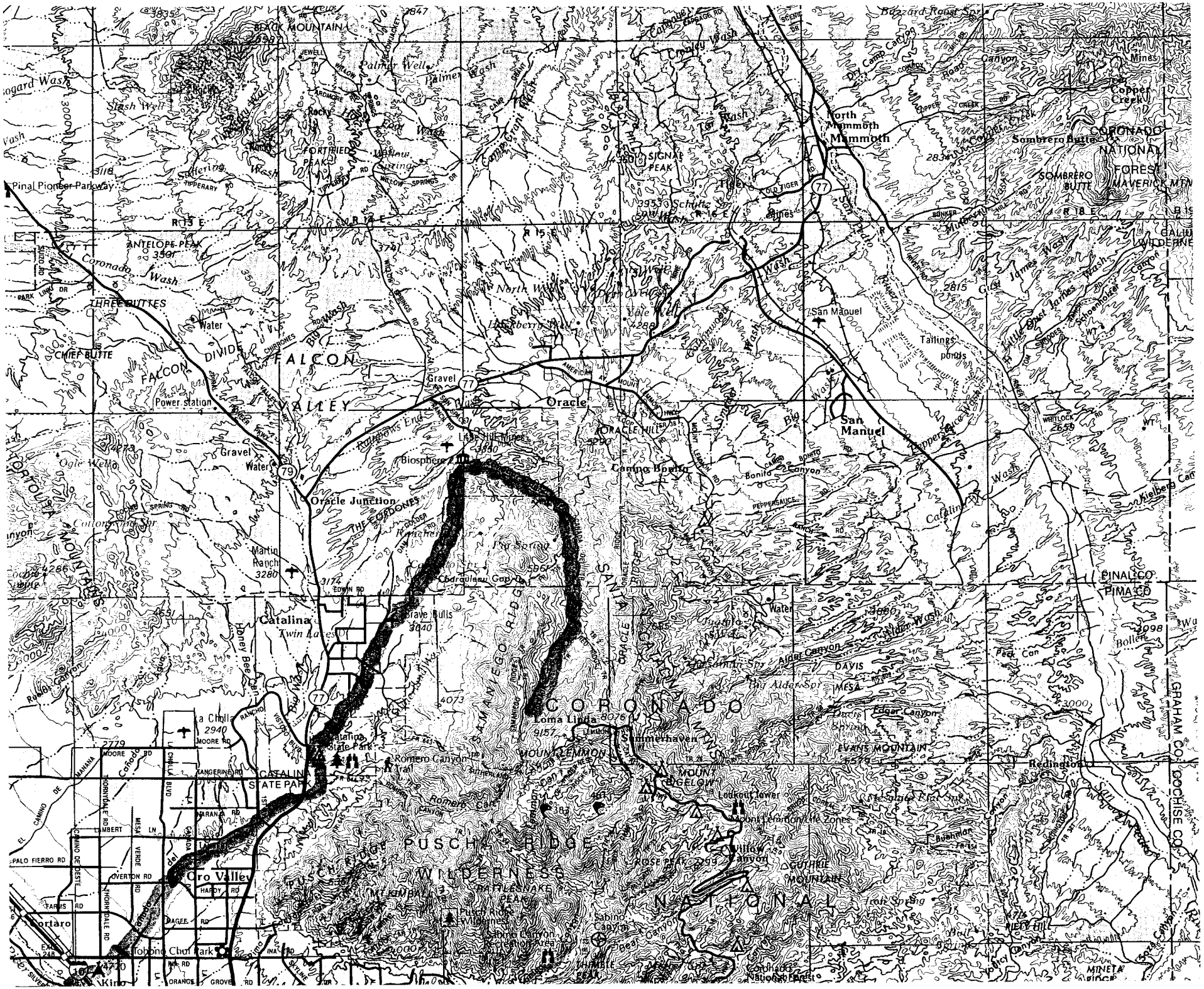


Crescent Tank
Carpas
Wash
Big
Rainbows End
Landing Strip
Faraway
Wash
Oracle Junction
Ravine
Tascal
The Cordones
Chirreon
Copper
Creek
Wash
Sahuarita
Batamote
Wash
Well No 27
Landing Strip
Chalk Res
PINAL CO
PIMA CO
Catalina
Catalina
Twin Lakes
Wells
Honey Bee Canyon
Big
Wash
Sutherland
Cañada del Oro
NATIONAL FOREST BOUNDARY
Wooden Trough Spring
Iron Spring
Ridge
Samaniego
Cañada del Oro
Mt Lemmon
Cargodera
Romero Canyon
Buster Mtn
Canyon
Romero Pass
Cathedral Rock
Pusch Ridge
Table Mtn
Oro Valley
Bigham Mtn
Mt Kimball
Window
SANTA CATALINA NATURAL AREA
Burney Mines
Rancheria Spring
Pig Spring
Carrillo Spring
Cherry Spring
Charouleau Gap
Dodge Tank
Wash
Ridge



Pinal Pioneer Parkway
BLACK MOUNTAIN
Palmer Well
Palmer Wash
Rocky
FORTIFIED PEAK
Willow Springs
Suffering Wash
ANTELOPE PEAK
3501
Coronado Wash
THREE BUTTES
CHIEF BUTTE
FALCON DIVIDE
FALCON VALLEY
Power station
Gravel
Water
Oracle
Oracle Junction
THE CORDONES
Biosphere 2
Little Hill Mines
Martin Ranch
3280
Catalina
Twin Lakes
Brave Bulls
3040
Honey Bee Can
La Cholla
2940
Catalina State Park
Romero Canyon Trail
CATALINA STATE PARK
Oro Valley
Tohono Chul Park
Cortaro
Kino
PUSCH RIDGE WILDERNESS
MT KIMBALL
RATTLESNAKE PEAK
Pusch Ridge Wilderness
Sabino Canyon Recreation Area
Sabino Canyon
Bear Canyon
Loma Linda
9157
Summerhaven
MOUNT LEMMON
MOUNT BIGELOW
Lookout Tower
Mount Lemmon Life Zones
Willow Canyon
ROSE PEAK
GUTHRIE MOUNTAIN
Iron Spring
Redington
EVANS MOUNTAIN
DAVIS MESA
Alder Canyon
Edgar Canyon
Big Alder Spr
Peck Can
Bollen
Kielberg Can
Catalina Wash
Pepperauce Wash
Tailings ponds
San Manuel
Camp Bonito
Bonito Canyon
ORACLE HILL
Big Wash
Tiger
Schultz Spr
Mammoth
North Mammoth
Copper Creek
Sombrero Butte
CORONADO NATIONAL FOREST
MAVERICK MTN
Buzzard Roost Spr
Dry Camp Canyon
Cronley Wash
Tor Wash
Mulberry Wash
Gust James Wash
Little Gust James Wash
Schoenholzer Canyon
Kiel Canyon
Sonora Canyon
Youcy Canyon
Mineta Ridge
PINAL CO
PIMA CO
GRAHAM CO
COCHISE CO
TORTOLITA MOUNTAINS
SANTA CATALINA MTNS
SAMANIEGO RIDGE
ORACLE RIDGE
CORONADO NATIONAL

KATHRYN A. PENSINGER
4350 E. Placita Panuco
Tucson, AZ 85718
(520) 577-6665
FAX (520) 577-1211

November 20, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix AZ 85021

Re: SONORAN DESERT CONSERVATION PLAN (SDCP)

Dear Mr. Harlow:

I am writing to you as a citizen concerned with the preservation of plants and animals of the Sonoran desert. In devising the plan, I urge you to consider the following points:

The establishment of a regional preserve will likely be necessary to carry out the County's SDCP goal of ensuring the long term survival of the full spectrum of plants and animals that are indigenous to Pima County.

A preserve area and species-specific management and monitoring plan, identifying precisely how species management and monitoring will be accomplished must be included in the draft and final SDCP.

The SDCP must ensure, through scientific documentation, analysis and peer-review, the survival of covered species and contribute to the recovery of these species relative to the extent of their historic range and distribution in Pima County.

The County must not act to greatly increase the value of private properties which may be important for implementation of the SDCP through haphazard or premature up-zoning and/or development approvals.

In addition to evaluating the effects of a preserve system, the Service's Environmental Impact Statement (EIS) should evaluate the impacts on endangered species and other wildlife in areas where development proceeds.

RECEIVED
NOV 22 2000
U.S. FISH & WILDLIFE SERVICE
ES STATE OFFICE PHOENIX, AZ

The Service's EIS should investigate and disclose the effects of increased water and air pollution which will occur from development to be allowed under the SDCP.

Consideration should be given to creation and maintenance of wildlife corridors, both for areas of new development, and to provide safe corridors under existing roadways.

Thank-you for your efforts to protect our unique and irreplaceable environment.

Sincerely,

Kathryn A. Pensinger

743-3162

LLOYD J. PERPER
PROFESSIONAL ENGINEER
ARIZ. REG. 2391

6700 W. EL CAMINO DEL CERRO
TUCSON, ARIZONA 85745

11/24/00

Mr. David Harlow, Field Supervisor, USFWS
Phoenix, AZ FAX 602-640-2730

Dear Mr. Harlow:

With regard to the Sonoran Desert Conservation Plan, whose scoping comment deadline is today, I want to make known my comments as a landowner. I currently own or control 120 acres in the Tucson Mountains, for which I will be pleased to provide details on request.

My message is that I support SDCP, the Pima County Supervisors, and the Tucson Mountains Association (of which I am a member), in their efforts to preserve the pristine quality of this unique region and would urge all landowners in the area to do the same.

I consider the protections of ownership rights to be largely fair and adequate, and would oppose most future efforts to up-zone for profit enhancement. The land was acquired subject to known restrictions and no right exists to avoid them

As regards down-zoning, I believe it can be done fairly where required without comprising a taking.

I trust you will find that other landowners will support a conservation plan that is best for the public and potentially for themselves as well.

Sincerely,

Lloyd J. Perper

FAXED
11-24-00

December 27, 2000

C. H. Huckleberry
County Administrator
Sonoran Desert Conservation Plan
Pima County Administrators Plan
130 West Congress, 10th Floor
Tucson, AZ 85701-1317

Dear Mr. Huckleberry,

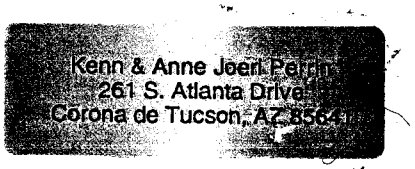
We request that all development and zoning decisions regarding the Santa Rita Ranch Specific Plan (First Amendment) Co23-87-03 be deferred until the Draft Preliminary of the Sonoran Desert Conservation Plan (SDCP) is completed.

Respectfully Submitted,

Anne J. Perrin

Signature

ADDITIONAL INFORMATION:



Sonoran Desert Conservation Plan (SDCP)
Pima County Administrator Plan
130 West Congress, 10th floor
Tucson, AZ 85701-1317

Attn: C. H. Huckleberry
County Administrator

Phone: 520-740-8661
Email: www.SDCPonline.org

Public comment regarding the SDCP should be submitted in writing to the address listed above by **January, 1, 2001**. It would also be helpful to include a testimonial that lists the indigenous flora and fauna that you have seen from your yard on during hiking. Examples would include but are not limited to the following:

Hawks ✓
Hummingbirds ✓
Cougars
Bears
Bob Cats
Ring Tail Cats
Golden Eagles
Turtles
Frogs ✓
Owls ✓
Coyotes ✓
Javelinas ✓
Snakes ✓
Deer ✓
Toads ✓
Rabbits ✓
Jackrabbits ✓
Butterflies ✓
MOSQUITOS - 1st time in 13 yrs of living here - this summer.

We live in Corona de Tucson

January 1, 2001

Chuck Huckelberry, County Administrator
Pima County
130 West Congress, 10th floor
Tucson, Arizona, 85701

Re: Input on the Sonoran Desert Conservation Plan

Dear Mr Huckelberry:

As project manager of the North Simpson Farm Riparian Recovery Project (a riparian recovery project on the Santa Cruz River west of Marana), I would like to provide the following input on Pima County's preliminary draft Sonoran Desert Conservation Plan. This project is administered through the Tucson Audubon Society.

The goal of the Simpson Farm project is to enhance and diversify riparian habitat along the Santa Cruz River. The project site is located in northern Avra Valley within Pima County. The site is particularly vulnerable to large flood flows, so maintenance of the natural integrity of the river, its tributaries, and their watersheds is essential to the health of the river here and all along its length.

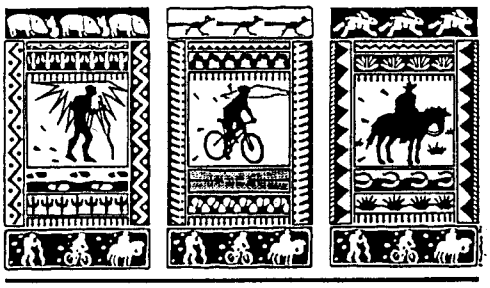
Preservation and enhancement of the Santa Cruz and its tributaries should be a key component of the Plan. Channelization contributes to increased flood peaks in northern Avra Valley as does massive paving in urban areas. It is critical that the river be managed with its historical braided nature in mind. Building should not be allowed in historical flood plains and further channelization should be avoided at all costs. Inclusion of these restrictions in the Plan would help ensure a more viable future for the river.

The North Simpson site is at the northern end of Avra Valley. One of the major problems with the viability of the desert in Avra Valley is the bisection of the valley by the CAP Canal. Many additional wildlife bridges are needed across the canal to maintain the genetic health of large mammals in this part of the Sonoran Desert. This too should be incorporated in the plan.

One of the strategies that will be used in revegetation efforts at the North Simpson site is rainwater harvesting. This is an underutilized strategy that has tremendous potential to remove pollutants from stormwater, reduce flood peaks and reduce groundwater overdraft. Incorporating a County-wide rainwater harvesting requirements would be a valuable addition to the Plan with multiple benefits.

I want to add my personal comments to this letter as well. I have lived in Pima County for 30 years, and stay abreast of development issues in my small community of Sahuarita, and in Pima County overall. When I walk in the desert these days, one part of me enjoys the beauty and peace and another part of me wonders when this particular piece of land will be bladed and replaced with houses. Please don't let the real, living fabric of the Sonoran Desert be shredded beyond recognition. Please ensure that the Sonoran Desert Conservation Plan lives up to its potential to preserve this irreplaceable ecosystem.

Sincerely,
Ann Audrey Phillips
Project Manger, North Simpson Farm Riparian Recovery Project
Citizen of Sahuarita, Arizona



PIMA TRAILS ASSOCIATION

Post Office Box 41358
Tucson, AZ 85717
(520) 577-7919
http://www.pimatrails.org

December 29, 2000

The Honorable Sharon Bronson, Chair
Pima County Board of Supervisors
130 W. Congress
Tucson, Arizona 85701

Re: Pima Trails Association Comments on the Draft Sonoran Desert Conservation Plan

Dear Supervisor Bronson:

Pima Trails Association ("PTA") is pleased to provide input on the draft Sonoran Desert Conservation Plan (the "Plan"). We fully support conservation of open space and the Plan looks terrific.

PTA believes that trail-based recreation is compatible with the Plan's values. The hiking, mountain biking, and equestrian activities that form the backbone of local outdoor recreation will not detract from the Plan's conservation goals, but in fact will develop and sustain public support for its sweeping proposals. However, we noticed very little discussion in the document regarding recreation, particularly trails-based recreation and how the Plan might affect those opportunities. PTA asks the Board to consider the following:

1. Mountain Parks:

   - How will the Plan affect trail and recreation opportunities in both existing and future mountain parks, such as Tucson Mountain Park and Santa Rita Mountain Park? (The proposed Santa Rita Mountain Park includes trails listed on the Eastern Pima County Trail System Master Plan (the "Trail System".) Could these questions be addressed in the Plan's next version?

   - Several mountain parks included in earlier versions of the draft Plan have been deleted. PTA supports creating additional mountain parks and recreational trail opportunities within them. Please consider reinstating those parks.

2. Arizona Trail: How will the Plan affect the Arizona Trail? The Arizona Trail passes through many natural areas, including Colossal Cave Mountain Park and possibly the Davidson Canyon area, and is and will be a trail shared by hikers, equestrians and mountain bicyclists.

3. River Park Development: The Plan's Riparian Conservation map shows future river park development to be rather limited. This part of the Plan is inconsistent with the Trail System, the City of Tucson's current plans for the Pantano corridor, and more. Please consider expanding river park development to be consistent with prior planning.

4. Recreation Advisory Team: PTA recommends that a Recreation Advisory Team similar to the Plan's Science Advisory Team be created. This team would be a great tool for public input, given the importance of public recreation to the community and the Plan's significant potential impact on recreation. This team would advise Pima County on recreation issues related to the Plan and work with County staff to find win-win solutions.

5. Environmental Impact Statement: Can the environmental impact statement that will be prepared as a part of the planning process address the following issues?

   - The Plan's impact on trails-based recreation generally and the Trail System specifically?
   - The Plan's impact on trail uses allowed in existing and future mountain parks and natural preserves, such as Tortolita Mountain Park and the proposed Santa Rita Mountain Park.
   - The Plan's impact on the Arizona Trail.

6. Ranch Conservation Area: We are unsure what a "Ranch Conservation Area" entails. What are the characteristics of these designations, and what will happen to the recreation opportunities that presently exist within them?

Thank you for considering our comments. PTA looks forward to working with Pima County as a partner in developing and applying the Plan.

Sincerely

Sue Clark

Sue Clark, President

cc: Chuck Huckelberry, Pima County Administrator
Pima Trails Association Board

2302 E. First St.
Tucson, AZ 85719

December 22, 2000

Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 W. Congress, 10th Floor
Tucson, AZ 85701

Dear Mr. Huckelberry:

We are writing you today to comment on the Preliminary Sonoran Desert Conservation Plan. Let us say at the outset that we strongly support the ideas behind the establishment of this plan and also the comprehensive scope of the proposal. The Preliminary Plan appears to be a well-researched Habitat Conservation Plan, which is wide-ranging in its goals and intent. Such a plan is, we feel, necessary for the continued quality of life for all the inhabitants, the non-human as well as the human, of Pima County. It will attempt to improve ecological conditions in many areas of the county, and is therefore a most welcome and long overdue plan for the future of the county. We have a few comments on the major elements of the plan as they are indicated in the Preliminary Plan document.

Ranch Conservation The ranch conservation element is, in fact, the element about which we have the most concerns. While ranches do have a role in conserving open space, we do not believe that current scientific evidence supports the view that ranching in arid regions, such as Pima County, is ecologically sound. A landscape inhabited by people is important to the future of our region, and ranching, which may preserve open space, is an important activity in that regard. However, open space is not equivalent to a biologically healthy region simply by virtue of its low population density. We urge you to reduce the prominence of the ranching element in the Preliminary Plan, and remove statements that imply that ranching is biologically or ecologically beneficial to the survival and prosperity of rare, threatened or endangered species. Please also minimize efforts to subsidize continued ranching when the health of the ecosystem is at stake.

Historic and Cultural Preservation We fully support the proposals regarding the historic and cultural preservation element. Our desire to establish a population that feels fully at home in our desert region depends very much on people understanding the historical and cultural foundations of our current existence here. Please do not let the importance of this element become diminished, or diluted by too great an emphasis on the last one hundred fifty years or so of the history of this region.

Mountain Parks We fully support the proposals contained in the Mountain Parks element of the preliminary plan. Places located in the mountain parks are important to all the desert inhabitants. Both of use have often gone into the mountain parks in our county seeking recreation, relaxation, and renewal of spirit. Most important from a biological perspective is that we try to increase the scale and integrity of these places to provide for habitats that can

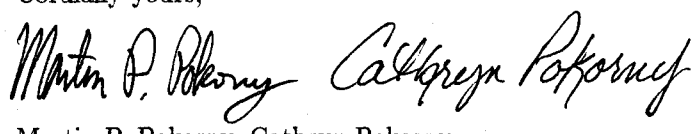
sustain a rich biological diversity.

Riparian Protection, Management and Restoration This element is very well-researched, and contains very important considerations for the Preliminary Plan. We fully support its recommended actions, and urge you to keep this element, and the following elements in this list at the highest priorities.

Critical and Sensitive Habitat; Biological Corridor Conservation These elements represent the heart of the designation of a Habitat Conservation Plan. The other elements are all worthwhile components of the Preliminary Plan, but the habitat elements are *the* most important and central elements to the entire plan. Specifically, these elements, together with the previous element, ought to provide the ultimate baseline along which the plan and its actions should be measured. Good habitat, after all, is the most important resource for the continued survival of all the species that live in the Sonoran desert region.

We are very supportive of the Preliminary Sonoran Desert Conservation Plan. We truly hope that it will provide Pima County with a plan that will help to ensure a prosperous future for all of us who live, work and play here. Please help to ensure full funding for this plan, and the cooperation of all concerned parties. The wealth of species that live here with us, and the landscape that we live in, is a treasure that we must work to protect. Our congratulations go to all those who have worked on this important, far-reaching step in that direction. Please consider the comments that we have made, and vigorously pursue the implementation of this plan.

Cordially yours,



Martin P. Pokorny, Cathryn Pokorny

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

My parents were stewards of land for 35 yrs in Corona del Tucson.
Their (now) nature trees brought owls + many many other birds to Corona.
They developed hikes in area for So Arizona Hike Club.

I want to be involved.

762-5233

NAME Jen Ryle
ADDRESS 112 W. Rock St.
CITY Corona AZ
ZIP 85641

Comment on *Draft Sonora Desert Conservation Plan* for Pima County, Arizona, USA

Delivered to Pima City Administrator's Office December

Citizen Input by:

Jennifer M. Pyle
Legislative Liaison
American Legion Post 109

Family Residence Since 1964
112 CN W. Rock Street
Corona, Arizona 85641

December 25, 2000

TO: All Government Personnel and Interested Citizens either involved in or with authority over the above referenced plan, hereafter SDCP.

ATTACHMENTS: Mailing List and all Attachments with Diskettes will be sent to Chair of Science Steering Committee and should be considered as part of Comment intended for use in the final SDCP. Some Information considered sensitive is not attached to this letter for Public Review.

REGARDING: My Community Area, hereinafter AREA, as affected by SDCP, and by 5-6 development plans in various approval stages December, 2000 to January 2001. Some discussion will focus on the Corona del Tucson area where initial intensive development has already been approved.

AREA DEFINED:

AREA is roughly south/southeast from Interstate 10, to the Crest & Western Watershed Divide of the Santa Rita Mountains. It encompasses the entire WESTERN slope and foothills of the Santa Rita Mts. from Mt. Fagan to Madeira Canyon. Houghton Road on both sides, 10 miles in width from I-10 to its dead end at Mt. Fagan & Coronado National Forest and then southeast through Johnson's Ranch contains the richest riparian habitat. This AREA is half of the Santa Rita Mt. ecosystem. This ecosystem runs along Sahuarita Road from 1-10 to Santa Rita Experimental Range, on both sides, through to the Coronado National Forest boundaries, to the western watershed crest of Santa Rita Mountains. MAPS ATTACHED include USGS - Sahuarita, Arizona,

N3145-W11045/15, 1958 and other base maps prove the AREA contains ALL THE SDCP ELEMENTS in PUBLIC AND PRIVATE LANDS. PC Diskettes will be sent with all Attachments to

How this AREA is developed, or conserved, will affect the only existing reserves of eastern Pima County - Madeira Canyon, Cienega Creek, and Saguaro National Park East.

PUBLIC LANDS & ITS DISPOSITION:

The governments of Tucson, Pima County, Arizona State, and USA own most of the land of the AREA, allegedly "in trust" for the citizens. Corona del Tucson sits in a pocket of private land within public lands. SDCP of Pima County should become the controlling land use plan over county land and this private land in unincorporated Pima County. That the county can only indirectly control city, state, and federal land use, through "cooperative" efforts is a big threat to implementation of SDCP in our Area. The draft SDCP admits that State trust lands are a commodity and the mission of Land Department is to dispose of this commodity, not to protect it and manage its cultural and natural resources for the good of the Public Trust.

The residents of the AREA are very concerned about the future disposition of the State open trust land. State Land because it contains all the Elements is crucial to conservation of the SDCP Elements in the AREA. However, negotiations are already proceeding to sell it to the highest bidding developers; it has the weakest controls and is the most vulnerable to development. Tucson just annexed 26 square miles of state land for its future industrial and residential expansion south of I-10 just west of AREA. State Department of Transportation is in an EAS review period of its Sahuarita Corridor Freeway through lands one mile west of AREA. But this appears to be a done deal, ignoring the EAS process; and may be the reason why Tucson annexed up to the Corridor route and not beyond it.

Arizona Public Service is proceeding with its plans to build less than one mile from AREA a big Power Line to Nogales for the sole purpose of selling its excess power to Mexico, a project US Department of Energy says does not require an Environmental Impact Statement. Why does not APS sell its excess power to California and other USA

users? Why can not Nogales remain the Port of Entry and become the NAFTA center - with its own Power Plant?

The small amount of our AREA that SDCP would control becomes extremely important when the Big Picture of NAFTA is considered. Precisely what is going to be left to conserve under SDCP if all the current development plans are approved even before its final adoption?

My Personal Knowledge and Experience:

My parents, JC Pyle and Lois Love Pyle, lived here at Rock Street as permanent residents from 1964 to October 2000 (death of my mother at 90). They were extremely active members of Southern Arizona Hiking Club, helping to develop the hikes in Santa Rita Mountains, and were supporting members of Corona community including the golf course. I visited here and hiked with them many, many times. Since 1986 (my father's death) I owned the family home with my mother and resided here half the year every year to take care of my mother and her wildlife yard and garden. I have personally observed all flora and fauna in the Listings of Observed Flora and Fauna. These Listings will be sent directly to the Chair of the Science Steering Committee due to their sensitive nature with diskettes of my Father's Maps.

I believe that I am the only resident of Corona del Tucson or Wentworth community even to see the Draft SDCP, much less read and study it. I had less than a month to review it before the Public Comment deadline and feel strongly that Adequate Notice was not given either to Corona del Tucson, Vail, Wentworth area or to any residents of the Western Slope of the Santa Rita Mountains. Of course, the developers all received Notice. I am submitting with this Public Comment, copies of the Citizen Petitions and Written Protest to Santa Rita Specific Plan (First Amendment), to be part of an AREA WIDE response to the Draft SDCP. I request that my Public Comment be received also on behalf of all these Citizens who did not have the opportunity to read the draft preliminary SDCP.

General History:

The only existing residential community of the Western Slope of Santa Rita Mountains is Corona del Tucson (New

Tucson) established in late 1950's to early 1960's. No other predates Corona that has a church, fire station, commercial businesses, golf course, residential lots of approximately 1/3 to ¼ acres, whose mature "old growth" vegetation supports varied wildlife and whose population reflects USA, with children, pets. A band of pristine Sonoran desert landscape surrounds Corona that saw only limited grazing. No other desert community close to the Tucson City Limits in the entire Pima County AT THIS TIME has changed so little for 25 years and is still surrounded by Public Land - Federal, State, and County - that shelters the complete flora and fauna of the Sonoran Desert. That is, MOST of the flora and fauna since the "specialities" were robbed or illegally hunted. Most of Corona's commercial businesses date from the 70's. Corona was on its way to becoming a tourist destination of the Santa Ritas as hikers, birders, road and mountain cyclists, horseback riders have been steadily growing in numbers.

For years residential sprawl was contained in this area because only Corona had a ground water well. This resulted in a slow growth that preserved the pristine character of the entire Area and allowed the historic ranches to continue economically. The second element of control was the lack of access to this Western Slope AREA. Houghton Road ended at Mt. Fagan Ranch and Coronado National Forest, and Sahuarita Road was rough and unpaved from its intersection with Houghton to I-19. Sahuarita Road to Houghton was part of the Scenic Highway system. Only the land on Wentworth near I-10 saw a wildcat development that, however, also continued the trend of siting residential homes within the desert landscape. NO other scrap and blade developments occurred in the Area north of Sahuarita Town and Green Valley after the initial Baptist Church Development Company of Corona began.

Four major negative impacts occurred in 30 years. First, the 3 government landowners, federal, state, and county did not control the stripping off by plant rustlers of the distinctive Sonora Desert plants like the green-white stripped Agave and Saquaro cactus. Nor did they control the year round hunting of game and non game species by Tucson residents and others. State Fish & Game, Forest Service, and BLM told my father in the early 80's that they had "abandoned" this area because of lack of funds to monitor illegal hunting. Ironically, today, we see more game and non game species than in the 80's as the wildlife

flees from the development in Vail & Rincon Mts, and from the development marching up from Sahuarita and Green Valley.

Second, City of Tucson convinced Corona residents to approve the sale of their ground water well to them, with a promise of lower water bills - a promise not fulfilled. Yet Corona could not and can not vote on the CAP water issues at all. And it is the current presence of Tucson water lines that is fueling the current and future urban sprawl into the AREA.

Third, and worst, negative action was the paving and widening of Sahuarita Road from Houghton south to I-19. This was ONLY done for the convenience of Sahuarita, Green Valley, and Mexican truckers.
Now that road is a major commuters' route to and from Tucson from Green Valley, Sahuarita, and Mexico and New Mexico. All night Diesels use this cutoff from I-19 to I-10 and roar through our community. During the day for every one car coming to and from Corona there are 500 commuters. Although Pima County promised to control this traffic, in fact, that was, and is another promise made and broken. One Attachment contains a photo of a female Golden Eagle cut down doing this heavy morning traffic.

Although Corona was developing into a scenic highway route and destination for cyclists, hikers, birders, and other tourists, that eventuality is being seriously compromised. 5 movies were made here since the 60's including "Tin Cup" because of the unspoiled desert landscape, down to earth, end of the world atmosphere of Corona and the Santa Rita Mountains. What are the odds this will continue?

Now our joke that only Hollywood knows the location of Corona is not funny any more. The community with the cleanest air in the Tucson Valley where the Jarnac Observatory located is now facing a rapid deterioration of air quality, of peace and quiet, of access to the national forest, and the destruction of our wildlife and its habitat. Few of the governments' actions have positively benefited Corona, NOR the ecosystem of our Area, in the past. Will history show SDCP having the same negative effect, by focusing development here while it saves elsewhere?

Discussion of SDCP's Effect on Our Area:

From my study of the preliminary draft SDCP, and the observation of the continuing approval of developments INSPITE of this planning process, I conclude that SDCP is having, and will have, mostly a negative effect. It has stimulated an unprecedented urban sprawl of wildcat building and development since the planning process began. Developers are rushing to be grandfathered into existence in the area where they perceive a vacuum of restrictions. And why else did Tucson rush to annex 26 square miles of adjacent state land in one week, if not to avoid future restrictive landuse planning of the county?

One of my community's biggest concerns is the disposition of the State Open Trust lands of our area; that's why I discuss it again. Many residents are firmly convinced that secret discussions already have determined the selling of ALL the state open trust lands of our area to developers that are not needed for the freeway and powerline. The City of Tucson's annexation is just the beginning. And yet, for example, even the section on Houghton Road along with the County land is a very rich riparian area that provides habitat for all of the migratory and residing species of Pima County. And this is just one of numerous vulnerable areas of state land ideal for conservation in our Area.

Discussion of Lack of Supporting Data for SDCP:

Anyone reading the draft SDCP maps would conclude that no community exists here with property or lifestyle rights, as well as no Sonoran Desert landscape, no wildlife, no riparian areas, no wildlife corridors or habitats, no historic ranchlands, no cultural/historic resources, nor any underground aquifers. County planning staff sees nothing at all worth preserving or incorporating into the SDCP. This conclusion was the Steering Committees' conclusion based on "best available data." No wonder - I myself could find NO detailed studies, surveys, or maps in existence done specifically on OUR AREA. To list these in a bibliography of our AREA, I called over 24 organizations, departments, and offices of non-profit, university, county, state, and federal entities. A big data gap is that he Nature's Conservancy said their EcoRegional map (adopted for SDCP) did not reach this area. Only Arizona Game and Firsh Liaison to SDCP said that, although not detailed and finished as yet, their information submitted to the county was sufficient to support a complete deferment on

development plan requests in this Area, pending the more detailed mapping of SDCP elements in the FINAL SDCP.

Lack of mapping of SCDP Elements is Allowing Developments to Get Around the Plan:

The SDCP's initial "draft" maps exclude Corona (and Vail); not even their names are on the maps. The ranching map is inaccurate and does not contain stars for all our historic ranches nor the historic roads such as Old Vail-Helvetia Road. The other maps do not show details like riparian areas even though Houghton Road has a well known THREE MILE WIDE flood plain and Corona area itself is crossed by very deep arroyos.

Only one proposed "reserve" is listed - a 1,000 acre Mountain Park next to Santa Rita Experimental Range. But this "park" was compromised already by the December approval of the Caiman Island development in Sycamore Canyon. This is our only major riparian area next to an existing federal reserve sitting on a large aquifer. It is also important to the USA Mexico migration flyway between Saquaro National Park East and Madeira Canyon. It also connects to Santa Rita Experimental Range. Yet this Caiman Islands/Canoa Homes development with commercial center was approved to go forward right on top of the aquifer. The Board of Supervisors quietly approved this plan at a hearing where everyone was focused on the Canoa Ranch issue. (Thank goodness Virgil Johnson died in October before that hearing, which has apparently doomed his nineteenth century ranch). My father's Game and Fish map shows this area was historically administrated as a State Wildlife Area!

Santa Rita Specific Plan at Corona:

Up for hearing on December 27 before the Planning and Zoning Commission is another development also directly next to the existing reserve of the Cornado National Forest. In the Request for Substantial Changes of Santa Rita Ranch Specific Plan, the County Staff Report states:

"There are no elements of the SDCP applicable to the subject site in general..."

And under their Recommendation of Modified Approval, the Staff further state,

"The subject area is generally not subject to the elements of the draft Sonoran Desert Conservation Plan."

I know from talking to those 24 persons involved in the SDCP that these statements may stem from the lack of detailed information gathered and available for Planning Staff, members of Planning and Zoning Commission, and Board of Supervisors on this Area. Precisely because there is insufficient information, Staff should not be recommending even modified approval of this Specific Plan or any other plan in our Area.

If you do not know what is actually here, how can you NOT defer these zoning and development requests until the planning process has concluded and the final SDCP is adopted?

Another reason why this Santa Rita Plan Needs Deferment:

This Specific Plan does not "protect to a substantial degree, natural and cultural resources contained in the area (at least 65 percent of these resources) nor is a substantial portion of the property set aside to preserve habitat and create open space." This should be the only way this development could continue toward its bulldozing deadline of Summer of 2001, according to this policy of the Draft SDCP Policy Statement of Memorandum of Board of Supervisors (September 2000).

(At the December 27th hearing the Zoning Commission only postponed consideration of the Santa Rita Plan for six weeks, not one year. Apparently the Draft SDCP does not apply to our area.)

The detailed Riparian Maps for the SDCP have just been completed and in fact, are not available until the week of this hearing. Neither the Community nor the Developer and I submit, the Planning Staff, has had the time to study them. NONE of the other Element maps have been completed which would allow a thorough review of the actual Elements of SDCP on this site. Therefore, neither the Developer nor the Planning Staff has any basis for any such statements that SDCP elements are not applicable and are not in fact on this site area. How can this conclusion be reached when

the final Plan and its detailed mapping have not been finished? And how can this conclusion be made even before the Public Comment period of the SDCP is over?

The following is a short list of Elements of SDCP, I find in the area of the Santa Rita Specific Plan.

Wildlife Habitat - classic Sonoran Desert landscape identical to Sonoran National Park East. The only vegetation missing in natural numbers is that of Saquaro Cactus, stolen during the 70's after people realized how to recognize the baby plants. Worldwide conservation of ideal habitat is being done with plans to reinstate or to recover ideal landscapes. SDCP has this component also and should apply to our Area especially where large Developments want to site.

Wildlife - ALL species of the National Park have been observed in this development site and other locations. Numbers of Great Horned Owl and Hawks, including Golden Eagle and Swainson's Hawk live and hunt there. Corona's "old growth" has attracted approximately 45 Great Horned owls, and I submit this is the biggest concentration in the smallest area in Pima County. Cougar, bear, and bobcat travel through this site into and out of the Cornado National Forest. At least one permanent pack of coyotes has been observed on the Santa Rita Ranch site for many years.

PLEASE NOTE: No official surveys have been done by qualified neutral scientists. The pigmy owl scientist Michael Terrio told me that neither he nor any scientist he knows has studied THIS development site nor any site in our area for Ferruginus Pgymy Owl. The protocol of a pygmy owl survey takes 14 months. Santa Rita developer intends to begin bulldozing this coming summer of 2001 after approval of the Special Plan and Amendment. An example of how lacking current landuse ordinances are: Santa Rita Ranch Developer intends simply to "mitigate" Pineapple Cactus by transplanting.

Riparian Habitat and Important Vegetation - Numerous Washes occur in the 435 acres. 25+ year old Palo Verde, Desert Hackberry, Mesquite, and other important Desert plants exist in AND around these Washes. The developer admits to existence of Pineapple Cactus and intends to dig them up and transplant them, not conserve them. Large stands of

Ocotillo, Cholla, Prickly Pear including Santa Rita prickly pear live here and will scraped up by the developer.

Historic Ranch - Mt. Fagan Ranch. Present owner protests this Specific Plan and its Requested Amendment. He wonders why his ranch is NOT considered an "element" in the SDCP ranching element.

Proximity of Existing Reserve - This development is next to existing Federal Reserve - the Cornado National Forest. An important Migratory Corridor for Birds, Butterflies, Bats, and Mammals runs through this acreage. A stable community of Sonoran Desert wildlife species uses this acreage to move between the national forest's upper elevations and the desert "Bajada" rich with food.

Amendment to Specific Plan Violates Principles and Guidelines of SDCP and Federal Section 10 Permit:

The developer's siting proposal will cut this acreage up and leave no more than 30% for open space. But this open space is just the land that he can not site houses on anyway, such as steep slopes and washes. Right now he could claim "functional space" as his Golf Course. This plan's goal is to construct as many houses as possible on the acreage without regard to migratory corridors and other conservation tenets. Even he admitted that it would be the same as the Rita Ranch development on Houghton, the Citizens" Example of what they do not want.

Approval of this zoning request will frustrate the intent, the principles, the policies, and the planning process of SDCP. The same goes for any and all development plans being rushed through in 2000 - 2001 along the Western Slope of the Santa Rita Mountains. Furthermore, that approval of these development plans NOW, in 2000-2001, BEFORE the SDCP is completed, may jeopardize the County's receiving the Section 10 Permit under the Endangered Species Act that it so desires.

Discussion of Area's part in the Sonoran Desert Ecosystem:

Santa Rita Mountain Range is one of Arizona's Sky Islands and one of the most important such ecosystem in the Tucson Valley. Along BOTH sides and through it fly the major migratory birds and butterflies of the Mexican - USA migration. A migration between Western Santa Ritas and

California also exists. Between Madeira Canyon on the south end and Rincon Mts. on the north end lies our Area. It is crucial for resting and feeding of the 200 migrating species documented in Madeira Canyon that also occur in Saquaro National Park East.

The nectar highway of the Forgotten Pollinators goes through our area. Many of these migratory species spend mild winters in what is the WETTEST side of the Santa Ritas - the Western Slope. The entire listing of nectar and larva food plants exist here and Corona residents like myself are growing ALL of the other recommended plants for Butterflies and Hummingbirds. We now have Individuals who live through the Winter here. Scientists believe that a large group of the Monarch butterflies which migrate in Autumn to the California coast may actually migrate in Spring to and through the Santa Ritas. I used to see Milkweed in its many varieties on Houghton Road before it became managed as the Turnpike it is now. At this time scientists do not understand these migrations, including that of the nectar feeding bats. But it is simply not rational scientifically to believe that Kerschner Cavern type bats only live on the eastern Santa Rita Mts. side. My own observation of the dozens of bats flying through my yard in the evening testifies to this.

Basic ecology science says that failure to preserve an entire ecosystem dooms the partial preservation to fail ultimately. Plenty of research studies confirm that entire watersheds must be preserved or at least form a comprehensive linking of habitat. Preserving one half of the Santa Rita Mountains, the dryer eastern half, with the Cienega Creek Conservation Area, will not do the job. Just the developments being approved now in our area will cut into pieces the migration routes, the habitats, the feeding and resting sites of this important ecosystem as to threaten the entire ecosystem. I think that the planners had better prove otherwise before approving the final development plans.

The best practical reason financially for the governments to defer development plans until after the final SDCP is to save the National Park East, Madeira Canyon, Cienega Creek and going to be jeopardized by these development plans.

Inadequate Notice of the draft SDCP in south and southeastern Pima County area could jeopardize Pima

County's Section 10 Permit under the Endangered Species Act:

I am the only resident to give written comment on the SDCP because of the Lack of Notice that it was available for review. Not only are Vail and Corona not on the Plan's general maps, but written notices only went to organizations within five miles of the hearing sites according to the Notice Procedure. The closest hearing to us was at the Green Valley library, thirty minute drive andd more than five miles from Corona.

The only citizens of Corona area at that hearing in November were myself, and a developer. Of the 300 locals I showed this plan to or told about, not one had seen it, much less read it. Conveniently, Over 200 persons gathered at Corona Fire Department to protest the Santa Rita Specific Plan, so I had the occasion to verify my opinion with the very citizenry who would have liked to comment on draft SDCP. As Legislative Liaison for American Legion Post 109, I verified in person or by telephone that our 500 -person membership had not seen it.

Lack of detailed ecosystem data of this Area has not been accumulated yet for anyone to comment on, much less enough to lead to a final draft. So lack of adequate notice to the citizens impacted is compounded by inadequate information to support the granting of a Section 10 Permit. After I promised the County Hearing Representative to gather information for a written comment, I wasted two weeks of my comment time because I naively thought lots of study must have been done in this area so rich with scientists, plant and wildlife experts. I called every office of every entity that I could find to gather titles and dates of any report or survey of flora and fauna specific to my area. No one could cite me a single detailed study or survey to put in a bibliography. For instance, the Audubon Society which has done a December Bird Count since 1900 has never done one in our Area.

Most scientists and officials said that it was reasonable to ask for a deferment on development decisions because the planning process was just getting going. A few admitted that because of the lack of information, or of input from residents of my Area, it seemed to be targeted for the most development in eastern Pima County. Some persons with

environmental groups actually admitted to moving because of what seemed to be a forgoing conclusion.

And yet many residents of Corona, Wentworth, and Vail, if given the chance, would have given valuable information on wildlife observations, and also written comments on the draft SDCP even with this very short comment period during the holidays. Numerous places could have served as hearing locations for this Area. Corona has two - the Fire Station and American Legion Post 109.

Section 10 Permits should not go to governments who have already committed to development the majority of an area to that did not receive adequate notice of and opportunity to participate in an alternative conservation plan. And there is existing litigation to that effect.

Conclusion

On behalf of the Western Slope of the Santa Rita Mountains, I respectfully request that you begin now, to treat the area that you have neglected the most - equally - with other areas of Pima County. Please apply the draft Sonoran Desert Conservation Plan NOW to the Santa Rita Mountains Western Foothills, Riparian Areas, Floodplains, and historic Ranch acreage. Defer all development plans until after the planning process is completed in accordance with the Draft Preliminary SDCP's the Memorandum of Board of Supervisors of September 2000. Schedule NOW the important meetings to persuade the State Land Commission not to sell State Open Trust Lands to developers before they are considered first for preservation. To do otherwise will not only compromise existing preserves like Madeira Canyon and but will also lose our chance to plan effectively for conservation of the SDCP elements of the remaining 100,000+ acres of pristine Sonoran Desert of Eastern Pima County.

-----Original Message-----
From: rob rauh [mailto:robrauh@email.msn.com]
Sent: Saturday, December 16, 2000 10:24 PM
To: Chuck Huckelberry
Subject: sonora desert protection plan

I have just finished reviewing the draft plan and wish to express my support for the adoption of the plan.

-----Original Message-----
From: Judy Reed [mailto:judyreed@dakotacom.net]
Sent: Saturday, December 16, 2000 3:32 PM
To: Chuck Huckelberry
Subject: Protect the Sonoran Desert!

Please be advised that I STRONGLY support the Coalition for the Sonoran Desert Conservation Plan!!!!!

Judy Reed
P.O.B. 956
Sonoita, Az. 85637

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

THANK YOU FOR MEETING 11/22/00
GREAT EXPLANATION
I WANT TO BE ON MAILING
LIST FOR FURTHER MEETINGS.

THANK YOU,

NAME KAREN RIKER
ADDRESS 702 W. CALLE CONCORDIA
CITY TUCSON, AZ
ZIP 85737

Subj: No Subject
Date: Friday, November 24, 2000 4:25:57 PM

DTM 11/27 Sherry

NOV 2 4 2000

November 24, 2000
Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix AZ 85021
FAX: 602-640-2730

Dear Mr Harlow,

Thanks for the opportunity to share my thoughts with FWS about the SDCP/MSHCP process. As an SDCP Steering Committee member, Coalition for Sonoran Desert Protection member (coordinator for the Northern Tucson Mountains Resource Conservation/Education Project, now
become the Safford Peak Watershed Education Taskforce) and Sonoran Permaculture Guild
consultant and teacher, who also lives and works in Unit 3 Critical Habitat, the future of this
planning process is of great importance to me.

I have reviewed scoping letters from several local conservation groups and have chosen to use the format of the CSDP letter as a template for my personal comments and perceptions about direct impacts of the SDCP/MSHCP on me, my family, my business, and the watershed we steward. My
comments will be bracketed, but not separate from the CSDP text, which I believe speaks comprehensively and compactly, leading me to not waste time, and focus on local examples.
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Dear Mr. Harlow:

The Coalition for Sonoran Desert Protection (Coalition) appreciates the opportunity to provide scoping comments for the Environmental Impact Statement (EIS) for Pima County's Sonoran Desert Conservation Plan (SDCP). Our comments address various specific issues contained in the preliminary draft SDCP and general issues we would like to see addressed in the EIS. There are a number of issues which should be addressed in the EIS so that the public may fully understand the effects of the SDCP on the human environment, as required by the National Environmental Policy Act. Because the scope of the EIS under the National Environmental Policy Act is broader than the County's plan itself, we expect the Service to provide extensive discussions of both the impacts of the SDCP on wildlife, vegetation and covered species as well as of the impacts on non-wildlife resources such as

urban quality, water and air quality, natural and depletable resources, and cultural and historic resources. We hope you will consider the following information.

1. National Environmental Policy Act obligations

In order to provide the public with adequate information regarding the Section 10 permit, the EIS must contain a "detailed statement" of the environmental impacts associated with the proposed federal action." See 42 U.S.C. § 4332(2)(C)(i). The EIS must discuss all "reasonably foreseeable" cumulative, direct and indirect environmental effects of granting a Section 10 permit to the County for the take of listed species, regardless of whether the impacts would occur in or outside Pima County. Indirect effects in this case would include "growth-inducing effects" and other effects related to changes the Section 10 permit will have upon "the pattern of land use, population density or growth rate, and related effects on air, water and other natural systems, including ecosystems" in Pima County. See 40 C.F.R. § 1508.8(b). In addition, the EIS should discuss "...any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented" as well as the "means to mitigate adverse environmental impacts." See 40 C.F.R. § 1502.16. We will outline below the details and information which we feel are essential in order to examine the effects of this action on the environment of Pima County.

The EIS must also contain a discussion of alternatives for granting the County's Section 10 permit. See 40 C.F.R.§ 1502.14. As stated in the Council on Environmental Quality's regulations, the alternatives section is the "heart of the environmental impact statement." See 40 C.F.R.§ 1502.14. The Service should "rigorously explore and objectively evaluate all reasonable alternatives..." See 40 C.F.R.§ 1502.14(a). Most importantly, the Service must provide a discussion of "appropriate mitigation measures not already included in the proposed action or alternatives." See 40 C.F.R.§ 1502.14(f). We believe the Service should include in its EIS a range of alternatives, rather than simply a "proposed action" and a "no action" alternative. We believe that a plan of this size and scope, affecting millions of acres of land, hundreds of wildlife species and nearly a million residents will require an in-depth discussion of several alternatives.

2. Location and effects of covered species preserve, parks, and riparian and ranch conservation

The EIS should present detailed information regarding exactly where the wildlife, vegetation and covered species preserve, mountain parks and others, and riparian and ranch conservation areas will be located. The EIS should detail the effects of SDCP goals for these areas on the human

environment in Pima County.

The Service should include in its EIS the County's procedure and specific criteria used in mapping out the covered species preserve, mountain parks and others, and riparian and ranch conservation areas. For example, the public needs to know specifically which areas hold the best occupied or potential habitat for covered species, what kind of habitat currently exists within given areas, and what areas need to be restored in order to fully function as habitat for the covered species.
[When CH unit 3 was established, there was good connectivity between Saguaro National Park, unit three and unit 4 via the Santa Cruz River.
At this moment, in Critical Habitat unit 3, in Pima County and the Town of Marana, the following projects are moving forward without benefit of broadscale environmental impact assessment, to the point that it almost appears that no functional CH unit 3 -to-CH unit 4 will be possible:
~ Twin Peaks 1 (unpermitted channelled drop structures and innacurate native plant salvage of ironwood forest, west side of North Safford Peak Wash), 78 homes on 23ac.
~ Twin Peaks 2 (plans to further channel, narrow and straighten 2000+' of the east side and center of the NSP Wash), 118 homes on 28ac.
~ Continental Reserve (propose "no impact" by leaving washes "undisturbed" adjacent to and east of NSP Wash), 1800 homes on 600ac.
~ lot at intersection of Pima Farms and Scenic Drive adjacent to Continental Reserve and the Lazy K Bar Ranch- horse loping area and development in CH unit 3 location of CFPO '98 sighting),
500+? homes on 160ac.
~ Del Webb Sunflower in CH unit 3 in progress, 1000?+ homes at the confluence of the Santa Cruz River and the Northern Tucson Mountains.
~ Saguaro Springs (newly bladed, adjacent to and on CH unit 3, no Corps permits?) 2500 homes on 700ac.
~ Capitol Linear Improvements: Twin Peaks Road (Straighten and widen from 2 lane to 4 lane with landscape median, bisecting CH unit 3); Linda Vista Interchange (a new Freeway entrance in CH unit 3 planned for the near future at Twin Peaks Road just east of Scenic Drive)
~ Santa Cruz Levy (7.5 miles of narrowed steep channel from the Avra Valley Bridge to the northwest, said to "free up" 4000ac for development on the Tortolita fan side.)
~ AZ Portland Cement's Expansion Plans to double capacity in CH unit 3.
-These are just the projects I know about; there may well be others.
Currently, the personal impact to me of tracking these projects, alerting local and federal officials, meeting with neighbors and developers in an attempt to mitigate the impacts, because there is no interim plan for CH unit 3, is extremely stressful.]

It is the Coalition's position that the preserve should be established by drawing property-by-property hard lines clearly delineating exactly which land will be set aside for wildlife and vegetation conservation, and which land will be developed. Establishing a preserve in this manner provides the greatest degree of certainty for everyone; species, landowners, and the

public at large. Property owner cooperation in the drawing of these hard lines is not essential as believed by Fish and Wildlife, but should be encouraged.

[I would welcome this, and have been advocating for an eco-logical approach to development for those who seek to stay within the carrying capacity of their landscape. See the Regenesis Report to Defenders of Wildlife and Cottonwood Properties re: Systemic Impacts of Development at Dove Mountain, '98. I believe you have a copy in your files, as I interned on that and have submitted it to both FWS and SDCP.
I have also spoken with Diana Freshwater (AZ Open Land Trust) and a number of neighbors living on connected parcels of land beside the ridges of CH unit 3 who would be motivated to further protect their land from future upzoning and habitat destruction.
As the Safford Peak Watershed Education Taskforce, we want to model the sustainable behaviours necessary to live and work in CH unit 3.]

The establishment of a hard-line regional preserve will be necessary to carry out the County's SDCP goal of ensuring "the long term survival of the full spectrum of plants and animals that are indigenous to Pima County through maintaining or improving the habitat conditions and ecosystem functions necessary for their survival." This goal can only be accomplished through the establishment of a hard-line preserve specific to this purpose alongside a possible soft-line buffer preserve and County SDCP elements of expansion and creation of mountain parks and others, riparian habitat restoration, and ranch conservation.

[We are lucky to have the Saguaro National Park just south of CH unit 3, and Parkland in the Tortolitas in CH unit4, but desperately need Hardline Reserve connectivity between the mountain parks.]

The establishment of soft-line preserves -- where some development may still occur on a portion of every property within the preserve -- has unfortunately been allowed by the U.S. Fish and Wildlife Service for some other regional Habitat Conservation Plans, including the San Diego Multiple Species Conservation Plan. Under that plan, the City of San Diego pointed proudly to its regional wildlife preserve but failed to disclose that up to 25% of every property located fully within the preserve could be developed. This design will inevitably result in an extremely fragmented preserve system.

3. Activities within the covered species preserve, parks, and riparian and ranch conservation areas

The EIS should present detailed information identifying what activities will be authorized in the covered species preserve, mountain and other parks, and riparian and ranch conservation areas. The EIS should also detail the effects of any such activities on the covered species preserve,

parks, and riparian and ranch conservation areas.

The SDCP is an Endangered Species Act Habitat Conservation Plan. By law, the fundamental purpose of a Habitat Conservation Plan is orderly land use which ensures the survival and recovery of imperiled wildlife and plants, and conservation of the ecosystems upon which they depend. Development will presumably proceed in less sensitive areas under the plan. It is the Coalition's position that areas preserved in exchange for development under the plan must therefore necessarily be free from harmful land use practices, including urban development, cattle grazing and off-road vehicle use and others.

[I absolutely agree, and offer that it is also high time for "Eco-Logical" development to be encouraged and supported by the SDCP. Trainings for motivated developers, and rewards for developments which improve habitat and watershed health, reduce traffic and pollution would be less costly than enforcement of regulations, and encourage developers to "do it better" than their competition.]

4. Activities adjacent to the covered species preserve, parks, and riparian and ranch conservation areas

The EIS should present detailed information identifying what activities will be authorized adjacent to the covered species preserve, mountain and other parks, and riparian and ranch conservation areas. The EIS should also present detailed information identifying the effects of any authorized adjacent land uses on the covered species preserve, mountain and other parks, and riparian and ranch conservation areas.

For example, the preliminary draft SDCP indicates that re-zoning of property will occur after the plan is in place. But re-zoning property either within or adjacent to a SDCP reserve after plan approval may jeopardize the plan's integrity by allowing previously unconsidered effects on the preserve.

According to the Service's HCP Handbook, the re-zoning of an area contrary to land uses specified in the HCP could invalidate the County's permit. See HCP Handbook, 7-5. The public must be presented in the EIS clear information showing what activities will take place within an area or region within Pima County and within the preserve boundaries. The EIS and HCP must show under what conditions zoning may be changed in the future.

[Again, a Green or Eco-Logical planning ethic would reduce some of the costs to enforce/legislate land use, because the health of the biological community would be at the core of the planning process.]

5. Livestock grazing and the SDCP

The EIS should detail whether and to what extent cattle grazing will be authorized in the covered species preserve, mountain and other parks, and riparian and ranch conservation areas. The EIS should also detail the true effects of cattle grazing on Pima County wildlife and vegetation and species to be covered by the SDCP.

Negative effects of cattle grazing have been significantly downplayed in various County and consultant SDCP reports to date. Ranch conservation for the purposes of maintaining working ranches, delineating an urban boundary and maintaining open space must not be confused with wildlife and vegetation conservation.

It is the Coalition's position that the best available scientific evidence indicates cattle grazing causes profound ecological damage, especially in the arid deserts of the American Southwest. Cattle grazing is one of the leading causes of habitat degradation and species endangerment in the Southwest, yet the County's SDCP encourages and promotes ranching as a means to conserve wildlife and vegetation. The plan equates ranching with the preservation of not only open space, but also wildlife and habitat conservation. But the premise that wildlife and vegetation can be conserved through cattle grazing and ranching is faulty. "Open space" preserve areas that include cattle ranching may be appropriate for the SDCP. Nevertheless, these "open space" preserves must not be lumped into the same category as the wildlife, vegetation and covered species preserve.

Certain types of wildlife and vegetation management may be compatible with livestock grazing. But where grazing is a cause of habitat degradation or species endangerment, livestock grazing is antithetical to the purpose and legal requirements of the SDCP and Endangered Species Act. It is the Coalition's position that wildlife, vegetation and covered species conservation under the plan should therefore occur in areas completely free of livestock grazing where grazing is a cause of habitat degradation or species endangerment.

In addition, there is an inherent assumption in the preliminary draft SDCP that preserving ranching is in the public interest. The Service should examine in the EIS whether and to what extent the public benefits from ranching or whether another form of protection for private ranch land and public lands with grazing leases will better benefit the public.

There is little indication of how or if the SDCP will attempt to encourage better ranching practices on ranch land and how the SDCP will provide regulations or incentives to do so. What will the County do to determine whether a rancher is enhancing habitat on his/her property or not? How will the plan work to not provide incentives to ranchers who use harmful practices in their ranching? Please investigate the effect that continued

ranching in sensitive areas will have on the environment in Pima County. Please also investigate how the County will protect habitat under a plan that so far only encourages promotes cattle grazing and ranching.

[Dr Robert Dixon's work restoring denuded farm and ranch lands over a 25 year period suggests that low desert vegetation, soils and climate do not support sustainable ranching, and that exotics thrive where exotics (cattle) graze. However, the rural way of life that ranching provides could be continued by a land use pattern that puts added value into products derived from a healthy native landscape. For instance, many native plants, when tinctured for medicinal use, fetch over $10 for a 2 ounce bottle in local and national stores. Many of the most potent of these herbal medicines are only found in the Sonoran Desert. Likewise, native food plants provide good nutrition, blood sugar and cholesterol reduction, and need no supplemental irrigation to produce their bounty. Although they don't look like hamburger, they could afford the thoughtful rancher a way to transition to a more sustainable economy- a boon in these years of droughts and floods.]

6. Impacts on species and environment in non-preserve areas

The EIS should detail the effects on the environment and specifically wildlife, vegetation and endangered species in areas which will predictably be lost to development under the SDCP as well as impacts on the people who live in these areas. With development encroaching on much of the remaining open space in the County, an evaluation of these areas is essential to a full understanding of the effects of the plan.

7. Implementation Funding and the SDCP

The EIS should present detailed information regarding precisely how much funding will be necessary to implement the SDCP. The EIS should also identify how much funding is available at the time of the SDCP's approval and what mechanisms will produce any additional necessary funding for implementation of the SDCP.

The Sonoran Desert Conservation Plan is a Habitat Conservation Plan under the Endangered Species Act. Under the ESA, adequate and available implementation funding must be identified for all HCPs at the time of their approval. The EIS must also detail how this ESA obligation will be carried out.

It is the Coalition's position that substantial funding and/or other mechanisms necessary to establish the covered species hard-line preserve, mountain parks and others, and riparian and ranch conservation areas must be detailed in the SDCP EIS and HCP and in place at the time of approval. Mechanisms must also be in place at the time of approval to ensure adequate funding and other resources necessary to carry out future land protection, preserve and species protective management and monitoring and to address

unforeseen circumstances. Habitat destruction and take of listed species under the SDCP HCP should proceed only as all necessary mitigation funding and other resources becomes available. The only means by which the Service and the public may adequately evaluate the SDCP and whether it will provide the necessary funding is by providing specific and concrete information on this in the EIS.

[Likewise, funding assistance for community and business education would be a dream come true. At present, Tucson Institute for Sustainable Communities (City of Tucson) is working with several Permaculture and Green Building groups to fast track better approaches to development.]

We suggest that any funding necessary to implement the SDCP be in place or guaranteed according to some specified mechanism (i.e. impact fees) prior to Service approval of the plan. The Service unfortunately approved the San Diego MSCP with only a promise by the City of San Diego to develop a "regional funding mechanism" within three years. Three years have passed, however, with little-no work on this funding mechanism. Similarly, the Natomas Basin HCP (a regional HCP) failed to provide adequate funding and adjustments of funding over time to carry out land acquisition. In the Balcones Canyonlands Conservation Plan in Austin, TX, only a fraction of the funding needed for developing and implementing preserve management plans ever materialized.

8. Preserve and Species Management and Monitoring and the SDCP

The EIS should present detailed information regarding how the covered species preserve, mountain and other parks, and riparian and ranch conservation areas will be protectively managed and monitored over the life of the take permit.

It is the Coalition's position that a management and monitoring plan identifying how portions of the preserve and particular wildlife, vegetation and covered species will be managed for the duration of the plan must be included in the SDCP HCP and EIS in order for the public and the Service to adequately analyze the effects of the SDCP on the environment.

Detailed preserve area management and monitoring plans identifying precisely how and when protective preserve and species management and monitoring will be accomplished over the life of regional incidental take permits are critical components of multi-species-type plans. For example, the control of exotic species is a crucial management issue for any Sonoran desert protected area. A detailed management and monitoring plan must be included in the SDCP HCP so as to address the control of sources and spread of exotics, among many other issues.

[In my "spare time", I walk around the North Safford Peak area looking for Buffel

grass. I'm stunned at how much of it there is- from the sides of roads to the ridges.]

The SDCP EIS and HCP should include the following two types of monitoring: 1) compliance monitoring, and 2) effects and effectiveness monitoring. See U.S. FWS/NOAA Addendum to the HCP Handbook, Exec. Summary, May 2000.

Compliance monitoring covers the permittee's implementation of the requirements of the HCP permit and its implementation agreement. Effects monitoring investigates the impacts of the authorized take and the operating conservation program to verify progress. Both types of monitoring are essential components of any HCP. In addition, the "[m]onitoring program must be based on sound science..." Id. In order to verify the legitimacy of the plan and assure public support, it is essential that the EIS contain detailed plans setting forth the monitoring requirements and how they will be accomplished.

In the past, Fish and Wildlife has allowed preparation of management and monitoring plans to occur after approval of other multi-species plans in clear violation of the Endangered Species Act, thereby excluding the public from evaluation of the adequacy of the overall plan. A preserve and species management plan -- a.k.a. framework plan -- promised by the City of San Diego within one year of approval of the San Diego MSCP has still not been prepared three years later. In the California City of Carlsbad's Habitat Management Plan, the U.S. Fish and Wildlife Service plans to allow the preparation of the management and monitoring plans to be deferred for years while immediately permitting habitat destruction and species take. The Balcones Canyonlands Conservation Plan contained almost no biological monitoring whatsoever. This is unacceptable and monitoring must not be left out of Pima County's SDCP. Otherwise, the plan has little to no legitimacy as a conservation plan that will aid the wildlife in this region.

9. Adaptive management

The EIS should present detailed information on whether and to what extent adaptive management of wildlife, vegetation, covered species, the covered species preserve, mountain and other parks, and riparian and ranch conservation areas will occur. The EIS should also present detailed information identifying the types of adaptive management which might occur, what agencies will be responsible for any adaptive management, how much contingency funding and other resources will be set-aside for adaptive management and what agencies will be responsible for any unforseen costs.

It is the Coalition's position that adaptive management must be integrated into Pima County's incidental take permit. The Service has indicated that the "degree of potential effects of the activity on the species covered in the incidental take permit" can determine whether adaptive management will be used within the plan. (U.S. FWS/NOAA Addendum to the HCP Handbook, Exec. Summary, May 2000).

For example, there is still significant uncertainty surrounding the habitat needs and required conservation management activities necessary to recover the Cactus ferruginous pygmy-owl. In order to account for this uncertainty, and given the existing extremely poor condition of the species, the plan must have built-in an adaptability to change for the benefit of the species if new information arises on conservation needs for this species or any others covered by the SDCP.

10. Listed Species Recovery and the SDCP

The EIS should present detailed information on how the SDCP will accomplish Endangered Species Act mandated goals for recovery of species covered by the plan.

Under the ESA, the term "conservation" means the use of all necessary measures to provide for the survival and recovery of listed species. It is the Coalition's position that the SDCP HCP must therefore ensure the survival of covered species and contribute to the recovery of these species relative to the extent of their historic range and distribution in Pima County through scientific documentation, analysis and peer-review. The EIS should present all specific information showing how this will be accomplished.

The Service has unfortunately taken the position in the past HCPs need only not appreciably reduce the likelihood of survival and recovery of covered species. But the ESA requires that HCPs accomplish more than just prevent extinction or not preclude recoevry. HCPs such as the SDCP must go further than just mitigating for the loss of endangered wildlife and sensitive vegetation to development. The SDCP must do more than the bare minimum to protect endangered wildlife and sensitive vegetation.

[As I stated above, the unit 3- unit 4 connection is especially imperiled, NOW.]

11. Conservation Activity

The EIS should present detailed information regarding specific recovery goals and protective management standards and guidelines for each covered species.

The plan does not currently contain detailed information as to where and how it plans to target conservation activity. The plan should include specific recovery goals and protective management standards and guidelines for each covered species. For example, what are the proposed actions for Critical and Sensitive Habitats?

12. Pygmy-Owl Conservation

The EIS should present detailed information on how the SDCP will provide for the recovery of the pygmy-owl. It is the Coalition's position that implementation of the SDCP should not result in destruction or adverse modification of any vegetation known to have been occupied or otherwise utilized since 1990 by the pygmy-owl, nor should the SDCP allow any destruction or adverse modification of pygmy-owl critical habitat. The SDCP should not allow any killing of pygmy owls, including "accidental" killing such as that permitted in the Lazy K Bar Habitat Conservation Plan, because the current Arizona population is far below any level which might allow for the loss of some individual owls.

[Again, this is the area of unit 3, which is so narrow and hemmed in on either side by existing or planned development as to need immediate protection until comprehensive environmental assesment is conducted.]

13. Other agencies and the SDCP

The EIS should present detailed information regarding how the SDCP will be affected by activities in other jurisdictions. For example, the Tohono O'Odham reservation, Marana, and Oro Valley all contain important wildlife habitat and vegetative resources. How much reliance, if any, does the County place on the O'Odham lands for preservation of open space and habitat for its HCP? What will the effect on the plan be of the continued growth and development of cities which have not joined in the plan? How will the absence of these jurisdictions be accounted for in species conservation, especially when so much habitat lies in areas not covered under the plan? How will the SDCP address the possibility of annexation of County lands and subsequent approval of unforseen impacts by others?

[At the present time, over half of CH unit 3 is in Marana, which has plans to expand west to Sandario Road and North to Pinal County. I have been working very hard to cultivate a good relationship with Marana officials, and hope they may at this point welcome getting on board.]

14. Effects of anticipated growth and the SDCP

The EIS should present detailed information on how growth authorized outside of any covered species preserve, mountain parks and others, and riparian and ranch conservation areas will affect other important environmental issues including water availability, water quality, non-point source water pollution, air quality, cultural and historic resources and others.

[What is the responsibility of the SDCP process to evaluate CAP project water's place in encouraging exponential and unsustainablegrowth? If it were not for the CAP, very little of this would be happening.]

Thank you for your consideration of these comments. Please contact me if you have any questions or wish to meet regarding these comments.

Sincerely,

Carolyn Campbell Rich Genser

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......and thank you, Mr Harlow, on behalf of the North Safford Peak Watershed.

Almost the entire downstream portion of the North Safford Peak Watershed is channelled, roofed and paved by Continental Ranch and Del Webb Sunflower. Now the upper half of this watershed is also planned for extinction. This is not seen, because each project moves forward irrespective of cumulative impacts. It is my deepest hope that our area gets immediate attention and a comprehensive assessment ASAP. I will continue to hold my 20 acres in stewardship and encourage others to do the same.

Sincerely,

Barbara Rose
8945 North Scenic Drive
Tucson, AZ 85743
520-572-7221
brosearth@aol.com
~~~~~~

January 1, 2001

Chuck Huckelberry, County Administrator
Pima County
130 West Congress, 10th floor
Tucson, Arizona, 85701

Dear Mr Huckelberry,

I am pleased to provide the following comments on Pima County's preliminary draft Sonoran Desert Conservation Plan.

I live at Dancing Rocks Permaculture Community (DRPC), a 20 acre residence and developing eco-logical education center in Unit 3 Critical Habitat in the Safford Peak Watershed of the northern Tucson Mountains. We are located in the southern end of the Tortolita Subarea, in an Ironwood forest one mile north of Saguaro National Park. I share this wonderful place with my two children and their father, and have plans to develop several more low-impact, passive solar residences, as well as an Ironwood/native plant nursery in the near future.

In the last several years, I have served on the SDCP Steering Committee, coordinated a local watershed and ecological design project (the Northern Tucson Mountains Resource Conservation/Education Project), as well as continue to teach and consult on Permaculture and water harvesting design around southern Arizona. Currently my land is located in unincorporated Pima County, but Marana has us on their annexation map.

I hope you will consider the following comments.

DRPC supports the comments contained in the Coalition for Sonoran Desert Protection's comment letter, and urges the county to consider them before completing the final SDCP draft. Because our project (Northern Tucson Mountains Resource Conservation/Education Project) is a Coalition member, we have had the opportunity to review and comment on the Coalition's letter. We support the highest goals of the Endangered Species Act: mandated Ecosystem and Species Conservation; Recovery; Avoidance and Minimization; Adequate Funding; Hardline Preserves in present functioning -as well as

recovering-
corridors; Softline Preserve buffers, with Mitigation to address habitat lost
to County and private activities; Adaptive Management; Monitoring over the
life of the Permit; and the application of sound Science to address the
impact of Grazing on public and private lands. I believe that NEPA policy
directs us to see SDCP as a tool to far exceed other HCP's minimum standards.

The County's draft contains excellent recommendations (pgs 7-12) for adapting
the scope of many jurisdictions and departments within Pima County to better
fulfill our responsibilities to conserve what's left of our Sonoran Desert
ecosystem. I heartily agree that "Uncontrolled growth and urban sprawl, no
matter how good for the economy in the short run, is not sustainable in the
long term." (pg 3)

Additional Comments:
In addition to the Coalition's comments, I would like to offer comments
specific to our watershed, which the locals have named the North Safford
Peak Watershed, and have chosen to steward through the formation of the
Safford Peak Watershed Education Taskforce (SaPWET).

I have lived on this land for 16 years, and have witnessed unprecedented

piecemeal habitat fragmentation and species decline since the annexation,
upzoning and development of this critical habitat and wildlife corridor.

Over half of this Critical Habitat (Unit 3) is under Marana's jurisdiction.

In the last two years since the ESA listing, the rate of subdivisions'
habitat destruction and fragmentation here has increased so dramatically that
I wonder what will be left to recover by the time the SDCP EIS is complete.
In addition, Marana, County, State and Federal projects for Capitol Linear
Improvements and Engineered Drainages have led to major habitat fragmentation
and species decline.

How will the longterm goals and comittments of SDCP be implemented if some of
the most critical habitat corridors are divided between jurisdictions who may
not understand the consequences of avoiding (ESA/NEPA) accountability?

I implore the County and the Federal agencies charged with ESA and NEPA
compliance to please help us to halt present projects until a Comprehensive
Cumulative Effects Assessment of planned and in-process area developments is
conducted.

The connections between Critical Habitat Units 3 and 4 are fragmented by a
network of major roadways, railways, channeled drainages and CAP canals.

Many of these are scheduled for "improvement", but as currently concieved
and designed, will have devastating impacts on the systemic health of this
culturally and environmentally rich area. In the five square mile area
roughly encompassed by Unit 3, here is a list of major planned and ongoing
projects:
~Lazy K-Bar HCP, 160 acres (County, west of Scenic Drive)
~Diamond Ventures, Continental Reserve and 160 additional acres in C.H. 700+
acres
~Myers Development, Twin Peaks Phase 1 and 2, 55+acres
~Greg Mitchell, annex and zone commercial, 47 acres (County, west of S.D.)
~Saguaro Springs, 700+acres
~Del Webb Sunflower, hundreds of acres
~Silverbell/Twin Peaks Roads, Capitol Linear Improvements (County)
~Linda Vista/I-10 Interchange
~Cortaro road C.L.I.
~I-10 C.L.I. north of Ina
~AZ Portland Cement Plant expansion (County?)
~Santa Cruz River channelization

If the SDCP is to be a useful tool to help us reverse the decline of habitats
and species, it's time to reassess the way humans interact with our local
environment, whether rural ranch or urban core, that so severely impoverishes
the health of our home. It's helpful to remember that at this point, the
question is not, how can we afford what it costs to change?; it is, how can
we afford NOT to? On a local and global scale, there's no time to waste.

It is laudable that the County is cultivating partnerships with The Nature
Conservancy, ASDM, Rincon Institute, Udall Center, Arizona Open Land Trust,
and the U. of A. (pg 8). In addition, I would like to suggest beginning a
conversation with the Regenesis Collaborative Development Group. Regenesis
is currently in the process of assisting a county in Maryland to develop a
plan of similar scope, as well as consulting for a major development project
in Pinal County. The Regenesis team includes local and nationally known

consultants with skills in assessing, conceptualizing, designing and
facilitating landscape level and community development projects. Because of
a mentoring relationship between Regenesis and local residents, SaPWET was
fortunate to have Regenesis facilitate our Northern Tucson Mountains Resource
Conservation/Education Project, 1998-2000.

I hope that the County will also find resources in the watershed and
restoration efforts of local groups such as AWET (Arivaca Watershed Education
Taskforce), SaPWET, GTMWET (Greater Tortolita Mountain Watershed Education
Taskforce), Sonoran Permaculture Guild, Tucson Institute for Sustainable

Communities, Dunbar Spring Treeplanting and Organic Community Garden Project,
Audubon, Native Seeds SEARCH, Pro-Neighborhoods, Tohono O'odham Nation Cultural Consultants and many other grassroots groups. The SDCP can build on
existing and developing projects that go beyond sustainability, to envision a
model of development that has as its core purpose the health of the entire
living system.

The sound science of the preliminary SDCP process is critical to the development of a good plan, but the next steps involve developing a local
culture dedicated to "applied earth care". We have the opportunity to move
our conception of the SDCP/HCP beyond laws, minimum standards, enforcement,
mitigation and punishments.

Imagine a County-wide initiative to promote, market and model these principles! Imagine developers queuing up for the "greenest developer" annual award from the environmental community! Imagine the benefits to the
developer in marketing, the reduction in costs to County infrastructure, etc.
Imagine a system of acknowlegement and community appreciation for self-organized "beneficial development" projects on a neighborhood or back
yard scale.
Imagine our schoolchildren conceptualizing that Earth Day is every day.
Imagine a local economy built on a job market that values work which increases the health of our Sonoran Bioregion.

My vision for DRPC is to be part of an evolving model and educational resource for regenerative development in Unit 3 Critical Habitat in the

Tortolita Fan Subarea. We look forward to working with the Coalition and the
County.

Thank you for the opportunity to comment on the plan. I hope we can continue
this conversation in the coming months.

Respectfully,

Barbara Rose
Keith Kleber
Emmet Rose
Maya Rose
(my family read this and chose to sign, too)

-----Original Message-----
From: cottonclouds@az.org [mailto:cottonclouds@az.org]
Sent: Wednesday, December 20, 2000 3:06 PM
To: Chuck Huckelberry
Cc: csdp@azstarnet.com
Subject:

Attention: Chuck Huckelberry,
Dear Mr. Huckelberry,

While I am not a resident of Pima County, I do spend quite alot of money there, shopping for my own personal needs and for the needs of my business. I also support the Arizona Sonoran Desert Museum; the Beacon Foundation and the Tucson Public Library.

I am writing to let you know that both my husband, Ron and I support the Coalition for Sonoran Desert Protection's work and advocate the strongest protection possible for the Sonoran Desert through Pima CountyÆs Sonoran Desert Conservation Plan process.

Have you seen the latest issue of "Sunset Magazine"; it features the Sonoran Desert!!! My husband has done research on spiders in the Sonoran Desert and I have helped him many a time turning over rocks and counting critters there, all the while being amazed at the splendor and beauty of so fragile, so delicate and so ancient an ecosystem. Please vote with your highest good to protest the Sonoran Desert.

Irene Schmoller
5176 S. 14th Ave
Safford, AZ 85546

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

At 1st site I fell in love with the Tucson Mts. To me its what makes the Tucson area unique in its beauty and character. The Mt. area South of Ajo and just West of Mission Road is among the prettiest part of the Tucson Mt. range. I love the abundant Saguaro cactus forests, the protected peaks I see out of my bedroom window every morning; the thick lush vegetation abundant with wildlife such as deer, quail and javelina. This is the only place in my life I've ever felt a part of. I built the better part of my adult life here. I started a business at 4410 S. Mission in 1983 (Jan.) and bought the "old rock house" in 1990. I want the "neighborhood preserved" just the way it is. The Mountains are as beautiful as any in the Tucson basin. Please, Lets KEEP IT THIS WAY. (I'll help any way I can!)

NAME Robert A. Seymour

ADDRESS 4410 S. Mission Road

CITY Tucson, AZ

ZIP 85746

December 23, 2000

Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 West Congress, 10th Floor
Tucson, Arizona 85701

Dear Mr. Huckelberry:

We wish to express our support for the Sonoran Desert Conservation Plan. We especially appreciate your approach of making it an ecosystem based growth management plan, and believe the emphasis should be placed on maintaining natural ecosystem processes in the Sonoran desert region. Healthy ecosystems provide for long term good quality of life for people, in addition to local flora and fauna.

Population growth and building will continue, but we add our support to the effort to identify and protect sensitive areas. No more degradation of riparian areas, whatever their size, should be permitted. Building limits should provide a buffer of undisturbed land around such areas. Bear Canyon is an example of an area currently receiving some protection, due primarily to a caring major land owner, that we hope the County will continue to support, if the opportunity should arise.

No more changes in zoning to increase housing density greater than SR within a quarter mile of National Park or National Forest land should be allowed. The establishment of wildlife corridors following watercourses or vegetation communities that provide cover in conjunction with the proposed reserves is another idea we support.

No longer permit developers to count golf courses as "open space". Undisturbed areas of natural vegetation should be required instead.

Require all new development to pay for all new infrastructure costs, with impact fees to cover local schools, parks, police, etc.

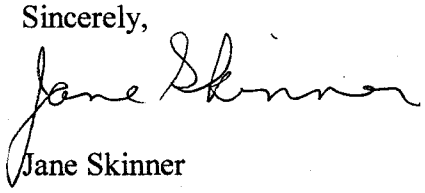
We like the idea of reorganizing the Parks and Recreation Department into Pima County Natural Resources, Parks and Recreation Department to emphasize the plan's new approach.

If the proposed financing methods should not prove adequate for plan implementation, we would support a homeowner assessment.

Please continue your strong emphasis on natural resource conservation and protection in the plan. We will continue to voice our support.

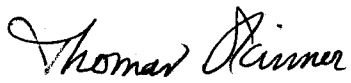
Thank you.

Sincerely,



Jane Skinner

Kimberly Skinner



Thomas Skinner
9333 E. Ravine Trail
Tucson, AZ 85749

Cc: Ray Carroll

December 17, 2000

Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

My wife and I attended the informational meeting of the Sonoran Desert Conservation Plan (SDCP) at the Nanini Branch Library on December 6th, and we thank you for this opportunity to recommend that the proposed expansion of Catalina State Park be a high priority of the SDCP. This area deserves protection as Oro Valley and Catalina grow.

The state land sought for this portion of the SDCP should be reasonably affordable, as it is poorly suited for development. The land buffers Coronado National Forest and Catalina State Park, and any sale to private interests would be extremely unpopular. Land use prospects are also restricted by probable habitats of endangered species, neighboring wildcat-development, and the great difficulty of providing services.

As identified in the Draft Preliminary SDCP, the Sutherland Basin is a vitally important biological corridor that is also a high priority riparian protection area and a high sensitivity archaeological zone. My wife, son, and I have spent many hours on the proposed expansion, and we've been blessed with glimpses of its innumerable treasures. We've seen remnants of a large Hohokam village amidst rare associations of juniper and saguaro. Near the northern end we've seen golden eagles fly overhead, heard many different owls, and seen coatimundi and desert tortoise. The land's surface presents the first visible edges of magnificent formations of 25 million-year-old Catalina granite, whose eroded alluvium holds ancient saguaros with barked trunks more than two feet in diameter. The conservation of this area is essential so that the flow that has shaped the beauty and diversity of the Sutherland Basin will not be disrupted.

As our population grows, so should the area of protected natural surroundings that motivate so many to choose Pima County for their homes and vacations. The chance to expand Catalina State Park epitomizes the opportunity to enlarge a prized Arizona reserve. Ironically, many assume that the state trust land extending northward is already part of the park, as adjoining trails have served to guide many visitors through this region for generations. This reminds us of the importance of this corridor for people as well as wildlife, as both have traveled paths there for centuries. Protection of the Sutherland Basin will insure that these pathways remain, to assist this area's inhabitants and to inspire direction in the growth of its human guests and nearby communities.

Sincerely,

Jon Sjogren
110 W. Meadowbrook Dr.
Oro Valley, AZ 85737

December 17, 2000

Ms. Maeveen Behan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Dear Ms. Behan:

Thanks very much for the information about the Sonoran Desert Conservation Plan that you presented at the Nanini Library on December 6th. We appreciate your knowledge and enthusiasm, and are grateful for your work on this crucial project.

My wife and I have taken advantage of the comment period, and submitted a letter (duplicate is enclosed) requesting a high priority for the proposed expansion of Catalina State Park. Please let us know if we can be of any voluntary assistance in this effort.

Feel welcome to call us at home or at work. Thanks again, and we look forward to hearing from you.

Best regards,

Jon

Jon & Kathy Sjogren
110 W. Meadowbrook Dr.
Oro Valley, AZ 85737
297-8582
sjogren@dakotacom.net

Work:
Jon (Research Engineer; Ph.D., Chemical & Environmental Engr.)
Center for Microcontamination Control
University of Arizona
621-4538
jsjogren@ece.arizona.edu

SIERRA CLUB — GRAND CANYON CHAPTER

812 North Third Street • Phoenix, Arizona 85004 • (602) 253-8633 • FAX: (602) 258-6533

November 22, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021.

Dear Mr. Harlow:

I am writing on behalf of the Sierra Club's Grand Canyon Chapter and our more than 12,000 members here in Arizona to comment on the proposed Sonoran Desert Conservation Plan.

First of all, we think it is imperative that the Sonoran Desert Conservation Plan (SDCP) include a preserve area and species specific management and monitoring plan which identifies how and when protective preserve and species management and monitoring will be accomplished over the life of the regional incidental take permit. The SDCP must ensure, through peer-reviewed scientific documentation and analysis, the survival of covered species and contribute to the recovery of these species relative to the extent of their historic range and distribution in Pima County. Also, the duration of the SDCP take permit for covered species should be linked to the actual recovery of those species.

The SDCP should ensure that habitat destruction and take of listed species should proceed only after necessary mitigation funding and other resources are available. Permits for destruction should not be issued before preservation takes place. It is also critical that the lands that will be preserved as mitigation for development under the SDCP be protected not only from development but also from other harmful practices such as mining and livestock grazing.

Any development which will proceed under the SDCP must not destroy or adversely impact any pygmy-owl critical habitat or occupied owl habitat. The take permit to be issued to the County by the U.S. Fish and Wildlife Service for the SDCP must not authorize any killing of any pygmy-owls.

In addition to protecting pygmy-owl habitat, ranches and riparian areas, Pima County must be required to protect all environmentally sensitive lands during preparation of the SDCP. The County can accomplish this by modifying the County Land Use Planning and Zoning codes to defer up-zoning, road projects and conditional use permits, among other measures.

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The establishment of a hard-line regional preserve will be necessary to carry out the County's SDCP goal of ensuring "the long term survival of the full spectrum of plants and animals that are indigenous to Pima County through maintaining or improving the habitat conditions and ecosystem functions necessary for their survival." Soft-line preserves which allow some portion of land to be used may be appropriate as buffers around hard-line preserves.

The SDCP and Environmental Impact Statement should address the details of how adaptive management will be incorporated into the plan. Substantial funding and/or other mechanisms necessary to protect land and to protectively manage and monitor the preserve and the species, and also to address unforeseen circumstances must be detailed in the SDCP before it is approved.

The County should address in the SDCP and the U.S. Fish and Wildlife Service should address in its Environmental Impact Statement how the SDCP will be affected by activities in other communities and jurisdictions, including how the plan will be affected by continued growth within or annexation by cities not participating in the SDCP. The U.S. Fish and Wildlife Service should examine and how development will increase water and air pollution and how that will impact both the species of concern and overall the SDCP.

Finally, the SDCP and the EIS should address how occupied pygmy-owl habitat and other wildlife and vegetation conservation will occur on the Tortolita fan.

Please consider our comments as you develop the draft EIS for the Sonoran Desert Conservation Plan, and please keep us informed of any developments regarding this issue.

Thank you.

Sincerely,

Sandy Bahr
Conservation Outreach Director
Sierra Club - Grand Canyon Chapter

SIERRA CLUB
RINCON GROUP

22 November, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021.

Dear Mr. Harlow:

The Rincon Group of the Sierra Club appreciates the opportunity to provide scoping comments for the Environmental Impact Statement (EIS) for Pima County's Sonoran Desert Conservation Plan (SDCP).
Our comments address various specific issues contained in the preliminary draft SDCP and general issues we would like to see addressed in the EIS. There are a number of issues which should be addressed in the EIS so that the public may fully understand the effects of the SDCP on the human environment, as required by the National Environmental Policy Act. Because the scope of the EIS under the National Environmental Policy Act is broader than the County's plan itself, we expect the Service to provide extensive discussions of both the impacts of the SDCP on wildlife, vegetation and covered species as well as of the impacts on non-wildlife resources such as urban quality, water and air quality, natural and depletable resources, and cultural and historic resources. We hope you will consider the following information.

* Lands preserved as mitigation for development under the SDCP must be free from harmful land use practices, i.e., preserves from development should also not be mined or grazed.

* Development which will proceed under the SDCP must not destroy or adversely modify any pygmy-owl critical habitat or occupied owl habitat. The take permit to be issued to the County by the Service for the SDCP must not authorize any killing -- including "accidental" killing such as that authorized under the Lazy K Habitat Conservation Plan -- of any pygmy-owls.

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* The County should act to protect ALL environmentally sensitive lands during preparation of the SDCP -- not just pygmy-owl critical habitat, ranch conservation and riparian areas -- through modification of County Land Use Planning and Zoning codes to defer up-planning, up-zoning, road projects and conditional use permits WITHOUT EXCEPTION.

* The establishment of a hard-line regional preserve will be necessary to carry out the County's SDCP goal of ensuring "the long term survival of the full spectrum of plants and animals that are indigenous to Pima County through maintaining or improving the habitat conditions and ecosystem functions necessary for their survival." Soft-line preserves (those allowing some portion of land to be used) may be appropriate as buffers around hard-line preserves.

*A preserve area and species specific management and monitoring plan -- identifying precisely how and when protective preserve and species management and monitoring will be accomplished over the life of the regional incidental take permit -- must be included in the draft and final SDCP. The SDCP must ensure, through scientific documentation, analysis and peer-review, the survival of covered species and contribute to the recovery of these species relative to the extent of their historic range and distribution in Pima County.

* The SDCP and EIS should address the details of how adaptive management will be incorporated into the plan. Substantial funding and/or other mechanisms necessary to protect land, protectively manage and monitor the preserve and species and to address unforeseen circumstances must be detailed in the SDCP and in place at the time of approval.

* Habitat destruction and take of listed species under the SDCP should proceed only as all necessary mitigation funding and other resources becomes available. Permits for destruction should not be issued before preservation takes place.

* The County should address in the SDCP and the Service should address in its EIS how the SDCP will be affected by activities in other jurisdictions, including how the plan will be affected by continued growth within or annexation by cities not participating in the SDCP.

* The duration of the SDCP take permit for covered species should be linked to recovery of those species.

* The SDCP and Service's EIS should address how occupied pygmy-owl habitat and other wildlife and vegetation conservation will occur on the Tortolita fan.

Respectfully,

Richard Genser
Conservation Chair

SIERRA CLUB
RINCON GROUP

28 December, 2000

Chuck Huckelberry, County Administrator
Pima County
130 W. Congress, 10th Floor
Tucson, AZ 85701

Dear Mr. Huckelberry:

The RINCON GROUP OF THE Sierra Club supports the written comments submitted by the Coalition for Sonoran Desert Protection.

In addition, we strongly suggest that there be a moratorium on all up-planning and rezoning in critical habitat, WILDLIFE CORRIDORS, and all sensitive areas until approval of the final SDCP.

Respectfully,

Lainie Levick

Lainie Levick
Chair

738 North 5th Avenue #214 • Tucson, Arizona 85705 • (520) 620-6401

472 W. San Ygnacio
Green Valley, AZ 85614
18 December 2000

Chuck Huckelberry,
County Administrator
Pima County
130 W. Congress, 10TH FL.
Tucson, AZ 85701

Dear Mr Huckelberry,

As a resident of Pima County, I fully support the comments of the Coalition for Sonoran Desert Protection, addressed to the Preliminary draft of the Sonoran Desert Conservation Plan.

Sincerely,
Victoria Likora

Subject: SDCP Draft Comments

Date: January 1, 2001

Center for Environmental Ethics
6550 West Sunset Rd.
Tucson Arizona 85743 (520) 743-0441

Mr. Chuck Huckleberry
Pima County Administrator
130 W. Congress Street
Tucson, Arizona

January 1, 2001

Dear Mr. Huckleberry,

Thank you for the opportunity to comment on the draft of the Sonoran Desert Conservation Plan (SDCP). I intend to keep my comments at the very most general level of analysis and wish to state that any specific details concerning the Conservation Plan may be garnered from a letter the County has received from the Coalition for Sonoran Desert Protection (CSDP) of which The Center for Environmental Ethics is a member. Those comments reflect the views of the major environmental organizations of our region and represent many of my views as well.

I will start by noting that the SDCP places inordinate emphasis on Ranch Conservation. The concept of *open space* seems to be a high priority to Americans at this time and is somewhat baffling to me. In the present era which holds the possibility of large-scale extinction's all over the world, it seems to me that much more emphasis ought to be placed on planning that will avoid biotic extinction in our southwest ecosystem. The Tucson City and County Planning area has many species that are at risk because of the development interests that are carving away at the natural biological habitats of many animal and plant species. While I commend the idea that we need to set aside large tracts of land in order to preserve an open feel to our community, it certainly cannot take priority over a very real threat to the integrity of the biological community. Much of the land that is crucially important for the covered species of the SDCP is either in Tucson or in the heart of the path of development NOW. I am referring to land on the Tortillita fan and areas north and west of the heart of Tucson. I see important, biotically rich habitat turned into dust and asphalt on a daily basis while your plan seeks to preserve the ranching lifestyle which is as much a dying myth as anything else. It is neither economically nor biologically sustainable and this has been called to your attention publicly.

I hope that you address this concern *in a public statement* explaining why you are ignoring the scientific evidence that ranching in our arid community is antithetical to biological integrity and ecosystem health. I acknowledge that the County's Plan is supposed to be a multi-valuational plan and that biotic preservation, conservation and recovery is not the *only* priority. But in the case of the present draft of the plan, ranching conservation seems to trump biological conservation and there seems to be a plan afoot that will meld those two values or piggyback one on the other. This will be a grave mistake for the reasons that have been cited in the CSDP comment letter. I will be watching for your responses to those criticisms.

I believe that there is a need to conserve habitat closer to the areas where people currently live and that the plan should slow down development in the ecologically sensitive areas that are close to town. I believe that ranch conservation, which is 40 miles (or more) away from town, is desirable, but not at the expense of preservation of the importantly rich habitat near town. This is where we live now. This is where we, the taxpayers, are witnessing an

onslaught of destruction against the natural elements of our southwest lifestyle. As we attempt to consume the viable habitat for the species of concern in OUR community ,we are witness to the growth of an industry which nudges administrators to conserve "ranches" so that the same industry can the build gated communities adjoining those preserves. This is happening daily on the West side where I reside and I see that our land is being reduced to nothing but a commodity for the interests of powerful Land Lords. The more I see you, Chuck, in cahoots with such interests, the louder my voice will become in objection to the destruction of our most sensitive lands for the short term profits of a network of greedy individuals.

Your planning process has been flawed. I sat through numerous "planning" meetings as a member of the Steering Committee and conclude these were for show. As an example of theineffectiveness, information flowed in only one direction. Later, the reports and drafts ignored the recommendations presented in some of those meetings by experts. As an example of decisions made by your office that suggests there will be a pre-determined outcome, you placed the most recent comment meeting which was centrally located on the night before Thanksgiving. The closing date for this comment period is on a holiday after a long holiday break.

Your office was instructed to cooperate with the CSDP but what should have been an exemplary collaboration of complementary talents never came to pass due to the obstruction of your autocratic staff. The county has been manipulative and disingenuous. As a result, we distrust and otherwise find it difficult to support the draft plan.

The southwest arid ecosystem is fragile and needs to be cared for with more insight than you are currently displaying. We have a moral obligation to current and future generations to maintain sane and sustainable growth. This will demand hard and fast protection of habitat in the Tucson basin, river systems, watersheds and foothills that ring our wonderful town as it is now, January 2001. Habitat preservation where the species of concern now reside should be the first priority even if it's where we live, work and play and is, therefore, "expensive". Please re-prioritize your values and create a real, effective blueprint for conservation soon.

Sincerely,

Quinn Simpson

Quinn Simpson
Center For Environmental Ethics
Tucson, Arizona

December 29, 2000

Chuck Huckelberry
County Administrator
Pima County Board of Supervisors
130 West Congress, 10th Floor
Tucson, AZ 85701

Dear Mr. Huckelberry:

We appreciate the opportunity to provide comments on the Preliminary Sonoran Desert Conservation Plan (September 26, 2000). We commend Pima County for its vision and leadership in drafting the plan, and look forward to working in partnership with the County on the plan's final development.

1. Public Review and Jurisdictional Participation

We believe that active public participation and the widespread sense of ownership that it engenders are essential to the success of a complex, multi-party effort such as the Sonoran Desert Conservation Plan (SDCP). The Preliminary SDCP does not provide adequate detail about when and how the public will participate in the plan's formulation, beyond the open houses organized this fall. However, we were pleased to note the County's positive response to the Coalition for Sonoran Desert Protection's September 20, 2000 letter outlining the following steps, which we consider essential to the ensuing success of the SDCP in encouraging greater public and jurisdictional participation in the planning process:

- Work with the Steering Committee to define a specific set of goals and expectations for the Steering Committee, subarea planning initiatives, and other groups convened for the purposes of developing the plan.

- Work with the Steering Committee to develop an explicit consultative and outreach role for the Steering Committee that extends beyond the formulation of recommended alternatives for the SDCP.

- Enhance communication and coordination among state and local authorities and the Steering Committee in the planning process.

- Retain professional facilitators to design and conduct public meetings related to the SDCP.

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Northwest Office • 201 S. Wallace • Box 12, Suite B3C • Bozeman, Montana 59715 • Phone (406) 587-7331 • Fax (406) 587-2027
www.sonoran.org

The Coalition's suggested steps toward expanding and enhancing public participation are consistent with the conclusions of the University of Michigan School for Natural Resources and the Environment's report, *Public Participation in Habitat Conservation Planning*. The report noted that:

> *A well-managed public participation process has the potential to provide significant benefits to Habitat Conservation Plan applicants, US Fish & Wildlife Service staff, outside stakeholders, and affected species. These benefits include: enhancing HCP quality, improving communication and building new relationships, increasing public understanding of and political support for an HCP, and reducing the likelihood of approval and implementation delays.*

We look forward to working with the County to ensure that the SDCP planning process provides for active and meaningful public participation, which will be essential for realizing the plan's goals.

2. Direct Changes to County Organizational Design to Implement Plan

Any delegation of authority to County departments for managing or implementing the plan should be accompanied with an appropriate allocation and authorization of funding and staff required to carry out these additional duties.

3. Initiate Major Comprehensive Plan Amendment to Reflect Draft

Given the Sonoran Desert Conservation Plan's impact on land use in Pima County, we support integration of the plan's elements into the County's comprehensive plan. We encourage the County to develop a timeframe for amending the comprehensive plan that allows for adequate public consideration of how these plans can be effectively integrated. The timeline for revising the comprehensive plan should not be driven by arbitrary state guidelines or deadlines related to the SDCP that would undermine meaningful public participation in the comprehensive plan's formulation.

4. Authorize Public/Private/Non-profit Research and Planning Partnerships

As suggested on page eight of the SDCP, the Sonoran Institute and our partner Rincon Institute, would be pleased to join with the County in a long-term collaborative planning agreement and look forward to discussing what role the institutes could play in the plan's development. Such an agreement may include, but not be restricted to:

- Providing a coordinating role in developing the Rincon-Cienega subarea plan.
- Funding development of the County's GIS-based decision making model and advising on its integration in the planning process.
- Advising on ways to enhance public participation in the planning process.
- Providing technical assistance on riparian restoration projects.
- Developing monitoring protocols for adaptive management.

- Identifying land protection priorities for lands that provide ecological connections between Las Cienegas National Conservation Area, Saguaro National Park, and the Rincon Mountains.

5. Modify Land-Use Planning and Zoning Codes in the Unincorporated Areas of Pima County

While we support the specific actions suggested by the County, we believe the County is overlooking some critical planning issues. For example, it would be hard to overstate the importance of having a "level playing field" among local jurisdictions in their land-use planning and zoning codes. There is a need for greater communication and consistency in the future, and we hope that the County will take the lead in promoting both.

Pima County should encourage greater use of performance-based codes, consolidation of codes (as the County is proposing with its Environmentally Sensitive Land Ordinance), and incentives for development proposals that seek to meet performance goals. Performance goals should vary for development proposals in urban, fringe, and undisturbed desert areas. Throughout, the County should make more efficient use of the land through the provision of higher densities where appropriate (as the County is attempting do with its Conservation Subdivision Ordinance) and encourage a better balance between conventional suburban-style development and mixed-use development.

6. Pursue New or Amended State Legislation

State legislation enacted this year (which the legislature termed "Growing Smarter Plus"), maintains key elements of Arizona's existing land-use framework, while adding provisions that undermine Pima County's ability to make land-use decisions compatible with the SDCP's land protection goals. In some significant ways, it actually weakens local authority and moves Arizona considerably out of the mainstream of American land-use law. Compared to other states' growth management policies, Arizona's existing statutes are unusual in the degree to which they significantly constrain local governments' ability to plan for growth. Two aspects are particularly worth noting:

1. Existing Arizona law requires the prior consent of any landowner whose land would be devalued or restricted by a change in a zoning classification. The constitutionality of this provision is subject to question, as it may be interpreted as delegating legislative authority to a nongovernmental body. This law is currently being challenged in the courts.

2. While current Arizona law requires local growth management in the form of comprehensive plans with land use and growth area elements, the law makes these elements very difficult to achieve because it does not allow open space or growth area elements to prescribe a development density more sparse than one dwelling unit per acre without a landowner's consent. Such a condition does not exist in any other state, and has profound implications for local planning.

We are cautiously optimistic that the newly elected legislature may provide leadership in granting cities or counties the authority to manage growth using the full range of tools permitted under federal and state constitutions. However, it will only happen when Pima County and other local jurisdictions across the state work together to develop a sound growth management policy proposal and seek the support of other interests. We would be please to assist in this effort.

In the meantime, the emphasis of the SDCP should be to create an integrated network of protected lands. Emphasis on growth management measures may only detract from building the political consensus needed for land acquisition and state trust land reform necessary to meet the SDCP's conservation goals.

7. Financing Local Implementation

We urge Pima County to integrate any impact fee proposals into a broader funding and regulatory framework that provides jurisdictions with legal authority to manage growth, using a combination of reasonable regulations and incentives, as well as funding from a broad array of revenue sources that may include impact fees.

8. State Trust Lands

In terms of state-level action, none would be more significant toward realizing the SDCP's land conservation objectives than the protection of state trust lands. This will require amending the mandate of the state land department to allow it to set aside state trust lands for conservation purposes. The County also should seek additional funding for the purchase of state trust lands for conservation.

9. Riparian Restoration

We applaud Pima County's commitment to riparian restoration, but wish to underscore some complex issues that need to be more fully addressed in subsequent drafts of the SDCP.

The goal of preserving 80% of riparian species in places seems ambitious given regional water level declines. It certainly underscores the need for Tucson Water and the Arizona Department of Water Resources to be active partners in the plan's development and ultimate implementation.

The plan mentions the use of non-groundwater supplies to achieve its goal. While effluent supplies will increase with population growth, there will be increasing competition for this supply to irrigate golf courses, parks, and meet other future demands currently met with groundwater.

In the County's efforts to identify "opportunities" for restoration, it should focus its efforts on areas where restoration holds the greatest promise: those areas where shallow groundwater conditions exist and overdraft is not yet a serious issue (e.g., Cienega Creek, upper reaches of Pantano Wash, Tanque Verde Creek, Sabino Creek, and Rincon Creek). The County also should keep in mind the potential presented by floodplains (as identified by the Tucson AMA Regional Recharge Plan) for both restoration and water recharge. However, it should also be noted that restoration and recharge, while desirable in the same area, are not always the best approach, particularly where severe groundwater overdraft makes restoration impractical. In addition, the County must be careful not to promote restoration efforts in areas where recharge may cause serious water quality problems from landfills or contamination plumes (e.g., Santa Cruz River between 22nd Street and Ina Road, as well as portions of Pantano Wash and Rillito Creek).

We encourage the County, as part of a comprehensive growth management proposal, to seek greater oversight (at either the state or local level) on the placement of water wells that are loosely regulated. Additional restrictions on these "exempt" wells would contribute significantly to preservation of remaining riparian areas, as well as the control of "wildcat" subdivisions.

Finally, we offer the following comment on the role of mitigation in riparian restoration. While we are open to compensatory mitigation measures, these should be of a sufficiently high standard that protection of existing habitat at affected projects represents the clear and favorite first choice.

10. Cienega-Rincon Subarea Plan

We agree with the County's assessment of the area's importance for aquatic and riparian species. We also would underscore the area's importance as a wildlife corridor and its value in providing an ecological link between the Rincon Mountains and other "sky islands" in and around the Tucson basin.

We strongly recommend that the County delay any final delineation of mountain parks, natural preserves, and other protected areas until the completion of the Cienega-Rincon subarea planning process and the assessment of lands north of Interstate 10 required by Congress when it established Las Cienegas National Conservation Area. Of particular concern to us is the failure to provide any protective designation for lands immediately east of the proposed Davidson Canyon Nature Preserve.

11. Ranch Conservation

Any policy supporting the long-term tenure for Pima County's working ranches must be explicitly tied to the quality of stewardship on those ranchlands. If a Purchase of Development Rights program is established to prevent future development of ranchlands, the program should require the landowner to meet specific management guidelines and environmental benchmarks. In addition, the County must have in place an ongoing

monitoring program to ensure that these benchmarks are met, as well as a specific set of responses if landowners fail to adhere to management guidelines.

The relationship between state trust lands and ranchlands is also of critical importance. The SDCP will require amending the mandate of the state land department to allow conservation of state trust lands. A rancher who has placed a conservation easement on private land must also have long-term security in the use of state trust lands that are part of the same ranch unit (i.e., the assurance that those state trust lands will not be developed when part of a working landscape is dedicated over the long term to ranching).

Finally, it is also important to note that ranch conservation across western North America is not exclusively a land-use issue but an economic development concern as well. While improved land management practices should be an essential goal for any public program that protects agricultural lands, an effective ranch conservation program must look at the business side of ranching and provide assistance to ranchers so that they can diversify their operations beyond traditional cattle ranching, whether that involves niche markets for beef products, guest ranching, or businesses unrelated to raising cattle. Otherwise, the financial security for ranchers in Pima County will be in doubt.

***

We appreciate the opportunity to submit these comments on the preliminary Sonoran Desert Conservation Plan, and look forward to working with the County in its future development and implementation.

Sincerely,

Luther Propst

Luther Propst
Executive Director
Sonoran Institute

cc: Board of Supervisors

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

Please let me know of future mtgs.

Dan Spangler
15001 N. Bowman Rd
Tucson, Az 85739

NAME _____

ADDRESS _____

CITY _____

ZIP _____

January 1, 2001

Chuck Huckelberry, County Administrator
Pima County
130 West Congress, 10th floor
Tucson, Arizona, 85701

Dear Mr. Huckelberry,

As a member of the Safford Peak Watershed Education Taskforce (SaPWET) we are happy to provide the following comments on Pima County's preliminary draft Sonoran Desert Conservation Plan.

SaPWET is an association of local residents and stakeholders in the Northern Tucson Mountains who teach and promote ways to not only live in harmony with the flora and fauna of our beautiful Sonoran Desert but also techniques to improve our ecosystem. SaPWET grew out of a project funded by Pro-Neighborhoods, Pima County, and Marana: the Northern Tucson Mountains Resource Conservation/Education Project, one of 42 members of the Coalition for Sonoran Desert Protection. Our watershed includes Pima County and Marana lands from Safford Peak to the Santa Cruz River.

SaPWET supports the comments contained in the Coalition for Sonoran Desert Protection's comment letter, and urges the county to consider them before completing the final SDCP draft. Because of our work, we have had the opportunity to review and comment on the Coalition's letter and support the highest goals of the Endangered Species Act: mandated Ecosystem and Species Conservation, Recovery, Avoidance and Minimization, adequate Funding, Hardline Preserves in present functioning -as well as recovering- corridors. buffers of Softline Preserves, with Mitigation to address habitat lost to County activities, Adaptive Management, Monitoring over the life of the Permit, and the application of sound Science to address the impact of Grazing on public and private lands.

The County's draft contains some excellent recommendations (pgs 7-12) for connecting many jurisdictions and departments within Pima County to the possibilities and constraints of our Sonoran Desert ecosystem. We definitely agree that "Uncontrolled growth and urban sprawl, no matter how good for the economy in the short run, is not sustainable in the long term." (pg 3)

Additional Comments:
In addition to the Coalition's comments, we would like to offer comments specific to our watershed, which is located in Critical Habitat Unit 3, and originates in the headwaters of Safford Peak and the volcanic ridges to the north of Saguaro National Park West.

Some SaPWET associates have lived here over 35 years, many of us have been here for 15+. We have witnessed unprecedented piecemeal habitat fragmentation and species decline since the annexation , upzoning and development of our local critical habitat and wildlife corridor.

How will the long-term goals and commitments of SDCP be implemented if some of the most critical habitat corridors are divided between jurisdictions who may not understand the consequences of avoiding (ESA/NEPA) accountability? In the last two years since the ESA listing, the pace of destruction and fragmentation here has increased so dramatically that we wonder what will be left to recover by the time the SDCP EIS is complete. Not only is the town of Marana involved; County, State and Federal projects for Capitol Linear

Improvements and Engineered Drainages in anticipation of increasing population have led to major habitat fragmentation and species decline.

We implore the County and the Federal entities charged with ESA and NEPA compliance to please help us begin a Comprehensive Cumulative Effects Assessment of planned and in-process area developments ASAP. Critical Habitat Units 3 and 4 are fragmented by a network of major and minor roadways, railways, channeled drainages and CAP canals. Many of these are scheduled for enlargement and "improvement", but will have devastating impacts on the systemic health of Critical Habitat Units 3 and 4 landscape.

If we really mean to reverse the decline of habitats and species, it is time to acknowledge that the way we humans have interacted with the local environment, whether rural ranch or urban core, has severely impoverished the health of our home. It's helpful to remember that at this point, the question is not "how can we afford what it costs to change", it is "how can we afford NOT to." On a local and global scale, there is no time to waste.

We praise the County for cultivating partnerships with The Nature Conservancy, ASDM, Rincon Institute, Udall Center, Arizona Open Land Trust, and the U. of A. (pg 8). In addition, we suggest beginning a conversation with the Regenesis Collaborative Development Group, who are currently in the process of assisting a county in Maryland to develop a plan of similar scope, as well as consulting for a major development project in Pinal County. The Regenesis team includes local and nationally known partners with skills in facilitating, assessing, conceptualizing and coordinating landscape level and community development projects. Because of a mentoring relationship between Regenesis and local residents, SaPWET was very fortunate to have Regenesis assist us in our Northern Tucson Mountains Resource Conservation/Education Project, 1998-2000.

We hope that the County will also find resources in the small watershed and restoration efforts of local groups such as AWET (Arivaca Watershed Education Taskforce), SaPWET, GTMWET (Greater Tortolita Mountain Watershed Education Taskforce), Sonoran Permaculture Guild, Tucson Institute for Sustainable Communities, Dunbar Spring Treeplanting and Organic Community Garden Project, Audubon, Native Seeds SEARCH, Tohono O'odham Nation Cultural Consultants and many other members of the Coalition for Sonoran Desert Protection, to build on existing and developing projects that go "beyond sustainability"; to envision a model of development that has as its core purpose the health of the entire living system.

The sound science of the preliminary SDCP process is critical to the development of a good plan, but the next steps involve developing a local culture dedicated to "applied earth care". We have the opportunity to move our conception of the SDCP/HCP beyond laws, minimum standards, enforcement, mitigation and punishments.

Imagine a County-wide initiative to promote, market and model these principles! Imagine developers queuing up for the "greenest developer" annual award from the environmental community! Imagine the benefits to the developer in marketing, the reduction in costs to County infrastructure, etc. Imagine a system of acknowledgment and community appreciation for self-organized "beneficial development" projects on a neighborhood or back yard scale. Imagine our schoolchildren conceptualizing that Earth Day is every day. Imagine a local economy built on a job market that values work which increases the health of our Sonoran Bioregion.

SaPWET's vision for itself is to be part of an evolving model and educational resource for regenerative development in Unit 3 Critical Habitat. In just several linear miles, our watershed transitions through National Park, rural/ranch, suburb, and high-density urban to commercial all in one 5 square mile subwatershed of the Tortolita Fan Subarea. We look forward to working with the Coalition and the County.

We thank the County for the opportunity to comment on the plan, and hope to continue this conversation in the coming months.

Sincerely,

Barbara Rose, 8945 N. Scenic Drive, Tucson, AZ 85743
Virgil Swadley, 8805 N. Scenic Drive, Tucson, AZ 85743

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

Richard Starkey
19100 E. Golder Ranch Rd
Catalina, AZ
85739

NAME _____

ADDRESS _____

CITY _____

ZIP _____

Chuck Huckelberry, County Administrator,
I support the Coalition for Sonoran Desert Protection's work and advocate the strongest protection possible for the Sonoran Desert through Pima County's Sonoran Desert Conservation Plan process.

I appreciate your attention to this matter. My children thank you more.
Bailey Stevens

Bailey Stevens
520-751-2000 phone 888-751-7200
520-751-7200 fax 888-751-0097
www.tekwork.com

Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 W. Congress, 10th Floor
Tucson, AZ 85701
CHH@exchange.co.pima.az.us

Dear Pima County Board of Supervisors:

I am an Arizona resident, and a long-time desert biologist. I wish to express my strongest support for the work of the Coalition for Sonoran Desert Protection. I recommend that you adopt the strongest possible protection for the Sonoran Desert through Pima County's Sonoran Desert Conservation Plan process. Pima County needs more of this kind of environmental planning and protection.

Sincerely,

Lawrence E. Stevens, PhD
P.O. Box 1315
Flagstaff, AZ 86002
(520) 774-4923

I support the Coalition for Sonoran Desert Protection's work and advocate the strongest protection possible for the Sonoran Desert through Pima County's Sonoran Desert Conservation Plan process.

Nancy Stevens

Subject: SDCP COMMENTS

Dear Mr. Huckelberry,

My wife and I live at 8655 North Scenic Drive, Tucson, AZ. We have lived here for almost two years. The reason we moved here was because of the beauty of the desert and the serenity that it provides for both of us.

We have joined the Safford Peak Watershed Education Taskforce(SaPWET) to take advantage of the education it provides to learn about the importance of living in a Critical Habitat Area.

We both realize that development can't be stopped, but with planning and "EDUCATION" the SDCP committee can make a difference in our community for responsible growth in this beautiful, unique area of our country. We wholeheartedly support their plan and thank you for your time in listening to our comments.

Respectfully,
Ed Stolmaker
Marianne Stolmaker

December 20, 2000

Pima County Board of Supervisors
Chuck Huckelberry, County Administrator
130 West Congress, 10th Floor
Tucson, Arizona 85701

Dear Mr. Huckelberry:

In response to the September 26, 2000 draft of the Sonoran Desert Conservation Plan, I offer the following comments:

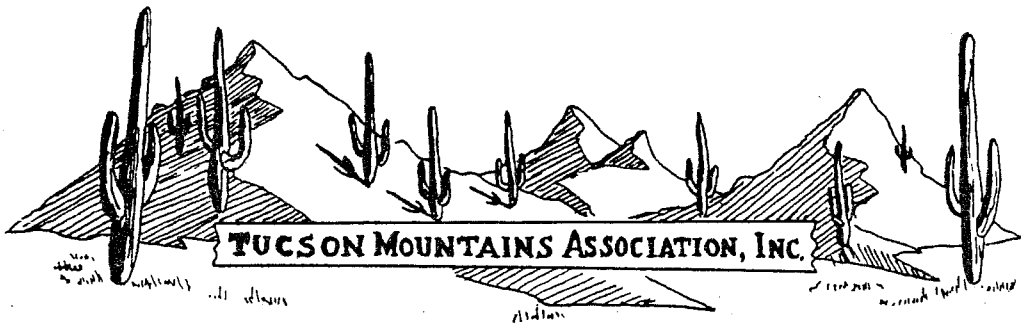
1. **Interim protection for sensitive habitats.** This is a critical need that, in my opinion, is not adequately addressed. Section 7A of item VI "Recommendations to Facilitate" mentions deferred upzoning and conditional use permits. What action has been taken to accomplish this? If development continues business as usual much sensitive habitat could be lost before the plan can be implemented. Interim protection should receive top priority.
2. **Financing.** The plan is an essential investment in our future. Section 9 identifies impact fees and general obligation bonds as revenue sources but does not estimate amounts that could be raised. Southern Arizonans have demonstrated a commitment to conservation and are entitled to realistic cost and revenue estimates.
3. **Water.** Increased pumping of groundwater is correctly identified as a major threat to endangered riparian habitats. Page 34 states that local measures do not exist to protect groundwater dependent ecosystems and that the Safe Yield Task Force may ask the Arizona Department of Water Resources to work with local communities on plans to restrict pumping in sensitive areas. This is another item that demands priority action. Preserves are of little value if their lifeblood can be drained away.

The draft plan is a good beginning but prompt action is needed especially on interim protection and water policy. Further delays reduce the chance of ultimate success.

Sincerely,

William C. Thornton

William C. Thornton
2955 E. Chula Vista Drive
Tucson, Arizona 85716
Email: cactuspyg@aol.com



Box 5906, Tucson, Arizona 85703-0906
NEW ADDRESS: PO BOX 86117, TUCSON, ARIZONA 85754-6117

November 20, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix AZ 85021

RE: EIS for Sonoran Desert Conservation Plan

Dear Mr. Harlow:

The Tucson Mountains Association is an organization of around 300 members living in the Tucson Mountains region. Our Association is also a member of the Coalition for Sonoran Desert Protection. We are excited that Pima County is embarking on the Sonoran Desert Conservation Plan, and want it to be a true conservation plan which results in actual preservation of habitat and species. We are particularly concerned that the SDCP result in protection of watersheds, in particular those which flow from the Tucson Mountains and "connect" the Tucson Mountains to the Tortolita Fan, as this northwest area is under tremendous development pressure.

SDCP AND ENVIRONMENTAL IMPACT STATEMENT COMMENTS

In addition to evaluating the effects of a preserve system, the Service's Environmental Impact Statement (EIS) should evaluate the impacts on endangered species and other wildlife in areas where development proceeds as well as impacts on the people who live in them.

The County should address in the SDCP and the Service should address in its EIS how the SDCP will be affected by activities in other jurisdictions, including how the plan will be affected by continued growth within or annexation by cities not participating in the SDCP.

The Service's EIS should investigate and disclose the effects of increased water and air pollution which will occur from development to be allowed under the SDCP.

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U.S. FISH & WILDLIFE SERVICE

The duration of the SDCP take permit for covered species should be linked to recovery of those species.

The SDCP and Service's EIS should address how occupied pygmy-owl habitat and other wildlife and vegetation conservation will occur on the Tortolita fan.

Comments re: SONORAN DESERT CONSERVATION PLAN (SDCP):

The SDCP must ensure the survival of covered species and contribute to the recovery of these species relative to the extent of their historic range and distribution in Pima County, and lands preserved as mitigation for development under the SDCP must be free from harmful land use practices.

The establishment of a hard-line regional preserve will be necessary to carry out the County's SDCP goal of ensuring the long term survival of the full spectrum of plants and animals that are indigenous to Pima County through maintaining or improving the habitat conditions and ecosystem functions necessary for their survival.

A preserve area and species-specific management and monitoring plan -- identifying precisely how and when protective preserve and species management and monitoring will be accomplished over the life of the regional incidental take permit -- must be included in the draft and final SDCP.

Substantial funding and/or other mechanisms necessary to protect land, protectively manage and monitor the preserve and species and to address unforeseen circumstances must be detailed in the SDCP and in place at the time of approval.

Habitat destruction and take of listed species under the SDCP should proceed only as all necessary mitigation funding and other resources becomes available.

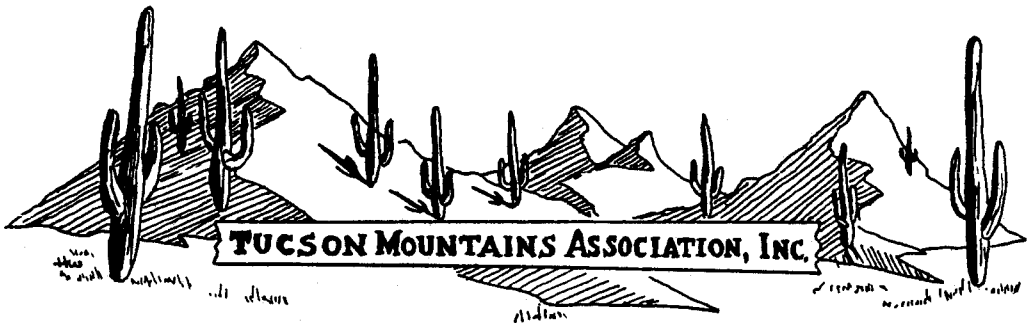
The County must not act to greatly increase the value of private properties which may be important for implementation of the SDCP through haphazard or premature up-zoning and/or development approvals.

Sincerely,

TUCSON MOUNTAINS ASSOCIATION, INC.

Carol Klamerus, President

CK/hf



Box 5906, Tucson, Arizona 85703-0906
NEW ADDRESS: PO BOX 86117, TUCSON, ARIZONA 85754-6117

December 27, 2000

Pima County Board of Supervisors
Attn: Chuck Huckleberry, Pima County Administrator
130 W. Congress, 10th Fl.
Tucson Az 85701

RE: Comments on Draft SDCP

Dear Supervisors and Mr. Huckleberry:

Thank you for the hard work you have done so far on the SDCP, and thank you for the opportunity to comment. **The Tucson Mountains Association supports the goals of the Coalition for Sonoran Desert Protection** -to assure that the final SDCP actually protects endangered and soon-to-be-endangered species and their habitats and that the Plan is science-based. We hope that you can avoid upzonings while the plan is in the interim period.

Although the Tucson Mountains area is rather thin in ranches these days, we need to comment on a big part of the Plan. Cattle ranches can and do play an important role in preserving open space on the urban boundary, and preserving working ranches may be a legitimate goal of the SDCP, but **"ranch preserves" must remain separate from "covered species preserves"** and must not be counted as or confused with protected areas within the Plan. Scientific studies show that grazing, even if controlled, destroys habitat. **We are also in favor of many of the suggested changes in County organizational design and planning and zoning codes**. In 4.F(Page 8) there is huge potential for proactive land use planning in the Development Services Department. If the planning department is empowered to make suggestions (or even requirements!) regarding home siting, permaculture-type design, use of passive solar....what a huge difference this could make in resource overuse. The tax incentives for private property owners to voluntarily establish conservation easements (Page 10, 8F) could be a very important part of the Plan.

(continued)

Also, (Page 12, 9.F) Major Development Endowment Funds could also make a big difference as long as the process has good oversight to avoid misuse of the funds. "Enhancing natural resources" associated with developing property will need to be strictly defined, as one person's "improvements" are another person's "destruction".

The Plan should continue to emphasize connectivity by protecting riparian and other corridors among and between protected areas. Two areas of greatest concern to the Tucson Mountains Association are **1) Safford Peak Watershed** at the north end of the Tucson Mountains, and its connection to the Tortolita Watershed, and **2) Tucson Mountain Park connections** to Greasewood Park, Tumamoc Hill, and even to Rio Santa Cruz and points eastward.

Also, please take another look at the list of parcels we think should be taken out of the path of development, by purchase by the County, prepared by the Tucson Mountains Watershed subcommittee, in their Conservation Proposal Overview (copy enclosed).

We thank the Supervisors and Mr. Huckleberry for taking this big step.

Sincerely,

TUCSON MOUNTAINS ASSOCIATION

Carol Klamerus, President

CK/hf

Enclosure - 1 page
xc: Supervisors Bronson + Grijalva

THE CONSERVATION PROPOSAL OVERVIEW: A WORKING DOCUMENT

Between the Tucson Mountains (west) to I-10 (east), and from Avra Valley Road (north) to Valencia Road (south)

*NOTE: * shows properties adjacent or contiguous to Tucson Mountain Park, or Saguaro National Park (usually 40 acres or larger, all acreage amounts are approximate)*

Properties:

All private and public lands within the Saguaro National Park Boundary (approximately 2100 acres)

In Township 12 south, Range 12 East:

Section 30= 639 acres *
Section 32= 240 acres in the east 1/2*
Section 29= Northeast 1/4

In Township 13 South, Range 12 East:

Section 4= 3 parcels- 158 acres*, 40 ac and 155*
Section 10= 430 acres (partially into section 11)*
Section 15= north west portion= 53 acres* and southwest portion 100 ac.*
Section 21- in the east half- 3 separate 40 acre parcels (one parcel contiguous to park)
Section 26 and north part of 25- all same owner- 782 acres (not adjacent to park but close)
Section 28- SE portion- state owns 62.48*- add to park (possible trade??)
160 acres- NE 1/4*
Section 33- 40 acres in the NW 1/4 of the NW 1/4*, in the N 1/2- state owned 40 acres*
Section 34- SE portion- 90 acres, west 1/2- 30 acres, middle 30 acr. Mining claim in W 1/2
Section 35- 40 acres in the north 1/2, 160 acres in N 1/2, 40 acres west side, 40 acres along the north line

In Township 14 South Range 12 East:

Section 12= most of the south 1/2 (*77 acres in SW corner is adjacent)
40+ acres on the west line just north of the center of the section
40+ acres on the east line just north of the center of the section

In Township 14 South Range 13 East:

Section 7= *90 acres covering Twin Peaks- SE quarter and 40 acres adjacent to the south
Section 8= middle of section
Section 18= *160 acres in NE 1/4
Section 20= Conservation Easements: homeowners' associations and platted Common Area
120 Acres* - south and west sides
Section 21= Conservation Easements: HOAs
Suggested Purchase: 118 acres SW 1/4 of SW1/4+
Section 28= *156 acres adjacent to Tucson Mountain Park (40 acres are also contiguous with Kennedy Park)
Section 29= Conservation Easements:
*HOA property
Tucson water property

Recommended for county recreation site:

Township 13 South, Range 13 East, Section 20 —
40 total acres at NW corner of Silverbell and Sweetwater

TRWC

TUCSON REGIONAL WATER COUNCIL

President
Richard Krivel
Vice Presidents
Steve Davis
Steve Dean
Chris Sheafe
Secretary
Laura Hubbard
Treasurer
John Carlson, Sr.
Directors
Larry Aldrich
Regina Brandt
Bill Carroll
Gabrielle Giffords
Reland Kane
Glenn Luglan
Alan Lurie
David Mehl
Chris Monson
Dave Naugle
Morgan North
Buck O'Rielly
Kate O'Rielly
Mary Okoye
Susan Ong
Stephen Quinlan
Tom Rae
Larry Robertson
Priscilla Robinson
Jim Romanoski
John Schaefer
Doug Schlepp
Wayne Silberschlag
John Sundt
Larry Wetterschneider
Ex-Officio
George Brinsko
Walter Burg
Jack Camper
Katharine Jacobs
Matt Matthewson
Emeritus
Frank Brooks
B. P. Cardon

Advisory Council
Mark Cross
Michael Fleury
Kenneth Kingsley
Mark Myers
Jim Riley
Cornelius Steelink
Warren Tenney

Executive Director
Elaine R. Nathanson
Associate Director
Jeanmarie Haney
Administrative Assistant
Mary Bauer

48 N. Tucson Blvd.
Suite 106
Tucson, AZ 85716
Phone (520) 881-3939
Fax (520) 881-1165
e-mail: trwc@azstarnet.com
http: //www.azstarnet.com/~trwc

December 29, 2000

Chuck Huckelberry
Pima County Administrator
130 West Congress, 10th Floor
Tucson, Arizona 85701

Dear Mr. Huckelberry:

The Tucson Regional Water Council (TRWC) appreciates the opportunity to submit comments regarding the *Draft Preliminary Sonoran Desert Conservation Plan* (SDCP). TRWC membership consists of water professionals and providers, businesses, government agencies, and concerned citizens.

TRWC is fully supportive of the development of habitat conservation plans to protect threatened and endangered species in eastern Pima County. We support regional cooperation efforts and believe that the SDCP should be developed and implemented in a seamless fashion across jurisdictional boundaries in order to be fully protective of the habitats and species that the plan seeks to protect. We support Pima County in its efforts to obtain intergovernmental implementing agreements with local jurisdictions and with Federal agencies. We especially urge Pima County to work in cooperation with the City of Tucson and the Towns of Oro Valley, Marana, and Sahuarita, utilizing the resources and expertise that these jurisdictions have to offer.

TRWC supports appropriate and meaningful riparian habitat restoration projects in Pima County. In conjunction with the U.S. Bureau of Reclamation, TRWC convenes the Regional Effluent Planning Partnership (REPP), with the goal of developing a coordinated regional long-range plan for effluent use and obtaining Federal funds for construction. Most local municipalities, Pima County, a number of water providers, and several state and federal agencies participate in REPP meetings. Where Pima County envisions using effluent for habitat restoration, REPP is an excellent forum for introducing a project so that maximum regional benefit is obtained.

TRWC looks forward to the opportunity to participate in development of the final Sonoran Desert Conservation Plan. Please include us on the mailing list for notices of upcoming meetings and events related to the SDCP.

Sincerely,

Elaine Nathanson

Elaine Nathanson
Executive Director

A non-profit organization bringing together a consensus on water policy to assure a long-term supply of high quality water that is affordable and efficiently managed for the benefit of the region.

URBAN TRAILS COALITION

4929 E. FORT LOWELL ROAD, TUCSON, ARIZONA 85712

December 27, 2000

Mr. Chuck Huckelberry
Pima County Administrator
130 W. Congress, 10th Floor
Tucson, Arizona 85701

Re: Sonoran Desert Conservation Plan and Trails

Dear Mr. Huckelberry:

The Urban Trails Coalition represents the interests of some 3,000 Pima County residents committed to the development of an interconnected trail system in the Eastern Pima County, as well as the protection of access to, and the trail opportunities within, the natural resource lands that surround the Tucson.

Members of the UTC's constituent organizations have expressed considerable concern that the proposed Sonoran Desert Conservation Plan may affect recreational trail opportunities on Pima County's natural resource lands and the development of a regional trail system. Because the draft conservation plan contains little information on this subject, and also cites recreation generally as a *stressor*, we are requesting clarification as to how the implementation of the plan might affect the trails community. How trail opportunities will be affected in Tucson Mountain Park and other county mountain parks and natural areas is another specific issue that has come up repeatedly during discussions about the Conservation Plan.

In the opinion of the members of the Coalition, the non-motorized trail uses within the public lands surrounding Tucson and the river corridors that cross the city (i.e. equestrians, mountain/road bicyclists, and pedestrians) do not detract from the concepts set forth in the Sonoran Desert Conservation Plan, and in fact are very compatible with them. The UTC is unequivocal in its support for trails in our community, and we are confident that both recreational trails *and* conservation can co-exist in Pima County. Perhaps it would make sense to have the matter of how recreational trails will be affected by the Conservation Plan examined in the upcoming Environmental Impact Statement that will be produced next year.

Thank you for considering our comments and questions. We hope to have the opportunity to join with Pima County as a partner in the application of the plan and contribute to its success.

Sincerely,

Linda Anderson-McKee

Linda Anderson-McKee, Chair

c: The Honorable Sharon Bronson, Chair, Pima County Board of Supervisors
UTC Advisory Council

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

The presentation by Maeveen Behan was excellent. She clearly outlined the background to the problem, the mechanisms involved in implementing the conservation plan, the parties involved and conflicts to be resolved, and the schedule of stages involved in the process of implementation.

We would like to attend more meetings as the process continues, and we would like the speaker to be Maeveen Behan.

NAME CHRISTOPHER AND ELIZABETH WARREN

ADDRESS 2472 W. DANTE WAY

CITY TUCSON

ZIP 85741

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

Carl Davis has been incredible in his pursuit to save the Ironwood Forest for all mankind to enjoy for all future nature lovers. He worked endlessly from a small group of Silverbell Road neighbors to become inclusive in an eleven member coalition to establish the Ironwood National Monument.

The hiking in and around Ragged Top Mtn is sensational!

NAME Audrey & Donald Weber

ADDRESS 21175 W. Silverbell Rd

CITY Marana, Az

ZIP 85653

4825 W. Kay T Drive
Tucson, AZ 85745
November 22, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix AZ 85021

Dear Mr. Harlow:

I strongly urge you to support the SDCP and take into consideration the following points.

SONORAN DESERT CONSERVATION PLAN (SDCP)

The establishment of a hard-line regional preserve will be necessary to carry out the County's SDCP goal of ensuring the long-term survival of the full spectrum of plants and animals that are indigenous to Pima County.

A preserve area and species-specific management and monitoring plan must be included in the draft and final SDCP.

The SDCP must ensure, through scientific documentation, analysis and peer-review, the survival of covered species and contribute to the recovery of these species relative to the extent of their historic range and distribution in Pima County.

Substantial funding and/or other mechanisms necessary to protect land, protectively manage and monitor the preserve and species and to address unforeseen circumstances must be detailed in the SDCP and in place at the time of approval.

SDCP AND ENVIRONMENTAL IMPACT STATEMENT COMMENTS

In addition to evaluating the effects of a preserve system, the Service's Environmental Impact Statement (EIS) should evaluate the impacts on endangered species and other wildlife in areas where development proceeds as well as impacts on the people who live in them.

The County should address in the SDCP and the Service should address in its EIS how the SDCP will be affected by activities in other jurisdictions, including how the plan will be affected by continued growth within or annexation by cities not participating in the SDCP.

Sincerely,

Sharon Welch

Sharon Welch

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4825 W. Kay T Drive
Tucson, AZ 85745
December 28, 2000

Pima County Board of Supervisors
Attention: Chuck Huckleberry
130 W. Congress, 10th Floor
Tucson, AZ 85701

Re: Sonoran Desert Conservation Plan

Ladies and Gentlemen:

I strongly support the Sonoran Desert Conservation Plan and its goal of protection of endangered and soon-to-be endangered species and their habitats.

The points I consider to be most important are:

- Expansion of mountain parks
- No upzonings in habitat areas
- Connectivity by protection of riparian and other corridors

Thank you for taking this important step toward maintaining the Tucson lifestyle. None of us want our valley to become a Phoenix.

Very truly yours,

Sharon Welch

Sharon Welch

bhs

WestLand Resources, Inc.
Engineering and Environmental Consultants

December 29, 2000

Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 West Congress, 10th Floor
Tucson, Arizona 85701

RE: COMMENTS ON THE PRELIMINARY DRAFT SONORAN DESERT CONSERVATION PLAN

Dear Mr. Huckleberry:

Congratulations are in order for the effort put forth by you and your staff in the preparation of the Preliminary Draft Sonoran Desert Conservation Plan. Pursuant to your request for comment on the we offer the following comments. These comments have been prepared to identify procedural needs that exist in the current preliminary draft to facilitate the successful resolution of the ambitious planning effort that has been embarked upon by the County. We look forward to working with you and your staff as you proceed through this planning and regulatory effort.

The Preliminary Draft of the Sonoran Desert Conservation Plan, while promoting ambitious conservation and growth management goals, lacks detail that may be required for successful implementation of a multi-species habitat conservation plan (MSHCP). General questions that remain unanswered include:

- What kinds of activities will be covered by the SDCP?
- How does the SDCP affect landowners that have regulatory obligations under the ESA and require permits from USFWS?
- Who can participate in the SDCP and what are the requirements to participate?
- What are the costs associated with the adoption and implementation of the SDCP?
- How will the SDCP be funded?
- What costs will be borne by the regulated community?
- What long-term assurances does the SDCP provide to the regulated community?
- How will the SDCP, in a practical sense, simplify the permitting process with its "one-stop" permitting proposal?

To date, the County has expended considerable effort and costs on the collection and synthesis of data, the formulation of plan elements, and implementation of a formalized public participation process. Specific comments on the SDCP are provided below.

1. The event, that served as a catalyst for the County's pursuit of the SCDP, was the listing of CFPO and the designation of CFPO critical habitat within Pima County. In this context, the fundamental purpose of the SDCP is to provide the community with the ability to effectively address the potential conflicts that arise between economic development and population growth

2343 E. Broadway Blvd., Suite 202 • Tucson, AZ 85719 • 520·206·9585 Fax 520·206·9518

and the conservation of endangered species in a comprehensive fashion and in a manner prescribed by the regulations of the Endangered Species Act. The current draft does not seem to provide sufficient guidance for the regulated community and it does not provide relief or certainty for those landowners whose properties have been encumbered by designations of critical habitat.

2. The current draft of the SDCP does not acknowledge that the purpose for an HCP is to provide for the lawful "take" of a listed species, consistent with the conditions outlined by USFWS regulations. In fact, the Purpose and Need statement published by the USFWS in their Notice of Intent to prepare an EIS to evaluate the SDCP does not include any statements relating to the take of an endangered species (FR 65 No. 174, pg. 54296). The purpose for the 10a permit process should be acknowledged clearly within a purpose and need statement that guides preparation of the SDCP. Further, one of the clearly articulated goals of the SDCP should be to provide the regulated community with an efficient and cost-effective solution to their compliance obligations under the Endangered Species Act (ESA).

3. The current draft of the plan appears to be more about growth management and less about compliance with ESA permitting obligations through the development of a habitat conservation plan. Many of these elements, while certainly having the potential to benefit our community, do not relate to the purpose and need for an HCP, are speculative, and require actions by governmental bodies that can not be required to take action, and thus jeopardize the plan's implementation and viability.

4. Definition of the goals and objectives of the SDCP seems to conflict with the scoping efforts initiated by the USFWS and the Pima County. This excerpt from the NOI published by the USFWS clearly indicates that the SDCP is the HCP that the USFWS will be analyzing in its EIS.

> *"Pima County proposes to be an applicant for an incidental take permit, through development and implementation of the Sonoran Desert Conservation Plan (SDCP), which will serve as a habitat conservation plan, as required by the Act for issuance of an incidental take permit. The SDCP will provide the measures to minimize and mitigate the effects of the proposed taking on listed and sensitive species and the habitats upon which they depend."*

However, the executive summary of the October 2000 report published by the County and entitled "Overview of the Sonoran Desert Conservation Plan" refers to the SDCP as a larger planning effort in which a multi-species habitat conservation plan will be inserted. Specifically, it states:

> *"The most significant component of the SDCP would be a Multi-species Habitat Conservation Plan (MHCP) which would satisfy federal requirements"*

Clearly, this representation of the SDCP and a yet to be prepared MHCP is in conflict with the NOI published by the USFWS and raises fundamental questions regarding the actual scope of review for the USFWS EIS and the implementing authority for the various components of the SDCP.

5. The transportation elements of the plan described in the Memorandum to the Board are not consistent with the purpose and need identified in the NOI. They raise questions in regard to the scope of the plan, the range of alternatives that may have to be considered within the EIS and the

ability of the Service to require/enforce implementation of these elements if adopted as part of the final plan.

6. How does the county plan to address the formulation and evaluation of alternatives? The current scope of the EIS as defined by the purpose and need statement in the NOI and the County's preliminary plan is sufficiently broad as to make thorough development of alternatives required by NEPA difficult at best. Will the county prepare/review complete stand-alone alternative plans in addition to the No Action Alternative? The County's current view of alternatives as suggested in the summary of the Preliminary SDCP provided on page 60 of that document seems to suggest that the County plans to pursue its evaluation of alternatives in a manner that does not meet the standards required by the National Environmental Policy Act (NEPA).

Presentation of the plan with elements that can be meaningfully considered to stand alone for purposes of alternatives evaluation from other elements of the plan would enable effective plan development, alternative consideration, and public discussion and comment. Such independent elements could include Preserve Design, Development Constraints, Monitoring and Adaptive Management, Funding, etc. With clearly defined plan elements, alternatives to achieve the plans purpose and need could be readily developed and evaluated. This matrix approach to alternative identification and evaluation has been effective in other complicated NEPA processes and would facilitate focused, effective public participation.

7. The County proposes the establishment of a "one-stop" permitting program. This is an ambitious goal that raises many questions regarding the mechanics of such a program, including:

- What approvals will this process provide?
- Under what mechanisms will the various jurisdictions (federal, state, and local) coordinate their efforts?
- If the CWA Section 404 permit program is integrated into the SDCP regulatory process, how will changes in Corps policies and procedures subsequent to the adoption of the SDCP affect individuals who have been granted permits under the SDCP?
- What are the costs of the "one-stop" permitting process?

8. The protection of historic and cultural resources is well established by Federal, State, and County Regulation. Under what authority is the Service evaluating this preservation element of the county's plan in the EIS? Under what authority would these preservation measures (which we anticipate would exceed the Section 106 compliance obligations of the Service) be implemented? Would these authorities supercede the requirements of Section 106 permitting as required for Corps permits? How will tribal consultations be handled? What role will the federal advisory council have in this process?

9. The most significant ESA issues facing the County at the present moment are i) the listing of the cactus ferruginous pygmy-owl (CFPO) as endangered by the USFWS and the subsequent designation of critical habitat for the CFPO and ii) the listing of Pima Pineapple Cactus as an endangered species. Unfortunately, the County's current plan is largely silent as to the specifics of how these issues will be addressed. The plan lacks any specific recommendations for dealing with either the CFPO or the Pima Pineapple Cactus. Apparently the Plan relies on recommendations that will be forthcoming in the draft and final CFPO Recovery Plan being prepared by the USFWS. This recovery plan is currently being prepared outside of the public process prescribed by NEPA – how will this effort play into the Habitat Conservation Plan (HCP)/NEPA process? Are they even compatible except in the broad specific of establishing

biological recovery objectives for the CFPO? Is the USFWS willing to integrate their recovery plan into the County's planning process and its NEPA review so that development standards and mitigation obligations are prepared in a public forum?

If the County plan adopts the current draft development standards that have been outlined in internal drafts of the Recovery Plan for CFPO,[1] the SDCP will have failed in one of its important objectives; it will not have reduced the regulatory burden on the regulated community.

10. Important new data regarding the CFPO did not seem to make the current version of the plan. We understand from communication with the USFWS and AGFD that the first season of two planned seasons of survey for CFPO has been completed in Sonora, Mexico. These surveys were quite successful and in fact we were told that there were approximately 300 detections during this survey effort. These detections occurred throughout Sonora, from the southern portions of the State to the near the International Border. We also understand from these conversations that there has been evidence of CFPO moving across the International Border – suggesting that the US and Mexican populations of CFPO are not distinct, isolated populations. This information is significant and should have tremendous influence on the formulation of the SDCP.

11. The SDCP makes reference to five distinct population segments for the CFPO. Unfortunately no data is provided to indicate why these population segments are considered to be distinct from one another. This seemingly insignificant reference to the areas where CFPO have been detected has ecologically and economically important management implications. The Organ Pipe, Altar Valley, and Tohono population segments identified in the County's SDCP as distinct population segments are more reasonably considered a single unit. This is supported by the absence of any barriers that would preclude the movement of CFPO between these areas, the relatively large distances that dispersing CFPO can move,[2] and the seemingly large population in Mexico. Lacking any information to the contrary, other than land ownership differences, the identification of these three areas as distinct population segments is unreasonable and speculative. These three areas considered in the context of the initial survey data from Mexico make this region of the County a critical component for the management and conservation of the CFPO.

AGFD has reported that dispersing CFPO have moved from southern Pinal County into the Northwest Tucson area. Therefore, the identification of Pinal County and Northwest Tucson as distinct population segments also seems unwarranted and contrary to existing dispersal data.

12. Section 10(a)(2)(A) of the ESA requires that an incidental take permit shall not be issued unless the applicant submits a plan the contains the following: (i) the impact which will likely result from such taking; (ii) what steps the applicant will take to minimize and mitigate impacts, and the funding that will be available to implement such steps; (iii) what alternative actions to such taking the applicant considered and the reasons why such alternative actions are not being utilized; and (iv) other such matters the may be required as being necessary or appropriate for the plan. The plan, as it is currently conceived, does not specifically address these requirements.

13. The process outlined in the Sonoran Desert Conservation Concept Plan provided in the Preliminary Sonoran Desert Conservation Plan appears to be lacking in important details in

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[1] The USFWS has repeatedly utilized the development standards and mitigation requirements outlined in the current draft of the recovery plan as the basis for establishing development restrictions and mitigation requirements during Section 7 consultation for individual project plans.

[2] The USFWS, in a number of the ongoing Section 7 consultations have indicated that the maximum dispersal distance for juvenile CFPO is 19 miles.

regard to development of the MSHCP. Notably absent is preparation of a draft EIS for public review and comment, preparation of a final EIS, and the USFWS obligation to complete an intra-agency section 7 consultation and the subsequent issuance of a Section 9 "take" permit for the activities proposed in the County's conservation plan.

The fact-based recommendations and the interest-based recommendations identified in the process outline must be brought together much earlier to reflect the direction that the community wishes to embark upon. In fact, the integration of community values and the science that allows us to understand the implications of a plan based upon those values should occur prior to the publication of the draft EIS. This integrated plan then becomes the proposed action analyzed in the EIS for its impacts to the human environment and the issuance of the 10(a) permit.

14. The Built-Out And Committed Lands Map (referred to in the NOI through reference to the Preliminary SDCP) needs to be reviewed in detail. For example, the status of one of the properties owned by New World Homes is shown as being zoned at less than 0.3 RAC when they are currently zoned for development in excess of 4 RAC.

We appreciate the opportunity to provide our comments on the preliminary draft SDCP and look forward to working with the County Staff and the USFWS to resolve these complicated issues. The successful resolution of these planning issues to the environmental and economic benefit of the community will require focused input from all segments of our community.

Respectfully,
WestLand Resources, Inc.

James A. Tress,
Principal

December 27, 2000

C. H. Huckleberry
County Administrator
Sonoran Desert Conservation Plan
Pima County Administrators Plan
130 West Congress, 10th Floor
Tucson, AZ 85701-1317

Dear Mr. Huckleberry,

We request that all development and zoning decisions regarding the Santa Rita Ranch Specific Plan (First Amendment) Co23-87-03 be deferred until the Draft Preliminary of the Sonoran Desert Conservation Plan (SDCP) is completed.

Respectfully Submitted,

Signature June Williamson

620 E. Montgomery Ave.
Corona de Tucson, AZ 85641
762-5644

12/27/00

Mr. C. H. Huckleberry, County Administrator
Sonoran Desert Conservation Plan (SDCP)
Pima County Administrator Plan
130 West Congress, 10th floor
Tucson, AZ 85701-1317

Attn: C. H. Huckleberry
County Administrator

Dear Mr. Huckleberry:

I am a concerned resident of the Corona de Tucson area, where, as you know, there is an inordinate amount of new construction either underway or planned. We are a rural area and have the priviledge of seeing wonderful wildlife and desert plants of all kinds - 8 deer ran across the back of our yard two months ago. Flocks of quail visit our yard daily, hawks are plentiful and I see our resident hawk every morning. Our trees have many hummingbirds, cardinals, cactus wrens, owls, etc. which are beautiful to see. I also have seen a Bob Cat run across the golf course, to say nothing of the many, many rabbits which more than feed the coyotes. I do pray that some measure can be taken to save some room for all of these irreplaceable creatures.

Sincerely,

Mrs. Robert Williamson

Mrs. Robert Williamson
620 E. Montgomery Ave.
Corona de Tucson, AZ 85641
762-5644

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

I strongly support the principles in the SDCP. I encourage you to continue to evolve the plan so that in the future Pima County is a better place, not just a bigger place. Specifically, I encourage the following:

(1) Aggressive limitations on upzoning until the SDCP is complete.

(2) A stronger plan for restoration of riparian habitats. We can make it an objective of the plan to restore ~~#~~ native wildlife to Santa Cruz, Rillito, Pantano & Tanque Verde drainages. I support more severe water conservation measures and removal of wells from near these drainages.

(3) Please add significant wildlife corridors to connect the Rincon Mts to the Las Cienaga NCA.

(4) I support more cooperative work with ranchers to ranching impact on native plant, animal and river systems.

NAME Don Wilson

ADDRESS 2280 N. Camino Rinconado

CITY Tucson AZ

ZIP 85749

Sonoran Desert Conservation Plan

We invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan.*** Comments must be received by January 1, 2001.

Comments

I support the Sonoran Desert Conservation Plan and encourage you to aggressively implement it and expand it over time. Please do everything possible to limit urban sprawl in Pima County and encourage infill development.

NAME Karen Wilson

ADDRESS 2280 N. Camino Rincondo

CITY Tucson AZ

ZIP 85749

L.G. and Barbara B. Wilson
6645 N. Waycross Rd
Tucson, AZ 85743

November 20, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal palm Road, Suite 103
Phoenix, AZ 85021

RE: Sonoran Desert Conservation Plan

Dear Mr. Harlow:

We have lived in the Tucson Mountains since 1964 and are long-term members of the Tucson Mountains Association. Our years in the Tucson Mountains have enhanced our appreciation of the rarity and fragility of the native plants and animals in the Sonoran Desert. The pressures of development increasingly threaten this unique environment. Accordingly, we strongly endorse the goals of the Sonoran Desert Conservation Plan. Implementation of the Plan is essential to Pima County's goal of ensuring the continued survival of the entire range of plants and animals that are indigenous to Pima County. We strongly recommend careful planning and adequate funding to ensure this goal is met.

Sincerely

L. Wilson

L.G. Wilson

Barbara B. Wilson

Barbara B. Wilson

RECEIVED
NOV 22 2000
U.S. FISH & WILDLIFE SERVICE
ES STATE OFFICE PHOENIX, AZ

planning resources
planning landscape architecture urban design development consultants

December 22, 2000

Mr. C. H. Huckelberry
County Administrator
Pima County
130 West Congress
Tucson, Arizona 85701-1317

RE: Draft Preliminary Sonoran Desert Conservation Plan

Dear Chuck:

I have completed my review of the Draft Preliminary Sonoran Desert Conservation Plan you distributed October 17, 2000 and continue to have problems with the single focus of this effort to date. I do not have a problem with science being a major part of a planning effort for Pima County. I do have a problem if it is the sole driving force for a plan for Pima County.

As a planner, we way too often plan for ourselves...i.e. white, middle to upper-middle class. The draft plan is a plan for biological sciences, but is just a guilty as what planners typically do in ignoring all the other aspects of society. Its sole focus in how to preserve land and sock it to development to pay for preserving land. It does little, if anything, for those of us here, those coming, for our children, for our economy and better paying jobs, for better police services, for better schools, or any number of other aspects of community.

I know that this effort is largely a reaction to a single federal requirement and that there is little over-all vision at the federal level. But, Pima County is not merely a vehicle for implementing single focused federal policy. It has a broader duty.

I look forward to the County looking to provide that broader vision and leadership.

Sincerely,

Carl Winters
Principal

270 North Church Avenue, Tucson Arizona 85701 ■ (520) 628-1118 fax: 628-7637
2111 East Broadway Road, Suite 14 Tempe Arizona 85282 ■ (602) 921-0208 fax: 921-9561

Mr. Chuck Huckelberry
Pima County Administrator
130 W. Congress, 10th Floor
Tucson, AZ 85701

January 1, 2001

Re: Draft Sonoran Desert Conservation Plan

Dear Mr. Huckelberry,

Women for Sustainable Technologies would like to thank you for the tremendous time and energy the County is devoting to the Sonoran Desert Conservation Plan process, and for involving the community and ourselves in commenting on it. This Plan is Pima County's, and the nation's, greatest opportunity to demonstrate wisdom in land stewardship for the benefit of all current and future residents.

We believe the Plan at this point represents excellent work on the part of the Science and Technical Advisory Team and contracted biology firms in determining species and habitat concerns. We encourage the continuation of rigorous and peer-reviewed science to ensure that the Plan fulfills the letter and intent of the Endangered Species Act.

Significant energy has also been put into the Ranching Team, and we are concerned about the singling out of this sector as a sort of protected land use. We believe that the Endangered Species Act puts the primary focus on preservation of endangered and threatened species habitat, and that all land uses must be examined equally as to their impact. As a member of the Coalition for Sonoran Desert Protection, WST encourages implementation of the recommendations in the Coalition's forthcoming comments on ranching.

WST looks forward to further information from the County on economics. The County's report on the costs of growth did an admirable job of demonstrating the drawbacks of wildcat subdivisions. However there are other many other impacts of growth to address to ensure economic (as well as environmental and social) sustainability for all Pima County's residents.

• What are the economic impacts of leapfrog patterns of growth on the County? Do extra miles of construction and maintenance of roadways and sewer lines, as well as the need for new schools and emergency services, siphon monies from urban core maintenance?

women for sustainable technologies
PO BOX 48
TUCSON, ARIZONA 85702
(520)690.6356

• What are the externalized costs of this sprawled growth, economic, environmental and social (residents forced to maintain and use automobiles to meet all needs, overcrowded schools, increased air pollution, reduced recreational lands, water table draw down...)?

• What sectors of our economy will provide a sustainable economic base through the future, industries that extract benefit from the natural landscape (development, ranching, mining) or those that derive their benefit from the natural landscape (recreation, tourism, film)? What are the additional benefits of preserving the landscape (such as the quality of life that attracts new economy industries emphasizing intellectual property and service over resource extraction)?

We realize that the Sonoran Desert Conservation Plan is not an urban growth measure; it is a multi-species habitat conservation plan. However WST believes that implementation of the Plan will coincide with the benefits of good growth management: Preservation of endangered and threatened species habitat and corridors will also benefit the urban need for open space and preservation of the landscape; denial of development and roads in sensitive areas will also promote infill. WST hopes that future County studies will address these issues.

We also look forward to the opportunity for the Steering Committee members to sit down together and work out their interests with each other. We are concerned that so far there has been no opportunity for Steering Committee interaction, and no opportunity to brainstorm, negotiate, and otherwise form the basis for community buy-in to the Plan.

Again, Women for Sustainable Technologies thanks you for this opportunity to comment on this phase of the Sonoran Desert Conservation Plan, and looks forward to our future involvement.

Sincerely,

Lisa Stage
Board of Directors

December 27, 2000

C. H. Huckleberry
County Administrator
Sonoran Desert Conservation Plan
Pima County Administrators Plan
130 West Congress, 10th Floor
Tucson, AZ 85701-1317

Dear Mr. Huckleberry,

We request that all development and zoning decisions regarding the Santa Rita Ranch Specific Plan (First Amendment) Co23-87-03 be deferred until the Draft Preliminary of the Sonoran Desert Conservation Plan (SDCP) is completed.

Respectfully Submitted,

Steven M. Wood
Signature

Luanne K Wood
601 E. Nashville Ave
Corona, AZ 85641

12/27/00

To Whom it May Concern:

We are submitting this testimonial to inform you of the types of flora and fauna we encounter living in the Corona De Tucson area during our daily walks, weekly golf outings at Santa Rita Golf Course, and from view while sitting in our backyard and/or front porch. We offer this list to be used in conjunction with the Sonoran Desert Conservation Plan (SDCP). The list is as follows:

Red Tail Hawks	Coopers Hawks	Harris Hawks
Hummingbirds	Golden Eagles	Turkey Vultures
Crows	Ravens	Gila Woodpeckers
Cactus Wren	Frogs	Coyotes
Diamondback Snake	Racer Snake	Horned Owls
Roadrunners	Killdeer	Heron
Mockingbird	Great-tailed Grackle	Brownheaded Cowbird
Bull Snakes	Tarantula	Scorpion
Mourning Dove	White Winged Dove	Gambels Quail
Finch	Cardinals	Northern Orioles
Scotts Orioles	Hooded Orioles	Whitetail Deer
Javelina	Barrel Cactus	Cholla Cactus
Santa Rita Prickly Pear	Prickly Pear Cactus	Mesquite Tree
Palo Verde Tree	Catclaw	Desert Broom

The above list is not meant to be all inclusive for the area. Hopefully, it helps give a representation of what the area has to offer and the natural beauty bestowed upon us that live here. Corona De Tucson is presently undergoing an effort by a local developer to rezone the area for future building. It is our understanding that the SDCP needs to be addressed before any such rezoning occurs. We hope this list and others like it ensure this area is treated with the respect and care it deserves.

Thank You!

Respectfully Submitted By:

Steven Wood

Luanne K. Wood

Steven and Luanne Wood
601 E. Nashville Ave.
Corona, AZ. 85641

RECEIVED
DEC 29 2000
DISTRICT 3 OFFICE

December 26, 2000
2750 W. Cattail Pl.
Tucson, AZ 85745

Dear Ms. Bronson,

I understand that the Sonoran Desert Conservation Plan is open for public comment. As Tucson Mountain Park is part of the plan, and I ride my mountain bike there regularly, I wanted to voice my opinion regarding recreation use under this plan. I hope that preservation efforts can coexist with recreation. I want to be allowed to ride my bike on trails that are currently being used for biking, as they are holding up very well, and Tucson has few off-road areas to ride near town. I believe that Pima County trails should be shared by all non-motorized users.

Sincerely,
Nancy E Whyte

Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 W. Congress, 10th Floor
Tucson, AZ 85701

I support the highest level of protection for the desert. We have given too
much away already.

Don Zepp
9981 E. Sabino Springs Pl
Tucson, AZ 85749

Subject: FW: Sonoran Desert Conservation Plan

PimaCnty-ConsSubOrdinance-1100...

-----Original Message-----
From: DennisMelin/MichaelZimet [mailto:vanguardco@mindspring.com]
Sent: Wednesday, November 29, 2000 10:22 AM
To: SDCP-Recon-Paul Fromer
Cc: Maeveen Behan; SDCP-USF&W-Leslie Dierauf; SDCP-USF&W-David Harlow; SDCP-Recon-Lorri Woods
Subject: Sonoran Desert Conservation Plan

Michael Zimet
McVie
Pima Property Rights Association
4055 East River Road
University, #120
Tucson AZ 85718
520/615-9300
520/744-0931

Christina
Coalition for Sonoran Desert Protection
300 East
Tucson AZ 85705

November 29, 2000

via Email only to PFromer@recon-us.com

Paul Fromer
Recon Consultants, Inc.
1927 5th Avenue, #200
San Diego CA 92101

Re: Model "Conservation Subdivision" for Sonoran Desert Conservation Plan

Dear Paul:

This letter is to introduce you to a Model "Conservation Subdivision" that we feel should be included in the Sonoran Desert Conservation Plan (SDCP) as the best way to develop this type of sensitive and valuable land.

As a property rights activist and environmental activist, we worked together to obtain Pima County's recent adoption of a Conservation Subdivision ordinance, and now continue to work together to make that ordinance even more meaningful for the community. A copy of the proposed final ordinance, as revised, is attached.

Using this new ordinance, the Vanguard Companies, headed by Michael Zimet, is currently planning a Conservation Subdivision at the base of the

Coronado
National Forest in the Santa Rita Mountains at Ocotillo Ranch, which is at
the end of South Houghton Road, Southeast of Tucson in Sections 35 & 36, Township 17S, Range 15E of Pima County. This Conservation Subdivision will
be known as "Santa Rita Heights" at Ocotillo Ranch, and will encompass from
26 to 35 lots on from 110 to 146 acres.

This new ordinance states that its purpose is to encourage and provide incentives for innovative site planning of residential subdivision lots that
are designed in harmony with the natural features and constraints of the property. The ordinance establishes subdivision development standards which
provide for the substantial preservation of natural open space and natural
and cultural resources while allowing a landowner fairly to achieve full density under the existing zoning of the land.

The ordinance also states that the goal of conservation site planning is to
protect designated peaks and ridges, riparian habitat, native plants and plant communities, areas near public preserves, wildlife habitat areas, biological corridors, and sites of archaeological and cultural value. Conservation Subdivisions such as "Santa Rita Heights" at Ocotillo Ranch promote the establishment of conservation natural areas and, where possible
and practicable, support interconnected, continuous, and integrated open space systems within an area. This will be particularly valuable when, like
"Santa Rita Heights" at Ocotillo Ranch, they are located contiguous to public preserves and can serve as a buffer to less sensitive development.
"Santa Rita Heights" at Ocotillo Ranch is a model of these ideals and should
be included in the SDCP as the best way to develop this type of sensitive
and valuable land.

We welcome the opportunity to provide you with pertinent information on both
the Conservation Subdivision ordinance and "Santa Rita Heights" at Ocotillo
Ranch for your consideration in the SDCP. Please let us know your thoughts.

Thank you for your courtesy and consideration.

Yours truly,

Michael Zimet & Christina McVie

cc:
Lori Jones Woods - Recon Consultants, Tucson AZ
via Email only to Reconac@aol.com

David L. Harlow - U.S. Fish & Wildlife Service, Phoenix AZ
via Email only to David_Harlow@fws.gov

Leslie A. Dierauf - U.S. Fish & Wildlife Service, Albuquerque NM

via Email only to Leslie_Dierauf@fws.gov

Maveen Behan - Pima County Administrator's Office, Tucson AZ
via Email only to MBehan@exchange.co.pima.az.us

ORDINANCE NO. 2000 - 07

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS, RELATING TO ZONING; AMENDING THE PIMA COUNTY ZONING CODE BY AMENDING SECTION 18.09.100 (CONSERVATION SUBDIVISION) TO ADD PROVISIONS AND REVISIONS THAT RESPOND TO THE BOARD OF SUPERVISOR'S DIRECTION AND REFERRAL ON AUGUST 1, 2000.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY;

SECTION 1. That Chapter 18.09 of the Pima County Code is hereby amended by revising section 18.09.100 conservation subdivision:

Chapter 18.09
GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS

* * * *

18.09.100 Conservation subdivision

A. Purpose: The purpose of this section is to encourage, and provide incentives for innovative site planning of residential subdivision lots that are designed in harmony with the natural features and constraints of property. This section establishes subdivision development standards which allow a landowner to achieve full density under the existing zoning of the land, and which also provide substantial preservation of natural open space and natural and cultural resources.

The goal of conservation site planning is to protect designated peaks and ridges, riparian habitat, native plants and plant communities, areas near public preserves, wildlife habitat areas, biological corridors, and sites of archaeological and cultural value. Conservation subdivisions promote the establishment of conservation natural areas and, where possible and practicable, support interconnected, continuous, and integrated open space systems within an area, particularly when located contiguous to public preserves.

B. Applicability: These standards may be used to develop subdivisions on land containing undeveloped indigenous habitat identified by the property owner in a conservation subdivision plat through aerials and supporting documentation, and certified as containing undeveloped indigenous habitat by the planning official. Any dispute about applicability of these standards to a particular parcel of land shall be reviewed at a public hearing before the planning and zoning commission. Except as noted in this section all other requirements of the Pima County Zoning Code shall apply.

C. Definitions: The following definitions apply to this section:

1. Conservation subdivision: a residential subdivision that is designed according to the procedures set forth in this section. A conservation subdivision allows a property to be developed to the full residential density permitted under the existing zoning classification, while also providing for the permanent conservation of substantial amounts of environmentally and culturally valuable open space areas, such as designated peaks and ridges, riparian habitat, native plants and plant communities, areas near public preserves, wildlife habitat areas, biological corridors, and sites of archaeological and cultural value.

2. Conservation natural areas: those areas within a conservation subdivision that are permanently designated and deed restricted to natural open space use.

3. Designated homesite area: that portion of a lot not restricted by a conservation easement.

4. Indigenous habitat: undeveloped areas consisting of plant communities that grow naturally in and are native to Pima County.

5. Primary conservation features: those parts of the site which contain the primary resource value natural features such as

a. lakes, ponds, wetlands, floodway and erosion hazard setback areas;

b. riparian habitat, hilltops, peaks or ridges, and prominent rock outcroppings extending from public preserves;

c. Riparian habitat corridors and riparian areas of hydroriparian, mesoriparian, and xeroriparian A, B, and C, and any segments of riparian habitat that are hydroriparian and mesoriparian according to Riparian Habitat Regulations in Article X of the Pima County Floodplain and Erosion Hazard Management Ordinance;

d. prominent vegetative and geologic features of a site, including saguaros and ironwoods designated as viable, mesquite bosques, and prominent hilltops, rock outcrops, and peaks or ridges;

e. habitat with plant species listed as Highly Safeguarded by the Arizona Native Plant Law;

f. areas of undisturbed native upland vegetative communities adjacent to primary riparian habitat; and

g. slopes of twenty-five per cent or greater.

6. Private living area: that portion of a designated homesite occupied by buildings, walls, patios, vehicular parking and circulation areas, and connecting pedestrian walks.

7. Secondary conservation features: those parts of a site which contain the secondary resource value

natural features such as

a. segments of riparian habitat not connected to or extending from a public preserve;

b. riparian areas not designated as primary conservation features;

c. areas of undisturbed native upland vegetation communities;

d. habitat with plant species listed as salvage restricted per the Arizona Native Plant Law;

e. areas between fifteen per cent and up to but not including twenty-five per cent slopes; and

f. one hundred year- floodplain areas.

D. Permitted Zones: This applies to subdivision development in the following zones: IR, RH, GR-1, SR, SR-2, SH, CR-1, and specific plan development areas with land use designations that are comparable to IR, RH, GR-1, SR, SR-2, SH, or CR-1 zones.

E. Development standards:

1. Maximum density yield: Maximum density yield is obtained by dividing the minimum area per dwelling unit standard allowed under the zone of the property into the gross area of the subdivision site. SH shall use the same minimum area per dwelling unit as GR-1.

2. Minimum lot size:
   a. GR-1, SH, and, CR-1: eighteen thousand square feet;

   b. SR-2: thirty thousand square feet;

   c. IR, RH, SR: forty-three thousand five hundred and sixty square feet;

   d. All lots using a septic system shall meet all county requirements pertaining to lot size and septic use.

3. Minimum building setback :

   a. Subdivision site setbacks for the entire subdivision are the same as the setback permitted in the zone for an single lot, but in no case shall a subdivision site setback be less than thirty feet;

   b. Front yard setbacks of individual lots shall be a minimum of twenty feet;

   c. Rear yard setbacks of individual lots shall be a minimum of ten feet;

d. Side yard setbacks along an internal subdivision street frontage and between adjoining subdivision lots shall be a minimum of ten feet;

e. The provisions of Section 18.07.070 (modification of setback requirements) apply to a conservation subdivision. For the purposes of this section, site setbacks and front yard setbacks in a conservation subdivision may also be reviewed for modification.

4. Domestic animals: the subdivision plat shall have covenants providing for the keeping of domestic animals as follows:

a. Domestic pets shall be confined to private living areas or accompanied on a leash outside private living areas by a resident or trainer, except as provided in the following subsection b;

b. Fenced dog runs may be located outside private living areas within the designated homesite area;

c. Livestock may be kept in SR, RH, & IR Conservation Subdivisions and such livestock shall be confined in barns, sheds or fenced enclosures all within the designated home site areas.

5. Fencing and walls are permitted in the following circumstances:

a. In private living areas on individual lots;

b. For wildlife friendly fencing that is required to protect cultural and natural resources from negative impacts such as human trespass and adjacent grazing areas;

c. For livestock enclosures in the designated homesite area.

F. Conservation natural areas standards. The planning official shall review the subdivision's conservation natural area to ensure that it protects natural area connections and important habitat features. A conservation subdivision shall comply with the following standards:

1. Minimum conservation natural area designation:

a. A minimum of fifty percent (50%) of the area of the subdivision site after deducting major streets and scenic routes rights-of-way dedications shall be set aside and restricted to conservation natural areas. When scientific information confirmed by the Planning Official indicates that a higher percentage of conservation natural area or conservation easement is required, such additional area shall be provided to the maximum extent practicable. Primary conservation features shall be the highest priority feature to be included in conservation natural areas within the subdivision. After all primary conservation features are designated as conservation natural area, any remaining required percentage of natural area shall include secondary conservation features.

b. On lots two (2) acres or greater in lot area, or in low density subdivisions with a density less than two (2) dwelling units per acre, up to thirty per cent of the conservation natural area required in the preceding subsection 1.a. may be located within individual subdivision lots, provided they are restricted to natural area use through recorded conservation easements.

c. No graded or disturbed area shall be part of the conservation natural area calculation.

2. Grading and conservation natural areas.

a. Grading of a subdivision site is permitted only for roadways, utilities and within the approved development areas.

b. The maximum grading area on lots smaller than one (1) acre shall be twenty thousand (20,000) square feet plus the area of a single lane twelve foot (12') wide driveway with a maximum six foot (6') graded area on each side of the driveway that extends from the lot property line to the garage or carport.

c. The maximum grading area on lots one (1) acre or larger shall be thirty thousand (30,000) square feet plus the area of a single lane twelve foot (12') wide driveway with a maximum six foot (6') graded area on each side of the driveway that extends from the lot property line to the garage or carport.

d. To the fullest extent possible, improvements shall be sited to minimize disturbance in conservation natural areas and of the primary and secondary conservation features within them.

e. The design of the development area shall be done so the grading has the least impact on the primary conservation features.

f. Mitigation of disturbed conservation features shall be done in accordance with the purpose of this section, as approved by the planning official.

g. Mitigated areas are not counted or included in the calculation of the per cent of conservation natural area required for a subdivision site.

h. Washes. Within washes that are primary or secondary conservation features, only that grading for roadways and utilities that is necessary to provide access to approved development areas is permitted in accordance with Chapter16.54 (Riparian Habitat Ordinance) of this code. Wash disturbance shall be minimized and all utilities shall be installed within roadway easements, except that where a roadway easement is not a practicable location for the utility as confirmed by the Planning Official, then the utility may cross a wash using the least intrusive construction methodology and subject to mitigation and revegetation of the wash disturbance. Wash areas so

disturbed and subsequently mitigated shall not be included as part of any open space or natural area requirement.

i Native plants. To the fullest extent possible, buildings and other improvements shall be sited so as not to disturb primary and secondary conservation features such as saguaros and ironwood trees. Transplantation of existing indigenous plant material shall be within the subdivision.

(1) Where transplanting or mitigation is required for roadways, utilities, and siting of dwellings, it is permitted in accordance with Ch18.72 (Native Plant Preservation Standards).

(2) Grading and disturbed areas in designated homesite areas located outside private living areas, fenced dog runs, and livestock enclosures shall be revegetated with indigenous plant material that replicates the understory, midstory, and canopy of adjoining conservation natural areas;

(3) Exception to subparagraph 2 above: Native, drought-tolerant, low-water use plants (including trees shrubs, cacti, ground cover, grasses and seed mixes) approved by the planning official may also be used to revegetate grading and disturbance in designated homesite areas located outside private living areas.

j. Except as otherwise provided in subparagraph i. above, revegetation of disturbed areas shall be indigenous trees, shrubs, and ground cover to simulate understory, midstory, and canopy of adjoining natural. areas.

k. Site development shall include reduction of storm water runoff by means of water harvesting (swales, basins, gabions, mulches, etc.), erosion control through benign grade stabilization, and careful siting of improvements to minimize negative impacts in conformance with permaculture practices and concepts

3. To assure the most beneficial natural area design, conservation natural areas shall provide, where possible and practicable, connections to a public preserves, undisturbed riparian areas, and natural areas on adjoining properties, and protection of undeveloped indigenous habitat.

4. Long thin strips of natural areas shall be avoided unless the feature is linear, such as a wash or the configuration is necessary to connect with other washes or trails. The conservation natural areas shall generally abut existing or potential natural areas on adjacent parcels. To the maximum extent possible open space areas adjacent to streets that are located on individual lots shall be left natural. Where possible, such subdivision conservation natural areas shall be designed as part of a larger contiguous and integrated open space system of undeveloped indigenous habitat.

G. Infrastructure Standards.

1. Conservation subdivisions may use the more flexible street development standards established in the

standards and policies of department of transportation and flood control district for conservation subdivisions and shall emphasize protection of wildlife corridors and minimization of traffic killings of wildlife.

2. Notwithstanding the restriction on the length of cul de sacs contained in Section 18.69.040.A2.l (Subdivision Standards), there is no restriction on cul de sac length in a conservation subdivision. However, no cul-de-sac may serve more than one hundred dwellings or any use that would generate one thousand or more average daily vehicle trips.

3. Existing ingress and egress easements adjacent to or within the subdivision boundaries and which serve lots within the subdivision shall be designated as common area. Existing ingress and egress easements within the subdivision that do not serve lots within the subdivision but only serve parcels outside the subdivision may remain as part of a subdivision lot. Existing ingress and egress easements connected to subdivision boundaries may serve subdivision lots.

H. Site planning procedure.

1. Pre-application meeting: Prior to the submittal of a tentative subdivision plat, the applicant is encouraged to prepare a tentative plat sketch proposal which shows the proposed conservation natural areas, the lot pattern, streets, and trail linkages of development areas and to meet with the planning official to discuss how the conservation subdivision standards can be applied to the subject property.

2. Staff shall prepare and mail a notice to all property owners within three hundred feet of the proposed subdivision regarding the proposed subdivision. The notice shall at the minimum include a subdivision data summary, the location and times that the tentative plat sketch proposal is available for public review, and the availability of the applicant to meet with a property owner(s) regarding the proposed subdivision. The cost of staff's preparation and mailing the notice shall be added to the applicant's subdivision application fee.

3. Tentative plat. The tentative plat shall be prepared in compliance with the following design process :

a. Determine the maximum density yield.

b. Identify conservation natural areas. All potential conservation natural areas are to be identified. Lands shall be considered for designation as conservation natural areas in the following order:

1) Areas which qualify as primary conservation features;

2) Areas which qualify as secondary conservation features;

3) Areas the property owner may want to preserve.

c. Identify development areas. The areas that are not identified as conservation natural areas and are available for development.

d. Locate building sites. The approximate sites of individual buildings are tentatively located.

e. Align streets. Streets shall be laid out in a way that avoids, or at least minimizes, adverse impacts on conservation natural areas to the greatest extent practicable. Wash crossings and streets traversing existing slopes greater than fifteen per cent are discouraged.

f. Draw the lot lines. The lot lines should, where possible, be located approximately midway between house locations and may include L-shaped lots which meet county standards.

4. County evaluation of tentative conservation subdivision plat. Development services shall review the plat to ensure that the design is appropriate to the site's natural, historic, and cultural features and the purposes of this section. Diversity and originality in lot layout are encouraged to achieve the best possible relationship between development and conservation natural areas. To the greatest extent possible and practicable, the layout of a tentative plat shall meet the following standards:

a. Protects and conserves riparian areas, slopes greater than fifteen percent (15%), and designated peaks and ridges from clearing, grading, filling, or construction except as may be approved for essential infrastructure;

b. Creates buffer areas to minimize conflicts between residential uses, public preserves, and wildlife habitat;

c. Locates development on the least environmentally sensitive areas of the site with the least amount of intrusion into primary and secondary conservation features, wildlife habitat, and riparian area, and is least disruptive to connections with public preserves and surrounding undeveloped indigenous habitat;

d. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U. S. Fish and Wildlife Services, Arizona Game and Fish Department, and the adopted Sonoran Desert Conservation Plan.

e. Minimizes development impacts on ironwoods, saguaros and their understory, and large clusters of sensitive plant groups protected by the native plant preservation standards (Chapter. 18.72);

f. Avoids siting dwellings on prominent hilltops or ridges by taking advantage of lower topographic forms;

g. Designs around and preserve sites of historic, archeological, or cultural value and their environs insofar as needed to safeguard the character and integrity of the feature;

h. Improves public safety and protects the character of scenic routes by avoiding lot development which directly accesses onto scenic routes that are also major routes;

i. Where trails are provided they shall be designed as a pedestrian circulation path system and to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system;

j. Provides natural areas that are contiguous and whose configuration minimizes fragmentation of natural areas within the development;.

k. Incorporates a water harvesting plan.

l. Revegetation shall contain indigenous trees, shrubs, and ground cover to simulate when practicable understory, midstory, and canopy of adjoining natural areas.

I. Lot Development. Lots thirty-six thousand square feet or greater with grading areas greater than fourteen thousand square feet shall, at the time the lot is developed, incorporate a thirty percent natural area set aside into the lot design, if not already delineated by the plat. The natural area should, when possible, provide connections to adjoining common or individual lot conservation natural areas, and building area footprints should be minimized.

J. Conservation natural areas ownership and maintenance. Conservation natural areas shall be restricted to natural open space in perpetuity. The conservation natural areas shall remain undivided. Conservation natural areas located outside of individual residential lots shall be owned and managed by either a homeowners' association, the county, or a recognized land trust or conservancy. At a minimum, any conservation natural area shall be encumbered by a conservation easement granting Pima County the right to enforce conservation measures described therein and to assess costs thereof for any violation.

1. Dedication.
Conservation natural areas may be dedicated to the county, either in fee simple or as an easement, by a form of instrument approved by the county. The county may, but is not be required to accept conservation natural areas.

2. Transfer to a private conservation organization. Conservation natural areas may transferred either in fee or by easement to a private nonprofit organization, among whose purposes it is to conserve conservation natural areas and or natural resources provided that

a. the organization is acceptable to the county;

b. the organization is a bona fide conservation organization with perpetual existence;

c. the conveyance contains appropriate provisions for the transfer of the conservation natural area to

the county, an appropriate homeowners association, or another private non-profit organization acceptable to the county, if the original organization becomes unwilling or unable to continue carrying out its function; and

d. a maintenance agreement approved by the county is entered into by the owner of the subdivision site and the non profit conservation organization.

3. Transfer to a homeowners' association and maintenance standards. If the conservation natural areas are to be owned and maintained by the homeowner's association of the subdivision, the subdivider shall record covenants, conditions and restrictions, running with the land, providing for the creation of a homeowners' association. The covenants shall contain the following provisions:

a. A clause assuring that Pima County is not responsible for maintenance or liability of the common natural areas;

b. A clause stating the common areas designated natural area on the subdivision plat shall be restricted to natural areas permanently and maintained by the homeowners association and a requirement that the county is a third party beneficiary to such clause, and that the clause cannot be amended or repealed without the written consent of the county.

c. The developer shall present to the development services department a plan for the transfer of all common natural areas control to the homeowners;

SECTION 2. That all ordinances and parts of ordinances in conflict herewith be, and the same hereby are, repealed to the extent of such conflict.

SECTION 3. If any provision of this Ordinance, or the application thereof to any person or circumstance is invalid, the invalidity will not affect other provisions or applications of this ordinance which can be given meaning without the invalid provision.

SECTION 4. This Ordinance will become effective thirty-one days (31) after the date of its adoption by the board of supervisors.

* * * * *

III. Letters Received from Government Entities:

124. Arizona Department of Water Resources

125. Arizona Game and Fish Department (November 24, 2000)

126. Arizona Game and Fish Department (December 21, 2000)

127. City of Tucson (December 18, 2000)

128. Environmental Protection Agency, Region IX

129. Town of Marana, Office of the Mayor

130. Tucson Water

ARIZONA DEPARTMENT OF WATER RESOURCES
Tucson Active Management Area
400 W. Congress, Suite 518, Tucson, Arizona 85701
Telephone 520 770-3800
Fax 520 628-6759

JANE DEE HULL
Governor

RITA PEARSON
MAGUIRE
Director

November 22, 2000

Mr. David Harlow, Field Supervisor
Arizona State Office
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021

Dear Mr. Harlow,

The Tucson Active Management Area Office of the Arizona Department of Water Resources (DWR) has reviewed the draft preliminary Sonoran Desert Conservation Plan (SDCP). We would like to provide some preliminary comments on the Water Resources issues for consideration by the USFWS in preparation of an Environmental Impact Statement to address the effects of issuing an incidental take permit.

There are significant water supply and water quality benefits associated with protection of riparian areas. Actions such as land purchase, zoning practices, avoidance of further pumping or retiring existing pumping in riparian areas are likely to have associated water management benefits. Restoring riparian vegetation to areas that have not been able to support riparian vegetation for decades due to groundwater overdraft, or irrigating areas where riparian vegetation never existed, will require a new long-term commitment of water supplies. The plan mentions use of non-groundwater supplies for this purpose but needs to consider the implications of this new demand on the ability of the Active Management Area to achieve its safe-yield goal. Effluent supplies will increase with population growth but there will be increasing competition for the supply to irrigate golf courses, parks and potentially for drinking water purposes in the future. All water supplies are valuable resources that need to be carefully allocated.

Restoration of washes has environmental and recreational benefits, however seepage or artificial recharge may cause serious water quality problems from landfills or contamination plumes. Areas of known groundwater contamination and old landfills exist along the Santa Cruz River from 22nd Street to Orange Grove as well as along Pantano

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Wash and Rillito Creek. Restoration in areas of perched aquifers may quickly spread contamination.

SDCP implications on development of CAP and effluent delivery infrastructure need to be carefully considered. There are several renewable water supply utilization plans within the AMA that should be evaluated before the Plan is finalized. These include recent studies by the Bureau of Reclamation (Alternatives for Using Central Arizona Project Water in the Northwest Tucson Area, August 2000), the Town of Oro Valley (Renewable Water Resources for the Town of Oro Valley, October, 2000), and the Upper Santa Cruz Water Users Group Study. The ability to transport and use renewable water supplies is critical to managing groundwater resources, addressing critical area issues (such as land subsidence or declining groundwater levels) and complying with DWR conservation requirements.

Land use plans that affect floodplain development have implications for both natural and artificial water recharge. The Tucson AMA Regional Recharge Plan, (August 1998), identified a number of potential recharge sites in floodplains, which are often the most productive recharge areas. When identifying riparian areas for restoration, the SDCP should consider CAP recharge needs necessary to meet the AMA's water management goals.

Recharge projects, by statute, must focus on maximizing water storage. Multiple use projects that emphasize riparian restoration and recreational components are difficult to permit under current rules. If such projects are permitted, additional water needs to be dedicated to this purpose and this water can not qualify for recharge credits. It should also be noted that while recharge and recovery in the same hydrologically connected area is often desireable, it is not always the best approach. For example, recovery in an area of severe groundwater overdraft where a recharge project has been sited may not be in the best interest of aquifer recovery and subsidence mitigation.

We look forward to commenting on subsequent documents as they become available. Please contact me at 520-770-3800 if you would like to discuss these comments further or have any questions.

Sincerely,

Katharine Jacobs

Katharine Jacobs, Director
Tucson Active Management Area

cc: C.H. Huckelberry
County Administrator

THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
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JOE CARTER, SAFFORD
WILLIAM BERLAT, TUCSON
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL

November 24, 2000

Mr. David Harlow
Field Supervisor
Arizona Ecological Services Field Office
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021

Re: Preliminary Comments - Environmental Impact Statement for the Sonoran Desert Conservation Plan

Dear Mr. Harlow:

The Arizona Game and Fish Department (Department) has reviewed the Federal Register Notice regarding the U.S. Fish and Wildlife Service's request for scoping comments for the preparation of a draft Environmental Impact Statement (EIS) for the Sonoran Desert Conservation Plan (SDCP). The purpose of the EIS is to address the potential effects of the Fish and Wildlife Service's proposed issuance of an incidental take permit under Section 10 of the Endangered Species Act (ESA). As you know, the Department has been directly involved in the development of the SDCP, and we are in the process of reviewing the draft Preliminary SDCP Report, dated September, 2000, at this time. The Department provides the following issues for your consideration during development of the draft EIS.

Based on our preliminary review of the draft SDCP and our participation during the planning process, we understand that potential changes in land management priorities and/or land ownership patterns are likely to occur as a result of creating a proposed Preserve System. Although a specific landscape Preserve configuration proposal does not exist, it appears that a change in land ownership or management is highly probable in the future. The Department requests that changes in land ownership patterns or land management emphasis that have the potential to impact our ability to conduct wildlife management activities (e.g., wildlife surveys, research studies, maintenance/development of wildlife waters, etc.) and to provide wildlife-related recreational opportunities for the public should be evaluated and addressed in the EIS.

Potential impacts to wildlife-related recreational activities (e.g., hunting, bird watching, fishing, etc.) should be evaluated in the EIS. The economic consequences associated with changing wildlife-related recreational opportunities in Pima County should be addressed as part of the recreational analysis.

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The Department understands that the reintroduction of native wildlife species has been proposed as part of the implementation of the SDCP. While we are strongly supportive of the SDCP and the wildlife conservation benefits that it promotes, it is important to note that the Department is required to evaluate the feasibility and appropriateness of all proposed reintroductions. For all reintroductions, the Department conducts a procedure that involves the solicitation of public comment as well as an evaluation of the proposed site for habitat suitability for the species. Because this procedure can be time intensive, we recommend that the applicant coordinate with the Department and the Fish and Wildlife Service early in the process to identify and address any issues associated with future reintroductions.

The Department looks forward to working cooperatively with the Fish and Wildlife Service and Pima County during development of the SDCP. Please contact me at (602) 789-3602 or Sherry Ruther at (520) 628-5982 if you have any questions or require additional information.

Sincerely,

John Kennedy
Habitat Branch Chief

JFK:SR:sr

cc: Terry Johnson, Chief, Nongame Branch
Gerry Perry, Regional Supervisor, Region V
Sherry Ruther, Habitat Specialist, Region V

THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
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DEPUTY DIRECTOR
STEVE K. FERRELL

December 21, 2000

Mr. Chuck Huckleberry
County Administrator
Pima County Governmental Center
130 W. Congress
Tucson, Arizona 85701

Re: Draft Preliminary Sonoran Desert Conservation Plan

Dear Mr. Huckleberry:

The Arizona Game and Fish Department (Department) has reviewed the Draft Preliminary Sonoran Desert Conservation Plan (SDCP) and is supportive of the conservation goals and objectives expressed within the document. The recovery of impaired riparian systems, concern over the steady expansion of invasive exotics, and the retention of biodiversity across an interconnected landscape are of great importance to the Department. As you know, the Department has made substantial contributions to the evolution of the SDCP by providing technical support and biological information for those natural resources likely to be affected during implementation of the SDCP. The Department appreciates the opportunity to be involved during the development of the SDCP, and we will continue to provide information and support throughout the SDCP process.

We have identified several areas where SDCP goals and likely outcomes may overlap with the Department's jurisdictional responsibilities and management priorities (e.g., species reintroduction, retention of wildlife-related recreational opportunities, state-wide vs. local species management objectives, and prioritization of research needs). Within these areas of overlap, there is potential for inconsistencies between the SDCP and the Department's trust responsibilities that may interfere with successful implementation of the SDCP. In order to prevent any unproductive inconsistencies, we would like to schedule a meeting in the near future to discuss how these issues might be resolved well in advance of SDCP implementation. Mr. John Kennedy, Habitat Branch Chief, will be contacting your office to arrange a convenient time to discuss these issues. Mr. Kennedy can be reached at (602) 789-3602. Thank you, in advance, for meeting with the Department and considering these comments.

Sincerely,

acting

Duane L. Shroufe
Director

DLS:SAR:sr

cc: John Kennedy, Habitat Branch Chief
Gerry Perry, Regional Supervisor, Region V, Tucson

Mayor & Council Memorandum

December 18, 2000

Subject: **Submission of City Comments to Pima County on the *Draft Preliminary Sonoran Desert Conservation Plan* (City-wide and Outside the City)**

Attached for your information is a copy of the proposed City comments on the *Draft Preliminary Sonoran Desert Conservation Plan* (SDCP) adopted by the Pima County Board of Supervisors (Board) on September 26, 2000. Pursuant to the Board's direction, the Pima County Administrator has requested public comments on the *Draft Preliminary SDCP*. The deadline for submission of comments is January 1, 2001.

Background

The Sonoran Desert Conservation Plan (SDCP) will establish the regional habitat conservation plan that was first approved in concept by the Board in October 1998. Habitat conservation plans are the fundamental approach to resolving endangered species issues on non-Federal lands, and are central to the application process for issuance of a Section 10(a) permit required for development in areas defined as critical habitat for listed species.

At the January 11, 1999, Study Session, the Mayor and Council voted in favor of City participation in the SDCP and directed staff to take appropriate steps toward that end. Although City staff has attended meetings of various SDCP technical teams and the 85 member SDCP Steering Committee, an agreement with Pima County for active City participation in the SDCP development process has not yet been reached.

Following approval by the Board of the *Draft Preliminary SDCP* in September, the federal process commenced with public meetings soliciting input on the scope of the environmental impact statement (EIS). Accordingly, the City submitted comments to the U.S. Fish and Wildlife Service (USFWS) in October regarding several EIS scoping issues and questions that remain to be answered through the development process. A copy of the City's EIS comments was also distributed to Council in October.

Current Considerations

Whereas the City's EIS comments were directed to the USFWS and focused primarily on plan development issues that must be addressed in order to meet federal regulations included in the National Environmental Policy Act (NEPA), the attached comments on the *Draft Preliminary SDCP* will be submitted directly to Pima County and are much broader in scope. The City understands that the *Draft Preliminary SDCP* is a work in progress and our comments are intended to assist in that effort by identifying a number of questions that we believe should be

addressed in the development process. Topics such as the schedule for completing the scientific information, identifying costs and funding priorities, impact of annexation and water rights are included in our questions and comments.

Overall, many of the basic concepts in the *Draft Preliminary SDCP* are consistent with the goals and policies of existing City planning documents. While we have applauded the County's efforts to date, we believe the SDCP is best developed and implemented in a seamless fashion across jurisdictional boundaries in order to be successful as a regional habitat conservation plan.

Pima County has proposed an ambitious schedule for completion of the SDCP by December 2002, whereas the average development time for habitat conservation plans of a much smaller scale has generally been about seven to eight years. This aggressive schedule will require the support and active participation of all of the local jurisdictions and the interested public. The attached comments attempt to clearly state the City's desire to be an active and supportive participant in the development and implementation of the SDCP. Further, key areas in which City staff has expertise that could be beneficial in meeting this aggressive schedule have been highlighted. However, active participation in the SDCP will require dedication of City resources in order to be meaningful. Throughout the attached comments, I have indicated the City's willingness to commit to that participation.

In this regard, I notified the Pima County Administrator that the City's comments had been scheduled for today's meeting and invited him, or staff, to attend. At the same time, I indicated my desire to meet personally with him to review the City's comments prior to this meeting so that he might have the full benefit of our thinking.

Recommendations

It is recommended the Mayor and Council approve the following:

1. Submission of the attached City comments on the *Draft Preliminary SDCP;*
2. Dedication of sufficient City staff resources to allow for the City's active participation in the development and implementation of the SDCP;
3. Designation of the City Manager as the City's representative to the local government working group to meet regularly on design and implementation of the SDCP.

Respectfully submitted,

James Keene
City Manager

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Attachment A: Letter to Chuck Huckelberry transmitting the City's comments on the
Draft Preliminary Sonoran Desert Conservation Plan

CITY OF
TUCSON
OFFICE OF THE
CITY MANAGER

December 18, 2000

Chuck Huckelberry, County Administrator
130 West Congress, 10th Floor
Tucson, Arizona 85701

Re: City of Tucson Comments re the Draft Preliminary Sonoran Desert Conservation Plan

Dear Mr. Huckelberry:

The City of Tucson appreciates the opportunity to submit comments regarding the *Draft Preliminary Sonoran Desert Conservation Plan* (SDCP). The City is fully supportive of the development of habitat conservation plans to protect threatened and endangered species in eastern Pima County. As you know, the City of Tucson Mayor and Council voted in January 1999 in favor of the City participating in the development of a regional multi-species habitat conservation plan and directed the City Manager to appoint staff to coordinate the City's participation in the County-led SDCP. Since that time, the City has both individually and in coordination with the other local jurisdictions of Sahuarita, Oro Valley and Marana attempted to become an active participant in developing the SDCP. We are pleased to see that one of the next steps will be formation of a government working group. As you know, the City has sought for some time the formation of a local government working group to meet regularly on design and implementation of the SDCP. In fact, I will be asking the Mayor and Council to designate me as the City's representative to the local government working group and would hope that the Town Managers from the other local jurisdictions would join us in that effort.

Clearly, a regional plan must be developed and implemented in a seamless fashion across jurisdictional boundaries in order to be the most protective of the species and habitat it seeks to preserve. With the initiation of the local government working group, the City of Tucson looks forward to signing a cooperative agreement among the local jurisdictions that will ensure the active and cooperative participation of all the local jurisdictions. We

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strongly support development of a habitat plan that includes all of the land and resources in Pima County, not just those lands or resources under the jurisdiction of the County.

Overall, many of the basic concepts in the *Draft Preliminary SDCP* are consistent with the goals and policies of existing planning documents such as the Tucson *Vision*, the Regional *Vision* for Eastern Pima County, and the City's Comprehensive Plan and related policy documents. The *Draft Preliminary SDCP* represents a continuation of many of the policies found in these documents. For example, the policies outlined in the *Draft Preliminary SDCP* are consistent with the Parks, Recreation, Open Space and Trails element of the City's Comprehensive Plan, which promotes the acquisition and preservation of natural areas outside the City borders. Similarly, the *Draft Preliminary SDCP* is consistent with the recently adopted City *Open Space Plan*, a proposal that evaluates City-owned properties within the urban area for their desirability as preserved open space.

It is important to note that the *Draft Preliminary SDCP* does not present itself, nor should it be construed as a "growth management plan" for Pima County or its component jurisdictions. A habitat conservation plan does not directly address such issues as transportation and land use planning, infrastructure, public utilities, and provision of public services. However, the *SDCP* should be referenced as a key planning and resource management document to be used as a tool in addressing the conservation aspects of growth management issues.

We are encouraged by, and applaud the County's efforts to initiate the process of developing the Sonoran People's Protection Plan (People's Plan). It is important to consider the mutual impact of environmental preservation activities and human ecology. As such, the People's Plan will be an important complement to the SDCP. The City and County have previously collaborated on the provision of support and services for vulnerable neighborhoods and populations living within urban areas. Accomplishments and strategies resulting from this partnership should be integrated into the People's Plan. The City's Community Services Department can bring a wide array of networking contacts and partnering opportunities into this process and stands ready to work with Pima County on continued development of the *People's Plan*.

The County has stated that the *Draft Preliminary SDCP* is an iterative work in progress with a considerable amount of the technical and scientific work remaining to be completed. The average development time for habitat conservation plans of a much smaller scale has been about seven to eight years. The County has proposed to complete the process for the SDCP, which will be the largest regional habitat conservation plan in the country, in a total of four years, including the two years of work that have resulted in the current *Draft Preliminary SDCP*. This aggressive schedule will require the support and active participation of all of the local jurisdictions and the interested public.

The City of Tucson has much expertise it can bring to the development of the SDCP. One example of the assistance the City can provide is with meeting the public participation

requirements of the environmental impact statement (EIS) process. The current draft schedule indicates that the first drafts of the habitat conservation plan and design of wildlife reserves, as well as the initial draft of the EIS, are expected to be delivered to the U.S. Fish and Wildlife Service in March of 2001. These elements will require considerable public participation beyond what the County has planned to date. Since 56% of Pima County's population is located within the City of Tucson, the City desires to assist in this process by facilitating public meetings that will meet the timing requirements of the EIS process and encourage the widespread public involvement that will be necessary for the SDCP to be successful.

The City understands that the *Draft Preliminary SDCP* is a working document and that changes will occur through the continuing development process. The County has already stated that much technical and scientific work remains to be completed. To assist in this effort, City staff has identified a number of questions that we respectfully request be addressed in development of the plan (these questions and related comments are provided in the attachment).

Our questions in the attachment address such topics as the schedule for completing the scientific information, schedule for identifying costs, funding priorities, who will pay mitigation costs, budget capacity, impact of ranching zones and riparian projects, long-term preservation of Bellota Ranch, transition zones by mountain parks, impact of annexation, water rights, and treatment of cultural and historic resources.

A thread running throughout these comments is the City's interest in cooperative development of the plan. Given the potential impacts (both positive and negative) that the plan may have on local jurisdictions and taxpayers, and the need for cooperation among all entities for the plan to be successful, I am prepared to commit City participation and assistance to ensure that an effective plan is appropriately developed, funded and implemented. I think the City's experience and expertise in a variety of areas could be most beneficial in helping to meet the aggressive plan development schedule that you envision. To that end, I will be asking the City's Mayor and Council to support the dedication of sufficient City staff resources to allow for our active participation.

The City of Tucson appreciates the opportunity to provide these comments and continues to look forward to active City participation in this important project for the community.

Respectfully submitted,

James Keene
City Manager

Attachment: City of Tucson Comments on *Draft Preliminary Sonoran Desert Conservation Plan*

Blind copy:

Liz Miller, Assistant City Manager
Benny Young, Assistant City Manager
Bruce Messelt, City Manager's Office
Dan Felix, Parks & Recreation
David Modeer, Tucson Water
Karen Thoreson, Community Services Department
Marty McCune, Historic Preservation
Mary Okoye, Intergovernmental Affairs
Michael House, City Attorney
Ned Zolman, Budget & Research
Tony Paez, Transportation Department
William Vasko, Planning Department
Ann Vargas, Community Services Department
Bart McGuire, Transportation Department
Catesby Knight, Transportation Department
Cathy Shirley, Budget & Research
Christopher Avery, City Attorneys Office
Dennis Rule, Tucson Water
Karen LaMartina, Tucson Water
Paul Swift, Development Services Department

City of Tucson Comments
on the
Draft Preliminary Sonoran Desert Conservation Plan

I. Questions

1. ***When will the science to support the SDCP be completed? Will the biological data on the covered species be completed and made available for public review prior to submission of a draft EIS, draft HCP and draft reserve design to USFWS?***
Under Section 10 of the Endangered Species Act, the Secretary of the Interior may issue a permit to "take" an endangered species " if such taking is incidental to, and not the purpose of, carrying out of an otherwise lawful activity." The SDCP is currently being developed in order for the County, and potentially other participating local jurisdictions, to apply for a Section 10 permit to allow their routine actions and operations, such as permitting, road and underground utility maintenance activities or construction of new infrastructure, to continue. Pima County also has stated the intent to allow for "continued community growth and expansion without significant adverse regulatory consequences from enforcement of the Federal Endangered Species Act."[1]

   The core of the Habitat Conservation Plan (HCP) will consist of detailed biological information regarding the effect of any proposed action (e.g., street maintenance, new construction, etc.) on threatened or endangered species within the boundaries of the HCP. The HCP also must identify the specific measures proposed to minimize that effect, as well as alternatives to those measures. Pima County has developed a large amount of information on existing conditions. However, the reports we have reviewed do not contain any detailed information specific to the requirements for protection of or long-term recovery of the species to be covered under the SDCP. Will this information be completed and available for review prior to the submission of a draft EIS, HCP or preserve design to USFWS?

2. ***When will the costs of the SDCP be available for public review?***
An "incidental take" permit under Section 10 must be supported by a conservation plan that specifies the funding to mitigate the impacts of proposed actions. The draft preliminary SDCP contains no estimated cost or revenue information in support of the HCP. Although the plan proposes several revenue enhancement programs to provide local funding, no data has been presented to support the need for new funding mechanisms. Because there are no cost or revenue data, there is no documentation that the proposed revenue sources will provide sufficient revenues at the appropriate times to meet the needs of the HCP.

   Since having taxpayer support will be essential to implementation of the plan, the potential costs and the timing of those costs should be included in the preliminary plan. This information should be made public so the community and its elected officials are able to weigh the costs versus the benefits and assess the specific funding sources proposed for the HCP. Taxpayers may not view such an authorization positively unless it is based on reasonable cost data.

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[1] Source: September 26, 2000 Memorandum from County Administrator Huckelberry to Board of Supervisors.

3. ***Are costs fairly allocated to those responsible for generating the need for mitigation?***
The citizens and elected officials of Tucson are committed to the principle that existing residents should not subsidize growth. Most of the activities that will require mitigation under the ESA will be those associated with new development (i.e., growth) in unincorporated Pima County. The City would like to work with the County to develop fee or tax proposals that would allocate the financial burden to new development, where the need for mitigation is created.

4. ***Under the County's proposed impact fees, is there a direct relationship between those paying and those receiving the benefit?***
Arizona law (A.R.S. § 9-463.05(A)) does not allow a municipality to assess impact fees to pay for public services to be provided by another governmental entity outside the municipality's boundaries. Arizona law (A.R.S. § 9-463.05(B)(1) and (4)) also requires that impact fees must result in a beneficial use to the development being assessed the fees. For example, a developer of single-family homes in Sahuarita cannot be assessed an impact fee to pay for streets in Oro Valley, and new development cannot be assessed an impact fee to cure the current deficiencies in the existing street network. Further, the amount of an impact fee must be proportional to the impact of new development.

   Cities and counties have different enabling legislation for impact fees. The *Draft Preliminary SDCP* is not clear whether the proposed fee expansion would be limited only to unincorporated areas. Since the Mayor and Council must make the decisions regarding impact fees within the City boundaries, the City of Tucson should be included in all discussions related to the imposition of impact fees within these boundaries.

5. ***Will Pima County voters be asked to approve an increase in the County's base expenditure limit in order to implement the SDCP?***
Arizona's state constitution places limits on the expenditures of cities and counties (Article IX, Section 20). Jurisdictions cannot authorize expenditures of local revenues in excess of that limitation, except under specific circumstances. According to Pima County's last published budget document, the county's Fiscal Year 2000 budget was only $1.00 under the state spending limitation: the county's expenditure limitation was $316,980,593 and its expenditures subject to the limitation were $316,980,592.

   The *Draft Preliminary SDCP* does not propose pursuing any exception to the constitutional spending limitation. Likewise, there is no indication that other county expenditures would be reduced to create spending capacity for the SDCP. Pima County can seek voter approval for increasing its base expenditure limit to provide additional, long-term spending capacity for the SDCP, but a majority of qualified voters must approve the base limit increase so the public will need to understand these issues. Through the on-going development process, it should either be stated that a public vote

would be needed to request an increase to the spending limitation or the county should explain why the spending limitation is not a factor in implementing the SDCP.

6. ***What are the funding priorities for the six elements of the SDCP?***
Funding allocations should be identified for both planning and implementation purposes, and those funding allocations should be prioritized to reflect the timing when elements of the plan are expected to be implemented. Such prioritization will be required by the USFWS, as well as by the public that will be asked to support the SDCP.

7. ***What disposition has been made of the approximately $1 million of bond funds approved by voters in 1997, specifically to advance protection and preservation of the Bellota Ranch?***
The *Draft Preliminary SDCP* has omitted any reference to the desired protection and preservation of the Bellota Ranch (now divided into Bellota and A-7 ranches) within the Middle San Pedro River Valley. Since this issue was featured prominently in the *first concept* of the SDCP, why is it absent from this draft? The City acquired the ranch with the expressed objective to serve as the protector of this critical natural resource area and historic ranch only until an appropriate long-term preservation plan could be formulated and implemented. The *Draft Preliminary SDCP* should continue to list this important ranch as "in need" of long-term protection and preservation.

In addition, Subarea 1 lists several streams for protection that are located in, are adjacent to or traverse portions of the Bellota/A-7 Ranch that is currently owned by the City. A significant opportunity exists to cooperatively secure this critical and sensitive area for long-term protection and preservation. Also, the *Draft Preliminary SDCP* does not include a mountain park expanding the link between the Catalina and Rincon Mountains. An opportunity exists to create additional links between these mountain ranges through protection and preservation of the Redington Pass area, included in the Bellota and A-7 ranch holdings. Remaining is the proposed Buehman Bingham Reserve, which could also easily be expanded to include this important conservation opportunity. The City has extensive and recent experience with all elements of ranch conservation and management and could bring its expertise to the SDCP development process if afforded an opportunity.

8. ***How will the ranch conservation elements relate to protection of native species or protection of sensitive riparian areas?***
Many conservationists feel that traditional ranching is detrimental to native species and to riparian ecosystems. Will the HCP specifically address how the proposed preserve structure will respond to these concerns?

9. ***How will the SDCP address transition zones surrounding the mountain parks? How will Pima County work with the other jurisdictions to coordinate protection of these transition areas?***
   Most of the mountain parks proposed to be included in the SDCP are adjacent to urban areas. To be effective in protecting and preserving threatened and endangered species, plans for the mountain parks should include these transition zones which are within the boundaries of cities and towns. The City is ready to work with the County and other jurisdictions to discuss the needs of these critical transition areas.

10. ***How will the SDCP address the degraded nature of the river systems in Pima County? How do the proposed riparian projects protect or restore threatened or endangered native species?***
    The Science Technical Advisory Team (STAT), assembled to develop the biological data for the SDCP, has noted that the rivers, streams and other watercourses in Pima County are degraded, particularly by recent flood control and bank stabilization efforts made necessary by encroachment on natural floodplains. Because of these efforts, native aquatic species are primarily restricted to mountain headwater locations and will be vulnerable to extinction unless valley-floor source populations are restored. The riparian projects proposed in the *Draft Preliminary SDCP* are primarily projects intended for human recreation. How will these projects be modified to include any of the elements identified by the STAT as being necessary to protect or restore native species?

11. ***How does the County intend to address the issue of public versus private water rights?***
    The *Draft Preliminary SDCP* does not address the issue of public versus private water rights, nor does it seem to acknowledge that the predominant regulatory authority for these issues is the Arizona Department of Water Resources. The City's water utility is the largest provider of both potable and reclaimed water in the region and, through a contractual arrangement with Pima County, controls approximately 90% of all effluent produced. If afforded the opportunity, the City could bring significant expertise in this area to the SDCP development process. The County should include the City in all discussions related to water resources issues.

    The City also has extensive and recent experience with several elements of riparian restoration and repair through its Multiple Benefits Water Projects Program, including major water courses, washes and tributaries along the Santa Cruz, Rillito and Pantano rivers. Pilot projects have also included release of CAP water along the San Xavier Arroyos in conjunction with the Tohono O'odham Nation. We are ready and willing to bring this expertise to the SDCP development and implementation process.

12. ***Does Pima County plan to exclude the urban areas that were previously denoted and recommended for intervention?***
The draft SDCP indicates that the realistic opportunities for preservation are in the unincorporated areas of eastern Pima County. In light of the recently adopted City of Tucson *Open Space Plan*, we obviously feel that there are real opportunities for preservation within and immediately adjacent to the city boundaries. The City of Tucson believes the regional concepts of the conservation plan could be advanced if these opportunities were included.

13. ***How will the SDCP address future annexations?***
The *Draft Preliminary SDCP* does not address the issue of continued annexation by local jurisdictions. The City of Tucson believes that the SDCP will need to address this issue in order to maintain continuity and ensure consistent management in the regions surrounding the city and town limits as these lands are annexed.

14. ***When will a public process be initiated with regard to the Sonoran People's Protection Plan? When will local municipal jurisdictions and/or partnering organizations be involved in the formulation and development of the People's Plan?***
The County notes a planned "process to protect our urban resources of people and the built environment," referring to the *People's Plan.* As indicated in our transmittal letter, the City of Tucson has much expertise in this area and is ready to actively participate in the development of the human services element as a complement to the SDCP.

II. General Comments on the Role of the City of Tucson and Other Jurisdictions in Developing the SDCP

City Policies and Goals

As previously indicated, many of the policies and goals included in the draft SDCP are consistent with City policies and goals. For example, we strongly agree that irrigation of all future golf courses should be with renewable water supplies and, in fact, the City prohibits development of new golf courses on groundwater. Further, the City of Tucson's *Comprehensive Plan* promotes the acquisition and preservation of natural areas outside the City borders and proposes to:

- Provide an interconnected trail system throughout the City and connect open space in urbanized areas to surrounding public natural areas;
- Implement an interconnected regional open space system through cooperative public and private efforts;
- Prioritize acquisition and preservation of open space on findings of the Pima County Open Space Report; and
- Identify and establish sources of permanent funding for acquisition and management of open space.

City of Tucson Comments
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Draft Preliminary Sonoran Desert Conservation Plan

Cultural and Historic Resources

Both the City of Tucson and Pima County have a record of supporting the preservation of natural, cultural and historic resources. The City has Historic Preservation Ordinances that are designed to protect both historic neighborhoods and sites. In addition, the City routinely requires archaeological surveys and mitigation as part of the rezoning process. The City also requires cultural resource assessments and mitigation for its own public construction projects. Through the Cultural/Historic Evaluation Team, assembled as a plan development support committee, cultural resource zones in the region are being identified and prioritized. City representation is already included on that team, and we believe this cooperation is important on all plan elements.

City Physical Resources

The Mountain Parks element of the draft SDCP identifies transition areas adjacent to urban areas. The City owns large tracts of retired farmland in Avra Valley and has adopted a plan to preserve and enhance the natural environment on these lands, consistent with the need to protect the City's water rights. These lands could play a role in providing transition areas surrounding future or current mountain parks. The City also controls natural resource areas adjacent to the east flanks of the Tucson Mountain Park (Greasewood, Sentinel Peak, Starr Pass, and Tumamoc Hill) that could be explored for these purposes. We believe the City should work closely with the County through the SDCP development process to incorporate appropriate linkages for wildlife and to fill the gaps in land management. In addition, habitat corridors along watersheds, especially along streams and creeks, are important to the City. Again, the City's expertise in this area should be utilized in the development process.

Land Base

The draft preliminary SDCP indicates that 88% of land in Eastern Pima County is under County jurisdiction (as opposed to 12% within incorporated areas) and includes the following statements:

- "Most of the land in the incorporated areas is already converted or committed to development; therefore, the realistic opportunities for landscape scale conservation achievements are in the unincorporated Pima County"; and
- Pima County is ...well positioned as the lead local agency in the regional planning process since the County's regulatory responsibility includes such a large percentage ... of the land base.

Most of the 88% of the land base described in the *Draft Preliminary SDCP* is composed of State-owned land not currently subject to development pressure due to its location and lack of infrastructure. In addition, most of the State land that is subject to development pressure is located within or adjacent to incorporated cities and towns. In any case, the urban footprint can reasonably be seen as at least 325 square miles by including existing incorporated jurisdictions. Additionally, unincorporated but urbanized areas including the Foothills, Casas Adobes, and Catalina areas along with Green Valley would increase this footprint even more.

City of Tucson Comments
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As a result, these urbanized lands will play an important role in the development of the regional habitat conservation plan.

The draft preliminary SDCP identifies a "minimum land consumption rate of over 7 square miles each year." This statistic appears to be based on the gross area annexed into the City rather than on land consumed for development. Much of the area annexed by the City has remained vacant and has not been consumed for development. This fact will be important in assessing the impact of future annexations.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

RECEIVED
NOV 2 2000
U.S. FISH & WILDLIFE SERVICE
SUB OFFICE - TUCSON, AZ

OCT 3 0 2000

Mr. David Harlow
Field Supervisor
US Fish and Wildlife Service
Arizona State Office
2321 West Royal Palm Road, Suite 103,
Phoenix, AZ 85021

Dear Mr. Harlow:

The Environmental Protection Agency (EPA) has reviewed the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the project entitled **Sonoran Desert Conservation Plan (SDCP) for Pima County, Arizona.** Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The Pima County Board of Supervisors is responsible for the protection of those lands in unincorporated Pima County (County) that are of environmental, cultural, or historic importance. Given Pima County's rapid growth rate, the County has recognized the need to balance economic, environmental, and human interests by implementing a regional ecosystem-based multi-species conservation program. The County is expected to apply for an incidental take permit for 7 federally listed species, 3 proposed or candidate species for listing, and at least 50 other rare and/or sensitive species that occur in the County.

Pima County will develop and implement the Sonoran Desert Conservation Plan (SDCP) which will serve as a habitat conservation plan. A draft Sonoran Desert Conservation Concept Plan was proposed in 1998. An 84 member Steering Committee and numerous technical teams have been formed. The SDCP will provide measures to minimize and mitigate the effects of the taking on listed and sensitive species and their habitats. The SDCP proposes a preserve and contains six elements:1) Ranch conservation, 2) historic and cultural preservation, 3) riparian restoration, 4) mountain parks, 5) habitat, biological and ecological corridor conservation, and 6) critical and sensitive habitat preservation. Activities proposed for coverage under the incidental take permit include lawful activities that would occur outside the proposed preserve, and include, but are not limited to, maintenance of county operations, implementation of capital improvement projects, and issuance of land use related permits, including those for development.

EPA strongly supports the multi-species/multi-habitat approach, use of adaptive management, and an inclusive habitat conservation plan development process. If not already accomplished, we recommend conducting a comprehensive evaluation of regional conservation needs, threats, and stresses; and the conservation actions responding to these threats and stressors. EPA is concerned with the long-term, cumulative implications of mitigating the impacts of take through increased funding and coordination for conservation measures primarily on existing public lands. The EIS should clearly and persuasively demonstrate that the SDCP would result in improved on-the-ground conditions which would not otherwise be achieved through existing conservation and resource management plans.

In addition to preserving and restoring already existing undeveloped habitat, we advocate providing specific conservation measures or nonmonetary "take" mitigation measures on the land to be developed. For instance, we believe a commitment to planned growth which is town-centered, transit and pedestrian oriented, and has a greater mix of housing, commercial and retail uses could significantly enhance the benefits of a regional conservation planning effort. We also suggest a focus on infill opportunities and development near existing infrastructure which would be less costly and would reduce the need to utilize undeveloped lands for new development. This type of planned growth could provide for development while minimizing local tax increases, traffic congestion, and degradation to the environment and sensitive, threatened, and endangered species habitat.

Given the explosive growth in the area, the highly sensitive desert ecosystems, and the large number of sensitive species; we urge adoption of a 20-year permit duration versus 30-50 years. A shorter permit duration would reduce potential irreversible adverse impacts to habitats and species, if growth projections, development rates, and species conservation assumptions prove to be significantly incorrect.

We note that Pima County includes several sizable Indian Reservations. We urge Pima County and the US Fish and Wildlife Service (FWS) to pursue public input aggressively, especially input from the Tribes. By working closely with the Tribes, it may be possible to expand and enhance the SDCP. We recommend the Indian Tribes in Pima County be notified and encouraged to participate in the planning process, including theTohono O'Odham and Pascua Yaqui Nations

In general, EPA concerns include species population viability, aquatic resources, adequate and sound science, adequate environmental reviews, funding and administration of the proposed SDCP, and Tribal and environmental justice issues. Since Pima County borders Mexico, we suggest consideration of binational cooperation and collaboration with Mexico. Full disclosure of direct, indirect, and cumulative impacts of all proposed actions is of specific concern. We recommend the prioritization of management activities to achieve the most environmental benefits from limited funding.

The EIS should include a clear description of the basic project purpose and need, project alternatives, potential impacts to the environment, and mitigation for these impacts. Particular attention should focus on an evaluation of the environmental impacts of the proposal and alternatives in comparative form, thus defining the issues and providing a clear basis for choice among options for the decision maker and the public (40 CFR 1502.14).

We appreciate the opportunity to review this NOI. Detailed general comments are enclosed. Please send three copies of the EIS to this office at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please call me at (415) 744-1584, or Laura Fujii, of my staff, at (415) 744-1601.

Sincerely,

David J. Farrel, Chief
Federal Activities Office

Enclosures: Detailed comments (5 pages)
MI003494
Filename: pimasdcpnoi.wpd

cc: Sherry Barrett, FWS, Tucson Suboffice

COMMENTS

Environmental Justice

In keeping with Executive Order 12898, **Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (EO 12898), the EIS should describe the measures taken by FWS to: 1) fully analyze the environmental effects of the proposed Federal action on minority communities, e.g. Indian Tribes, and low-income populations, and 2) present opportunities for affected communities to provide input into the NEPA process. The intent and requirements of EO 12898 are clearly illustrated in the President's
February 11, 1994 Memorandum for the Heads of all Departments and Agencies, attached.

National Environmental Policy Act

Purpose and Need/Project Objectives

A clear description of the purpose and need should be provided. The project objectives should be evaluated not in isolation, but in relation to one another. For instance, it should be acknowledged that the objective to move listed species toward recovery may be more difficult to achieve given the objective of providing for future urban and industrial growth.

Baseline

1. The selection of the No Action alternative is a critical step in the environmental analysis since it provides the baseline for comparison with other action alternatives. EPA believes the "no action" alternative is not a no impact baseline. To interpret the "no action" alternative as having "no impacts" may be inconsistent with NEPA regulations. Continuation of the existing situation could constitute a discretionary commitment of resources that is, effectively, an action affecting the environment. The alternatives analysis of the EIS should portray the environmental consequences of every alternative...." in comparative form, thus sharply defining the issues and providing a clear basis for choice among options for the decision maker and the public." (40 CFR Part 1502.14).

2. The EIS should document existing conditions; explain the changes which have occurred (e.g., historical growth patterns and past impacts). We recommend the EIS provide a comprehensive assessment of what management actions have been done and what is being done in Pima County. We believe such an assessment is important in providing the historical and environmental context for current conditions and possible solutions to the decline in species and ecosystem health.

Furthermore, the EIS should adequately document cumulative impacts, including past, present and reasonably foreseeable actions. Past cumulative effects may have greatly influenced the "existing conditions" which should be documented in the EIS and represent deficiencies (adverse impacts) which may be perpetuated under the action and no action alternatives. Information in the EIS should assist in establishing the possible problems in current conditions and defining restoration and enhancement goals. We recommend that mitigation measures (defined in 40 CFR 1508.20) should be considered for adverse effects of alternatives measured relative to current conditions, rather than relative to the expected future conditions under "no action".

3. The EIS should clearly state which baseline (e.g., existing conditions, conditions in year 2020) will be used to evaluate the potential impacts of the various alternatives. Include a description of underlying growth and land use assumptions, assumed current and future projects, and baseline environmental conditions. The baseline should be clearly defined, scientifically credible, logical, and have general support from all stakeholders.

Alternatives Analysis

1. The EIS should evaluate a broad mix of possible alternatives. We urge a creative and flexible approach be taken in the development of potential alternatives. Note that NEPA requires evaluation of reasonable alternatives that may not be within the jurisdiction of the lead agency (40 CFR Section 1502.14(c)). Furthermore, there should be a clear discussion of the reasons for the elimination of alternatives which were not evaluated in detail. The EIS should describe how each alternative was developed, how it addresses each project objective, and how it will be implemented.

2. We recommend the EIS describe the development process used for the 1998 draft Sonoran Desert Conservation Concept Plan. A goal should be to develop a range of alternatives which would bracket the range of different solutions and potential environmental, social, and economic impacts and tradeoffs for each project purpose/objective and combination of purposes/objectives.

Subsequent NEPA Review

We strongly recommend subsequent environmental analysis for project-level actions (40 CFR Section 1502.20) (e.g., specific restoration projects). We believe such follow-up environmental planning is critical given the geographic scope of the SDCP, the number of proposed covered species, and the likely reliance on adaptive management strategies.

Water Resources

Water Quality

1. The EIS should fully disclose potential beneficial and/or adverse impacts to water quality, wetlands, and aquatic ecosystems. The fact that potential impacts to these resources may be equal or less than impacts under "no action" does not eliminate the requirement for full disclosure pursuant to NEPA. The discussion should include an evaluation of potential impacts on existing fishery, restoration, and nonpoint source pollution programs. We encourage active coordination and collaboration with these programs, if appropriate. Include information on:

a. The potential of the proposed alternatives to cause adverse aquatic impacts such as increased siltation and turbidity; changes in the direction of stream flow, salinity, substrate, dissolved oxygen, and temperature; and habitat deterioration.

b. Critical fisheries habitat, especially spawning and rearing areas; and other sensitive aquatic sites such as wetlands. Outline past and potential beneficial uses of these areas, and disclose potential impacts from the proposed alternatives.

2. The Federal Antidegradation Policy (40 CFR 131.12) is designed to help implement the Clean Water Act (CWA), which is intended to restore and maintain the chemical, physical, and biological integrity of the Nation's waters [Section 101(a)]. The Antidegradation Policy states that where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full intergovernmental coordination and public participation, that allowing lower water quality is necessary to accommodate important economic or social development. Even then, the State shall assure water quality adequate to fully protect existing uses. The EIS should evaluate the implications of the alternatives on compliance with the Federal Antidegradation Policy.

3. Discuss specific monitoring programs that will be implemented before and after proposed management actions to determine potential impacts on water quality and beneficial uses, and whether maintenance and protection of water quality can be guaranteed.

4. Indicate what measures will be taken to protect critical fish and wildlife habitat areas from potential adverse effects of proposed management actions. The feasibility of proposed mitigation measures should be fully demonstrated.

Wetlands: Section 404 of the CWA

The EIS should identify impacts to water, flood plains, and wetlands, including identification of Section 404 Clean Water Act (CWA) requirements, and management and mitigation proposals to ensure compliance with these requirements.

EPA will review the proposed action for compliance with the Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230) [hereafter referred to as the Guidelines], promulgated pursuant to Section 404(b)(1) of the Clean Water Act (CWA). To comply with the Guidelines, the proposed actions must meet all of the following criteria:

- There is no practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem (40 CFR 230.10(a)).

- The proposed action does not violate State water quality standards, toxic effluent standards, or jeopardize the continued existence of federally listed species or their critical habitat (40 CFR 230.10(b)).

- The proposed action will not cause or contribute to significant degradation of waters of the United States, including wetlands (40 CFR 230.10(c)). Significant degradation includes loss of fish and wildlife habitat, including cumulative losses.

- All appropriate and practicable steps are taken to minimize adverse impacts on the aquatic ecosystem (i.e., mitigation) (40 CFR 230.10(d)). This includes incorporation of all appropriate and practicable compensation measures for unavoidable losses to waters of the United States, including wetlands. The EIS should fully address the feasibility of "in-kind" habitat mitigation measures.

Air Quality

The EIS should provide a detailed discussion of air quality standards, ambient conditions, and potential air quality impacts, for Pima County. Include a description of current and proposed activities and their impacts on air quality. Cumulative and indirect impacts should be fully evaluated. For instance, development or modified use of surrounding lands (e.g., different cropping patterns, conversion to wildlife habitat) could influence sources of PM10.

Federal agencies are required by the Clean Air Act to assure that actions conform to an approved air quality implementation plan. If the proposed project area is in a nonattainment area, the FWS may need to demonstrate compliance with conformity requirements of the Clean Air Act [Section 176(c)]. General Conformity Regulations can be found in 40 CFR Parts 51 and 93 (58 Federal Register, page 63214, November 30, 1993). These regulations should be examined for applicability to the proposed actions.

Species Viability

The EIS should fully evaluate proposed alternatives in the context of the potential for habitat restoration, habitat fragmentation, loss of connectivity, and the cumulative effects on species viability. Although endangered species and species-of-concern are notable focal points for evaluation, the EIS should also evaluate potential impacts on other significant or keystone species (e.g., native species). EPA supports the ecosystem management approach which focuses on long-term management of the ecosystem and species viability versus a species-specific approach. The feasibility of proposed mitigation measures should be fully demonstrated.

Sound Science

The EIS should include a summary of existing scientific evidence documenting the effectiveness of the restoration and management proposals. We also advocate a strong commitment to monitoring, surveys, and adaptive management; especially given the possible limited amount of specific scientific information regarding the ecological mechanisms of the Sonoran Desert and specific species needs. The EIS should describe possible fallback options if fish and wildlife species and critical habitat continue to experience a decline.

Funding and Administration

1. The EIS should provide full disclosure of possible funding, implementation, enforcement, and monitoring commitments, assurances, and mechanisms for the SDCP. If this information (e.g., Implementation Agreement, funding agreements) has been relegated to the appendices, we recommend it be summarized in detail in the main body of the EIS. Evaluate the reliability of these mechanisms and legal methods to ensure implementation of management, water supply (if appropriate), and land owner commitments. Describe potential options if funding and/or resources prove to be inadequate to ensure full implementation of the SDCP. If necessary, phasing of project actions may need to be considered.

After having observed the experiences of a number of landowners in seeking approval for development within CFPO critical habitat, we are concerned that it will be extremely difficult for the SDCP to establish a simplified approach to permitting. It is important that the substantial mitigation embodied in the SDCP actually improve the permitting process for individual projects and activities.

Financial considerations: Although Pima County has identified several potential sources of funding to implement the SDCP, the Preliminary SDCP provides no information on the cost of implementation and no specifics on the allocation of those costs among the various identified potential sources. Nor does the Preliminary SDCP provide a schedule for implementation and expenditure. In its recommendations for funding sources, Pima County left many questions unanswered regarding the applicability of those funding sources to other entities. One significant funding source available to Pima County, a sales tax increase dedicated to open space acquisition, subject to voter approval, was omitted thereby not allowing Pima County taxpayers a voice in how they want their taxpayer dollars spent. It is clear, however, that implementation of the SDCP will be very expensive. Expected costs include land acquisition, land management, scientific monitoring and studies, adaptive management actions, and plan administration. Currently, there is nothing on which to base an analysis of the financial viability of the SDCP. We hope and expect that this information will be developed and disseminated over the coming months. The experiences of Dove Mountain and Eric Tobin in Marana could be used to set some of the baseline expectations for the SDCP. We once again express our concern that the ESA and NEPA review processes not move ahead of development of a plan with sufficient detail on which to base an evaluation of its merits and consideration of alternatives. Although both of these mandatory review processes are intended to be interactive and iterative, with some level of refinement and revision of the proposed action and alternatives along the way, we are concerned that the Preliminary SDCP be developed to provide a sufficient starting point.

IV. The Importance of Other Local Governments

The Town of Marana is firmly convinced that meaningful participation in the SDCP by the various local governments within Pima County is critical to the plan's potential success. While it is true, as pointed out in the Preliminary SDCP, that these local governments maintain jurisdiction over a relatively small area compared to unincorporated Pima County, communities such as the Town of Marana are at the epi-center of issues such as impacts to and conservation of the CFPO. Both biological resources and potential growth are disproportionately represented within the jurisdiction of Marana when compared to unincorporated Pima County. Areas perceived by USFWS to have special importance to the CFPO, for example, are located in the Town of Marana and the City of Tucson. The Town of Marana is committed to attempting to develop with Pima County and other jurisdictions a cooperative relationship to assure coordinated and consistent development and implementation of the SDCP. Marana has already evidenced its commitment to the goals and purposes of the SDCP when the Marana Town Council approved a lease agreement valued at $7,200,000 with the State of Arizona for 2400 acres of Preserve Property as mitigation for the CFPO requirements at Dove Mountain. Marana has also committed general fund dollars to support staff

MARANA

OFFICE OF THE MAYOR

December 29, 2000

Pima County
Chuck Huckelberry
County Administrator
130 West Congress, 10th Floor
Tucson, Arizona 85701

Re: Town of Marana Comments on the Preliminary Sonoran Desert Conservation Plan Dated September 2000

Dear Mr. Huckelberry:

The Town of Marana appreciates the opportunity to submit comments on the Preliminary Sonoran Desert Conservation Plan (SDCP). Marana is fully supportive of the development of a regional habitat conservation plan and continues to look forward to working with Pima County and other affected parties towards cooperative implementation of a regional plan. I would ask that you include Marana in the Government Working Group as you continue on with the SDCP process.

Once again, Marana appreciates the opportunity to provide comment on the Preliminary Sonoran Desert Conservation Plan and we look forward to active participation through regional cooperation.

Sincerely,

Bobby Sutton
Mayor

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COMMENTS ON THE PRELIMINARY SONORAN DESERT CONSERVATION PLAN DATED SEPTEMBER 2000

Submitted by
THE TOWN OF MARANA, ARIZONA
DECEMBER 29, 2000

Introduction

By Memorandum dated October 17, 2000, the Pima County Administrator's office requested that interested parties submit comments on the *Preliminary Sonoran Desert Conservation Plan* dated September 2000 (the "Preliminary SDCP"). In response to that request, this document provides the comments of the Town of Marana. Previously, the Town of Marana submitted to the U.S. Fish & Wildlife Service (USFWS) comments on the potential scope of the Environmental Impact Statement that will be prepared for the purpose of evaluating the SDCP pursuant to the provisions of the National Environmental Policy Act (NEPA). Those comments are incorporated as Appendix I to this document.

The Town of Marana appreciates the opportunity to provide these comments and commends Pima County for compiling the information represented by the various studies and reports associated with the SDCP. The Town of Marana continues to look forward to working with Pima County and other affected parties towards cooperative implementation of a regional plan. We encourage Pima County to include Marana in the Government Working Group. The Town, however, also wishes to advocate caution in proceeding too quickly with the SDCP and required analyses prior to establishing within the community a clear understanding of the objectives, implementation mechanisms, and costs of the plan. While the general goals of the SDCP are undoubtedly laudable, how these goals will be implemented and at what costs remain uncertain. The Town of Marana believes that the Preliminary SDCP needs to provide a sufficient basis for evaluating the social, economic and environmental effects and costs of this ambitious effort in three important respects:

1. The Preliminary SDCP should clearly explain which of and to what extent its numerous proposed conservation measures respond to the minimum requirements of the ESA versus providing additional benefits related to water quality, land use management, habitat protection for non-listed species, open space, public recreation, and other resource conservation and public amenity features not directly related to complying with the ESA. It is essential that the County inform the affected public and the other jurisdictions in the County what the ESA components and non-ESA components entail.

2. The Preliminary SDCP should clearly explain how the provisions that do respond to ESA requirements actually satisfy those requirements, specifically those set forth in section 10(a)(2)(A) of the ESA regarding habitat conservation plans. Allowing interested persons, including the Town of Marana, the opportunity to evaluate the SDCP under the HCP issuance criteria is the fundamental purpose of the ESA's public comment procedure for HCPs.

3. The Preliminary SDCP should clearly describe how it will actually be implemented, including such very basic issues as who pays what, to whom, how, when, based on what criteria, and what does such payment entitle whoever makes it to do, where, when, and how? The Preliminary SDCP "shapes" the environmental issues, but

entities like Marana have had no input into the key issues of implementation. These and many other unaddressed matters are not issues that can be saved for later–they have crucial financial, planning, and administrative impact for the Town of Marana and many other interested persons.

Given the complexity of the task and the time frames involved, it is certainly understandable that not all matters relating to the SDCP will be finalized at this stage. Moreover, the Town does not intend by this cautionary note to deter Pima County from working with interested parties, such as the Town itself, towards a proposed plan. Full and active participation by a diverse group of the regions stakeholders is imperative if the plan is to be a regional habitat conservation plan. Any such proposed plan must be of sufficient detail to proceed to higher levels of scrutiny, including the ESA public comment procedure for HCPs. The Preliminary SDCP must provide such adequate basis for public comment.

Indeed, for reasons explained in these comments, the Town of Marana also believes that the importance of the SDCP to the Town and of the Town to the SDCP are disproportionate to the relative geographic area within the Town's jurisdiction. Cooperation among the various parties, therefore, will be vital to the success of the SDCP. We are committed to working towards that goal, not only in the form of making well-reasoned and constructive comments on preliminary proposals, but in helping to design those proposals from the very start and guiding their refinement and eventual implementation.

I. Defining The Endangered Species Act Component of the SDCP

Development of the SDCP began in response to the listing of, and designation of critical habitat for, the defined Arizona population of the cactus ferruginous pygmy-owl (CFPO) under the Federal Endangered Species Act (ESA). Much of the plan and the process for its approval centers on obtaining the approval of a regional habitat conservation plan under Section 10(a) of the ESA. Although a number of other listed species are present within Pima County and apparently will be addressed in the SDCP, it is the CFPO, with its large areas of designated critical habitat, that will drive the SDCP to the extent the plan attempts to satisfy the statutory requirements of a habitat conservation plan.

The SDCP is clearly more ambitious than simply satisfying ESA requirements. It contemplates preservation of resources not otherwise protected by the ESA and the adoption and implementation of state and local laws and policies not required by the ESA. This point is not made to suggest that goals beyond satisfaction of the ESA's minimum statutory criteria should not be pursued. **Rather, in order to withstand the inevitable scrutiny and to provide a clear understanding of the purposes sought to be achieved and the financial and social implications thereof, those components of the SDCP that are intended to function as an ESA habitat conservation plan must be carefully delineated so that the measures going beyond what is required under the ESA can be clearly identified.**

A review of the ESA provisions that give rise to the need for the SDCP will help highlight the importance of this point. Section 9 of the ESA prohibits the "take" of listed species. Section 3 of the ESA defines take as follows:

> **The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.**

By regulation, USFWS has defined the term "harm" as used in the definition of "take" as follows:

> **"an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering." 50 CFR § 17.3.**

Significantly, the "take" prohibition of the ESA does not extend to plants or designated critical habitat per se. In fact, in circumstances such as presented by the CFPO, in which species occurrence even in suitable habitat is low, the take prohibition may be of limited effect. This was demonstrated fairly clearly in the Amphi litigation. The point is simply that there is a significant question as to the extent of land and activities for which any "take" of CFPO actually would occur in the future. The Recovery Plan for the CFPO should be complete in the near future and should provide some basis for the many decisions regarding the CFPO, its habitat and activities. Where take is not likely in a particular area or as a result of a particular activity, measures of the SDCP designed to protect the area or regulate the activity necessarily have no basis for being characterized as a response to the demands of the ESA.

II. HCP Issuance Criteria

Where the "take" prohibition does apply, which may not be extensive in the case of the CFPO, ESA Section 10(a)(1)(B) allows USFWS to permit such take if it is incidental to an otherwise lawful activity. ESA Section 10(a)(2)(A) goes on to provide, however, that no such permit can be issued unless the applicant submits a conservation plan (often referred to as a "habitat conservation plan") specifying four categories of information. Following in quotations are the four categories of required information and under each category is a discussion of issues related to the SDCP:

> "(i) the impact which will likely result from such taking;"
>
> This category of information may prove difficult to develop for the SDCP, and the Preliminary SDCP does not approach satisfying this statutory requirement. The County has developed extensive information on the species present in the County, but the Preliminary SDCP contains no specific information on anticipated impacts to those species. Greater specificity needs to be provided regarding the "take" sought to be permitted and the impacts likely to result from such take. Further analysis of the Preliminary SDCP under the ESA or NEPA must be done. In order to begin to determine the level of impacts sought to be

permitted under the ESA, the SDCP must consider and specify what activities it is seeking to permit and in what areas. An estimate of species "taking" associated with planned future undertakings must be made. Put another way, SDCP proponents must clarify what activities are sought to be permitted. While the overall preservation goals and focus of the SDCP are laudable, the impacts should be carefully assessed.

Another potential problem imbedded in the question of what "take" is sought to be authorized under the SDCP is the degree to which such take is permissible. For example. USFWS has showed great reluctance to authorize any take of the CFPO due to its low numbers. Will take of the CFPO be sought to be authorized under the SDCP? If so, how much, where, and under what conditions? If, as is the current impression of the Town of Marana, USFWS will likely not authorize take of the CFPO to any significant degree, then what impacts are in fact going to be authorized?

A similarly difficult set of issues is raised by the SDCP's anticipated extension to plants, which are not covered by the ESA take prohibition.

"(ii) what steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps;"

Minimize and mitigate: The Preliminary SDCP describes a laudable and ambitious preservation effort across Pima County. Yet, in the absence of any specificity on the actions or activities sought to be authorized under the ESA or the impacts of those actions or activities, it is not clear what components of the SDCP are intended to provide the required minimization and mitigation of impacts. In light of the requirement that "the applicant will ensure that adequate funding for the plan will be provided" (ESA Section 10(a)(2)(B)(ii)), the lack of specificity as to what components of the SDCP provide mitigation under the ESA becomes critical. Given the scope of the SDCP, establishing the level of specificity as to impacts and mitigation required by the ESA will be a significant undertaking. Nevertheless, until that work has been done, it will simply not be possible to judge the true environmental, social, and economic impacts of the plan. Moreover, this level of detail will be critical to evaluating alterative actions under NEPA.

Funding assurance: The Preliminary SDCP does not identify any sure source or quantity of funding for the ambitious preservation program. In order to gain USFWS approval of a habitat conservation plan, Pima County must *ensure* funding of ESA mitigation measures. The SDCP should identify the "take" it seeks to authorize and designate mitigation required for take, which will certainly be less that the entire SDCP preservation effort. Only then will Pima County be able to determine whether it can ensure adequate funding of mitigation as required under the ESA.

"(iii) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized"

The Preliminary SDCP does not, and can not, based on the lack of specificity of impacts and mitigation provided to date, sufficiently address this requirement. The Town of Marana is keenly interested in working with Pima County on developing the proposed action as well as alternatives to the proposed action.

"(iv) such other measures as the Secretary [of Interior] may require as being necessary or appropriate for purposes of the plan."

It is not clear to what degree USFWS is participating in development of the SDCP. What has been USFWS's guidance to Pima County? Has USFWS indicated what sorts of requirements, if any, it may consider under this provision of the ESA?

III. How Will the SDCP Work?

The Town of Marana is committed to the long-term preservation of key natural resources and has taken a number of actions in that regard. Accordingly, the Town of Marana supports the aggressive conservation theme of the SDCP. By the same token, the Town of Marana also desires to ensure a healthy economy and economic opportunities for its citizens, a viable tax base, and key infrastructure. How the SDCP will do so is not revealed by the Preliminary SDCP copy in several important respects.

Permitting effect and efficiency: A critical premise of the SDCP is that it will provide governmental and non-governmental parties alike an efficient option for obtaining approval of activities and development that might otherwise be regulated under the ESA. Marana's activities and interests have been significantly affected by the extensive presence of CFPO critical habitat within the Town's jurisdiction. USFWS has put into question the legality of municipal land use decisions and the viability of infrastructure and development projects critical to the Town's plans. The Town, therefore, is particularly interested in understanding how the SDCP will actually work to provide a better alternative to individual ESA permitting. Other than some very general statements, the Preliminary SDCP does not address this topic. For example, what will the terms of SDCP participation be for the average infrastructure or development project within CFPO designated critical habitat? Will SDCP participation be a voluntary alternative to seeking individual project approval under the ESA? How will the level of "taking" be determined or allocated? What, if any, mitigation fees will be required and how will they be determined and then used? Regional habitat plans around the country have taken a variety of approaches to these questions, with varying and limited success.

Long term assurances: The Town is also interested in what level of long-term assurances will be provided to participants in the SDCP. How will the potential presence of a CFPO be addressed? What if the CFPO is delisted or its critical habitat revised? What happens if the SDCP is terminated or suspended after an entity has participated in order to obtain a project approval?

After having observed the experiences of a number of landowners in seeking approval for development within CFPO critical habitat, we are concerned that it will be extremely difficult for the SDCP to establish a simplified approach to permitting. It is important that the substantial mitigation embodied in the SDCP actually improve the permitting process for individual projects and activities.

Financial considerations: Although Pima County has identified several potential sources of funding to implement the SDCP, the Preliminary SDCP provides no information on the cost of implementation and no specifics on the allocation of those costs among the various identified potential sources. Nor does the Preliminary SDCP provide a schedule for implementation and expenditure. In its recommendations for funding sources, Pima County left many questions unanswered regarding the applicability of those funding sources to other entities. One significant funding source available to Pima County, a sales tax increase dedicated to open space acquisition, subject to voter approval, was omitted thereby not allowing Pima County taxpayers a voice in how they want their taxpayer dollars spent. It is clear, however, that implementation of the SDCP will be very expensive. Expected costs include land acquisition, land management, scientific monitoring and studies, adaptive management actions, and plan administration. Currently, there is nothing on which to base an analysis of the financial viability of the SDCP. We hope and expect that this information will be developed and disseminated over the coming months. The experiences of Dove Mountain and Eric Tobin in Marana could be used to set some of the baseline expectations for the SDCP. We once again express our concern that the ESA and NEPA review processes not move ahead of development of a plan with sufficient detail on which to base an evaluation of its merits and consideration of alternatives. Although both of these mandatory review processes are intended to be interactive and iterative, with some level of refinement and revision of the proposed action and alternatives along the way, we are concerned that the Preliminary SDCP be developed to provide a sufficient starting point.

IV. The Importance of Other Local Governments

The Town of Marana is firmly convinced that meaningful participation in the SDCP by the various local governments within Pima County is critical to the plan's potential success. While it is true, as pointed out in the Preliminary SDCP, that these local governments maintain jurisdiction over a relatively small area compared to unincorporated Pima County, communities such as the Town of Marana are at the epi-center of issues such as impacts to and conservation of the CFPO. Both biological resources and potential growth are disproportionately represented within the jurisdiction of Marana when compared to unincorporated Pima County. Areas perceived by USFWS to have special importance to the CFPO, for example, are located in the Town of Marana and the City of Tucson. The Town of Marana is committed to attempting to develop with Pima County and other jurisdictions a cooperative relationship to assure coordinated and consistent development and implementation of the SDCP. Marana has already evidenced its commitment to the goals and purposes of the SDCP when the Marana Town Council approved a lease agreement valued at $7,200,000 with the State of Arizona for 2400 acres of Preserve Property as mitigation for the CFPO requirements at Dove Mountain. Marana has also committed general fund dollars to support staff

to work on the SDCP and CFPO. Other than the federal government designating the Ironwood National Monument, little has been done to commit the significant resources necessary to satisfy the level of funding that will be necessary to implement the SDCP.

Until it's adoption by the Board of Supervisors, Marana and other entities were told that the SDCP would be an entirely biologically based. However, the Board of Supervisors adopted as part of the SDCP a Legislative agenda and potential funding mechanisms. Clearly, when funding mechanisms and legislation is needed to implement the SDCP for its success, then a participatory process should be engaged before further advancement of at least the regional legislative and funding mechanisms so that a consensus opinion and regional support can be solidified.

Although the Preliminary SDCP does not provide much information on the potential benefits and impacts of the SDCP on the Town of Marana and its region specifically, the more recently released "Overview of the Draft Preliminary Sonoran Desert Conservation Plan" prepared by Ms. Barbara Tellman (the "Overview") provides some information that highlights both the Town's comments on the Preliminary SDCP as well as the reciprocal importance of the Town of Marana to the SDCP and the SDCP to the Town of Marana. We note also that the Overview contains significant information, including pertaining to plan structure and implementation, not contained in the Preliminary SDCP. For example, no where in the Preliminary SDCP have we found such a concise statement of the ESA component of the SDCP as presented on page ii of the Overview:

> This plan will include designation of specific geographic areas where protection and recovery of threatened and endangered species will be emphasized. It will establish clear procedures for obtaining permits for some kinds of activities in those areas and for making trade-offs between activities in those areas and in areas less important for vulnerable species. The first step is a public hearing on the "Taking Permit" which allows limited activities in affected areas when mitigation will result in no overall loss or enhancement of the species.

With respect to the Town of Marana and surrounding areas, the Overview (pages 50 and 51) provides the following information:

> The full cash value of land in this subarea area is $5 billion with an average cash value per acre of $24,769. County property taxes paid in 1998 were $31,255,324, or $153.55 per acre...
>
> This subarea has some of the healthiest ironwood forests in the county and habitat for the Cactus ferruginous pygmy-owl that was the initial impetus for starting the Sonoran Desert Conservation Plan...
>
> The pygmy-owl habitat should be preserved and this will be part of the overall Multispecies Habitat Conservation Plan, including allowing some land banking in other areas in return for allowing development in fringe parts of the habitat.

We believe these statements support the validity of a number of our comments and emphasize the need for a more precise explanation of how the SDCP will in fact work. With respect to the statement last quoted above, we are particularly interested how the referenced preservation of CFPO habitat, "land banking," and development on the fringes will affect the Town of Marana or be carried out within or adjacent to the Town's jurisdictional boundaries.

Conclusion

At this stage the Preliminary SDCP is simply too preliminary. The Town of Marana, no doubt like many other interested persons and entities reviewing the Preliminary SDCP, is left to raising questions rather than making comments. Focus of the SDCP should center first on meeting ESA requirements. This document should be based on biology and not policy. The Town of Marana wishes to be included in the Government Working Group and looks forward to the opportunity to participate with other affected entities in the further development of the SDCP.

MARANA

OFFICE OF THE MAYOR

October 24, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021

RE: Draft Comments in Response to USFWS
"Notice of Intent to Prepare an Environmental Impact Statement"

Dear Mr. Harlow:

The following comments are submitted by the Town of Marana, Arizona in response to the U.S. Fish and Wildlife Service's notice of intent to prepare an Environmental Impact Statement (EIS) and notice of public scoping meetings related to the Sonoran Desert Conservation Plan (SDCP), which notice appeared in the September 7, 2000 issue of the Federal Register, Vol. 63, Page 54295 (the "Notice"). The Town of Marana is a municipality chartered under the Constitution and laws of the State of Arizona. All of the Town is situated within Pima County and much of the area within the Town's jurisdiction is within designated critical habitat for the cactus ferruginous pygmy owl. The Town is a vital potential participant in the SDCP and has been working with Pima County and other affected jurisdictions towards an interlocal agreement regarding development of the SDCP. The SDCP has the potential to affect significantly the Town's operations and planning as well as the human environment within the Town's jurisdiction. The Town is hopeful that all relevant parties, including USFWS and Pima County, will work closely with the Town in the development of the SDCP and the preparation of the EIS.

Following are the Town's comments in response to the Notice:

1. The Notice refers to the potential issuance of an Endangered Species Act permit to Pima County in connection with the SDCP. No reference is made to other potential participants such as the Town of Marana. The Notice does refer, however, to Pima County's responsibility extending only to lands in unincorporated Pima County. The

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absence of participation by other relevant governmental entities, such as the Town of Marana, could seriously impair the viability and effectiveness of the SDCP given the concentration of relevant resources, such as designated CFPO critical habitat, within those jurisdictions. Indeed, recent litigation such as that related to the Natomas HCP in California has highlighted the need for participation by other affected governmental entities. USFWS and Pima County should strive to establish an acceptable basis for inclusion of other relevant jurisdictions, and the Town of Marana looks forward to working towards that end.

2. The Notice recites the purposes of the SDCP largely in terms of ensuring the long-term survival of the covered species and facilitating County planning. An equally important goal of the SDCP should be to provide the regulated community, including the Town of Marana, other affected jurisdictions, and landowners, a more efficient and cost effective solution to Endangered Species Act constraints than project-by-project consultations and permitting. The Town of Marana believes that the SDCP should make this a top priority.

3. The Notice refers to the activities to be covered by the SDCP permit as "lawful activities that would occur outside the proposed preserve." We understand that utilization of hard preserve lines has been problematic in other regional plans and that absence of significant, if not full, acquisition funding early in the life of a plan can result in the "greenlining" of landowners (both private and governmental) within areas designated for preservation. We are concerned that opportunities given to landowners under the SDCP could be denied to other landowners merely on the basis of a "preserve" line. Again, this highlights the importance of involvement of other jurisdictions such as the Town of Marana, as the designation of "preserve" areas without current funding for their acquisition could have a disproportionate impact on these communities.

4. The Notice states that the County is expected to apply for an incidental take permit for, among other species, three species of listed plants. It is our understanding, however, that the "take" prohibition of the Endangered Species Act does not extend to plants. How, in fact, will the SDCP address listed plants?

5. A related concern is the relationship under the SDCP of any fees potentially to be charged to the regulated community and the actual degree of take authorized in exchange for such fees. It is well understood that a primary concern, and perhaps driving factor, in the

SDCP is the CFPO and its critical habitat. However, given the current distribution of the CFPO and the likely result that any nest territories will be slated for preservation, it is likely that few, if any, entities and landowners seeking to participate in the SDCP will actually be taking a CFPO. On what, then, will any fees be based if not the level of "take" authorized?

6. To date, the SDCP is remarkably silent on some of the most basic issues, such as funding structure, preserve acquisition and preservation methodology, fee programs, and the nature of authorizations that will be provided to participating entities and landowners. We are concerned that the EIS process not move ahead of a more clear definition of what is actually being proposed in the SDCP. With the level of detail currently available on the SDCP, we doubt that the EIS process can effectively evaluate the potential environmental, social, and economic consequences of the SDCP.

7. In part in light of the concerns raised above, we are of the view that the EIS and SDCP development processes need to be better coordinated and the SDCP and potential alternatives fleshed out to a much greater degree.

8. The SDCP contains a number of elements not subject to regulatory or permitting authority under the ESA. This raises a particular concern for scoping of the EIS and analysis of the impacts of the federal action in question - - issuance of an incidental take permit under the ESA. What will be the statutory and regulatory basis for non-ESA elements of the SDCP? What authority does USFWS have to impose non-ESA conditions or elements of the SDCP or to enforce the failure of the County to implement non-ESA elements? Will the EIS consider and evaluate SDCP elements that may not be implemented?

9. The Notice states that one of the activities proposed to be covered under the incidental take permit for the SDCP is "issuance of land use related permits." Once again, this emphasizes the potential importance of the inclusion of other jurisdictions. Moreover, it raises at least two related questions. On what basis is "issuance of land use related permits" considered to be a violation of the ESA Section 9(a)(1)(B) "take" prohibition, which is the only ESA prohibition covered by the incidental take permits issued under ESA Section 10(a)(1)(B)? Will coverage of land use permits also operate to provide coverage for the land use thus permitted, or will landowners have to seek separate authorization?

In addition to the foregoing comments in response to the Notice, we are in the process of preparing comments on the current draft of the SDCP, which will of course be considerably more detailed. We appreciate your consideration of these comments and look forward to working with all interested parties as this process continues.

Sincerely,

Bobby Sutton
Mayor

BS/dm

Cc: Senator John McCain
Senator Jon Ky
Congressman Jim Kolbe
Congressman Ed Pastor

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- DATE: October 23, 2000
- TO: Mr. David Harlow, Field Supervisor
- COMPANY: U.S. Fish & Wildlife Service
- FAX NUMBER: (602) 640-2730
- FROM: Karen LaMartina
- NUMBER OF PAGES: 9 (including this cover sheet)

In accordance with my telephone conversation with Kathy, I am faxing the City of Tucson's comments on scoping for the EIS related to the Sonoran Desert Conservation Plan.

Please let me know at (520) 791-5080, ext 1266 if you need the originals sent as follow-up.

Thank you for your consideration.

RECEIVED
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CITY OF
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CITY MANAGER

October 20, 2000

Mr. David Harlow, Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021

Dear Mr. Harlow:

Re: Sonoran Desert Conservation Plan/Environmental Impact Statement Scoping Comments

The City of Tucson appreciates the opportunity to submit comments regarding the scope of the Environmental Impact Statement (EIS) being prepared for the multi-species habitat conservation plan, generally referred to as the Sonoran Desert Conservation Plan (SDCP), currently under development by Pima County. The City is fully supportive of the development of habitat conservation plans to protect threatened and endangered species in the Sonoran Desert of Arizona. The City of Tucson Mayor and Council voted in January 1999 in favor of the City participating in the development of a regional habitat conservation plan and directed the City Manager to appoint staff to coordinate the City's participation.

We understand that this is the initiating process for the EIS; therefore, our comments primarily refer to the draft SDCP and related documents produced by Pima County and its consultants as the basis for the scope of the EIS and alternatives to be considered. We believe this is consistent with the intent of the request for public comments as published in the *Federal Register, page 54295* on September 7, 2000.

Our comments relate to the following issues:

1. Participation in the development process by the public and by local jurisdictions

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2. Alternatives to the proposed plan actions
3. Consistency of the proposed plan with technical reports
4. Environmental justice issues related to funding proposals
5. Baseline issues

Participation in the development process by the public and by local jurisdictions

Public and local jurisdiction participation in development of the SDCP is critical to the ultimate success of the plan. Full and active participation by a diverse group of the region's stakeholders is imperative if the plan is to be an effective regional habitat conservation plan. Effective public participation also is necessary for development of a plan that not only conserves the natural and cultural resources of eastern Pima County but also limits potential negative impacts on sensitive human populations. The City of Tucson is concerned that this level of participation has not taken place to date in the development of the draft plan.

All of the Steering Committee meetings, as well as the Public Scoping meetings for the EIS, have been held at the Arizona Sonoran Desert Museum. This location is remote from virtually the entire regional population and has no access by public transportation. Much public comment has been made regarding the "high level of participation" in the Steering Committee process. In reality, the ninety or so individuals who have participated in this process represent an extremely small percentage of the regional population. Hundreds of thousands of people, in particular lower-income residents who rely on public transportation, have been effectively excluded from this process due to the location of these meetings.

Since many of the mechanisms proposed to fund this plan will have significant impact on these individuals, all future meetings related to the SDCP and the EIS should be held in a central location which can be easily accessed, including by populations dependent upon public transportation.

In addition, the City is concerned about the adequacy of the public participation process. To date, this process has been limited to a series of lecture-format meetings; this approach has not allowed true public participation, even by those few individuals who have regularly attended these meetings. The Steering Committee, ostensibly created to guide the County's efforts, has not been allowed to guide or direct any of the process.

The exclusion of participation by local jurisdictions is another major concern of the City of Tucson. The draft plan adopted by the Pima County Board of Supervisors on September 26, 2000 includes a flowchart (immediately following page 64) depicting the development process for the SDCP. The chart includes a listing of agencies and individuals, with the implication that the list represents the participants to the development process for the SDCP. The City of Tucson and other local jurisdictions are included under the heading of "Local Jurisdictions". The City has both individually and in coordination with all of the

other local jurisdictions attempted to be an active participant in developing the SDCP. However, we have not been successful in negotiating a Cooperative Agreement with the County and, at this time, cannot be certain that a Cooperative Agreement will be negotiated in the future. Further, although the City has repeatedly requested that City staff be included on several committees, notice of upcoming meetings has been sporadic and inconsistent, at best. It is our understanding, confirmed by the County representative during the EIS Public Scoping meetings, that many of these committees have never been convened and, therefore, interested individuals and jurisdictions have not been allowed to participate in the process.

Alternatives to be considered

This failure to include participation by the local jurisdictions is of concern in terms of both the overall development and the implementation of the SDCP and must be addressed in the EIS. The City of Tucson's experience in our attempts to become an active participant in this process causes great concern for the ultimate development of a regional plan. In light of the failure by Pima County to allow participation by local jurisdictions, the EIS must specifically address an alternative under which the SDCP does not include the lands within the boundaries of the incorporated jurisdictions. This alternative also must assume that the resources of these jurisdictions, both physical and financial, are not available for implementation of the SDCP.[1]

The SDCP is proposed to address "species conservation and federal compliance issues through development of six planning elements including Habitat and Corridor Protection; Riparian Protection and Restoration; Mountain Park Expansion; Ranch Conservation; and Cultural and Historic Preservation". However, very little has been put forward in terms of alternatives to the direction Pima County has envisioned from the onset this project. In order to comply with the National Environmental Policy Act (NEPA) of 1969, the EIS must explore both the environmental impacts of the proposed action and any alternatives to the proposed action.

The following examples illustrate the City's concerns:

1. In the City's review of the draft SDCP we have found that many of the proposed "riparian restoration projects" are actually projects that have been proposed by the County as recreational projects for many years. These exact same projects are now being presented as habitat conservation projects. No documentation has been provided as to the specific biological benefits to be derived from these proposed projects, and no other alternatives for achieving those benefits have been presented.

2. The draft SDCP attempts to link preservation of natural and historic resources through the Ranching Conservation element with County control over subdivision laws. The draft plan lays the groundwork for legislative changes that would give the County

[1] This issue has recently been addressed in a recent court decision in Natomas Basin and, as a result of failure of participation by local jurisdictions, the Court rejected the Section 10 permit for the City of Sacramento.

greater control, along with associated revenues or cost reduction mechanisms for County infrastructure improvements. However, there has not been a thorough examination of the presumed benefit of or any alternatives to ranching conservation, such as other riparian or open space preserves. Further, the potential negative impacts of ranching on the Sonoran Desert habitat have not been voiced at all in the draft SDCP, such as water quality degradation from fecal contamination and the negative impacts of cattle on natural habitat and riparian vegetation.

3. The preserve system proposed by the SDCP is one of remote, off-site mitigation of environmental impacts. No discussion has been included regarding the alternative of mitigation preserves in the immediate vicinity of the impacting activity. Both from a biological perspective and from the perspective of the human environment, the alternative of mitigation in the vicinity of the impacts may be preferable.

Consistency of proposed plan with technical reports

The development process followed to date for the draft SDCP has resulted in the creation of a number of "technical" teams to study and report on the "six elements" the County considers as the core of the conservation plan, and numerous documents and reports related to these six elements have been produced. Presumably, the decisions for plan development will be made based on science and biologic objectives. However, there is a lack of consistency between the science recommendations in the technical reports and "mitigation" projects included in the draft plan. For example, there seems to be a distinct "disconnect" between the Science Technical Advisory Team (STAT) report regarding wildlife corridors across rivers and streams and the proposed riparian and bank protection projects. Specifically, the riparian element report indicates that a goal for riparian ecosystems is to "maintain or restore the connection between interdependent components of river systems: channel, overbank floodplain, distributary flow zones, riparian vegetation and connected shallow groundwater." This report further recommends that actions be taken to "(r)estore the diversity of fluvial processes, such as movement of channels, deposition of alluvial sediments, and erosion of aggraded flood plains, that allow a diverse assemblage of native plants to co-exist." The draft SDCP does not address these types of issues relative to riparian ecosystems.

The EIS should examine those differences and include alternatives to the proposed projects. While there is no question that uncontrolled growth is detrimental to both the human and the natural environment in any number of ways, there is also little question that there will be some amount of future growth in Pima County. Therefore, reasonable and workable options for wildlife corridors and reserves must be designed in order for the plan to succeed regionally. The projects included in the plan must be based on both sound science and common sense; and the funding mechanisms for these projects must be equitable.

Impacts of proposed fees and environmental justice issues

The draft SDCP adopted by the County BOS in September 2000 proposes a number of items, including a legislative agenda, funding mechanisms and County reorganization plans, that were not a part of the Steering Committee meetings or any other public meetings on the conservation plan. In fact, when representatives of the City and other local jurisdictions directly asked the Pima County staff member responsible for development of the SDCP what funding mechanisms the County was considering, this information was explicitly withheld. However, through incorporation of the County Administrator's cover memorandum as a part of the draft plan, the Board of Supervisors approved specific funding mechanisms for implementation as part of the SDCP. There is little, if any, explanation of how the proposed legislative changes or new County fees relate to a conservation plan that has been consistently characterized as being based solely on biologic objectives in response to the ESA.

Since Pima County has chosen to link the proposed fees and legislative changes to the draft SDCP, the EIS must evaluate each proposed funding mechanism for a reasonable relationship to the habitat conservation plan process. Likewise, alternatives to the County's proposed funding mechanisms must be identified and considered. For example, Pima County currently has authorization for a sales tax increase dedicated to open space acquisition, subject to voter approval, thereby giving voice to regional stakeholders as to how their "tax dollars" are to be spent. Under any circumstances, any and all funding mechanisms must segregate the SDCP funds in separate, regularly audited accounts that are not available for expenditure for any other purpose.

While the following list does not address each of the proposed legislative changes and fees, it points out some of the City's most immediate concerns:

In the context of implementation of the SDCP, the County has proposed to pursue new or amended State legislation to accomplish the following:

- **Public Facilities Impact Fees:**
  "Expand County impact fee authority to include all public facilities and services provided to growth areas such as schools, parks, solid waste, public transit and police facilities."

  The County has not explained what the "impact fee" would be or how that revenue would be utilized in terms of the SDCP. While the City strongly believes that new development should pay its way, this appears to be an attempt to incorporate funding mechanisms for service and public facility extensions to new development into a habitat conservation plan. The direct relationship between the two is very unclear. How is this decision based on biologic objectives or science? How would these fees protect threatened and endangered species? It should also be noted that the Court recently struck down a similar impact fee in Apache Junction.

- **County-wide Real Estate Transaction Charge:**
"Authorize the levy of a county-wide real estate transaction surcharge to fund open space acquisition and conservation activities."

As stated, the surcharge does not appear to be limited to new housing transactions or to unincorporated Pima County. If that interpretation is correct, the majority of the funds gained from this surcharge over time would be derived from the sale of existing housing stock within the City limits, in spite of the fact that these transactions do not negatively impact the surrounding environment. The result would be a significant transfer of funds from existing City residents, many of whom are low income or minorities, to offset the environmental impact of new, high-income development outside the City limits. This is a serious environmental justice issue which must be addressed in the EIS.

- **Increased Transportation Impact Fees and Regional Transportation Impact Fees:**
"Increased Transportation Impact Fees for Development in the Unincorporated Area of Pima County to the Amount Allowed by Present Statute – These transportation impact fees would be dedicated to critical transportation capacity improvements where air quality improvements or reduced traffic congestion would be greatest."

"Consider asking other jurisdictions to adopt a uniform regional transportation impact fee with the proceeds of all fees being deposited in a single regional account and funding distributed to resolve the most severe congestion problems in the region without regard to jurisdictional boundary."

Again, the connection between these proposed infrastructure funding mechanisms and the habitat conservation plan is questionable. While regional transportation planning is a value the City shares, we do not believe it belongs in this arena. In this context, who would oversee such a "regional account" and how would "the most severe congestion problems" be determined? Even more importantly for this purpose, how does this directly relate to the SDCP? We have concerns that this could simply be an additional source of funds for County transportation projects rather than a source of funds to "purchase land, restore habitats, scientifically monitor progress toward recovery of endangered species, and fund cultural and historic preservation programs" as the draft plan states is the goal of the SDCP.

- **Regional Water Conservation Fees:**
"Consider adopting a water conservation sewer impact fee [in order to conserve water resources] with the proceeds of the fee dedicated to water conservation programs such as mandatory plumbing retrofit requirements upon the sale of residential and non-residential property."

Approximately 80% of these proposed fees would be derived from the City's water service area. The City's water customers are already paying the costs of water conservation programs and the costs of using renewable water supplies through their potable water rates. An additional fee on the sewer bill would result in double taxation of these residents and, because many of these residents are low income or minorities, issues of environmental justice must be addressed in the EIS.

Baseline issues

As indicated in the draft SDCP, more than 40% of the land in Pima County is currently protected either as Federal, State and County parks (38.8%) or as State Trust Lands (5.4%). These figures do not include City of Tucson parks, ranches or preserves or similar facilities located within other local jurisdictions. Also, it is unclear whether the newly created Ironwood Preserve is reflected in those percentages. In addition, the draft plan acknowledges that Pima County, as well as the majority of other local jurisdictions including the City of Tucson, have existing ordinances to preserve cultural and historic resources as well as land use and native plant protection ordinances.

There is no question that preservation of our natural, cultural and historic resources is of significant benefit to the community. However, in the SDCP and EIS processes it is important to understand what existing protected resources are to be considered toward meeting the overall goal of habitat conservation in the region. The draft plan is very unclear as to whether expansion of existing reserves along with creation of new reserves and/or wildlife corridors is the mitigation tool proposed in order to secure the Section 10(a) permit, or if that permit is to be based on the total of existing and expanded or new reserves and corridors. This is an important distinction for local jurisdictions to consider in order to be able to determine potential benefits and impacts of the SDCP on their residents and on their daily operations. Moreover, the value of existing reserves and protected open space needs to be evaluated as an alternative to other actions proposed in the SDCP.

The City of Tucson supports preservation of natural resources and has promoted cultural and historic preservation for some time. We support a true regional conservation plan and have diligently attempted to become an active participant in the SDCP process. However, we also believe the SDCP process should not be used as a funding mechanism for unrelated, or loosely related, on-going activities and projects. While there may be value to those on-going activities and projects, we believe regional stakeholders should feel confident that the funding mechanisms associated with the plan are, in fact, going to fund the activities directly associated with preservation of natural, historic and cultural resources of the region.

We hope and expect that the EIS process will strictly follow the NEPA requirements by including a true evaluation of alternatives to the proposed action(s) of the draft SDCP

along with full and objective consideration of the impacts as well as benefits of the proposed plan.

We appreciate the opportunity to provide these comments and look forward to reviewing the draft EIS upon its completion.

Respectfully submitted,

James Keene
City Manager

c: Mayor and Council Members
Liz Miller, Assistant City Manager
Benny young, Assistant City Manager
Michael House, City Attorney
William Vasko, Planning Director
Tony Paez, Transportation Director
David Modeer, Tucson Water Director

IV. Letters Received Regarding Ranch Interests:

131. Altar Valley Conservation Alliance

132. Chilton Ranch & Cattle Company

133. Cynthia Coping (September 15, 2000)

134. Cynthia Coping (November 6, 2000)

135. Donald Honnas (October 12, 2000)

136. Donald Honnas (December 29, 2000)

137. John King

138. Tim Lengerich

139. Mitchel McClaran

140. Mary and Charley Miller

141. Natural Resource Conservation District

142. Nathan Sayre

143. Sierrita Mining and Ranching Company

Altar Valley Conservation Alliance

Anvil Ranch
HC 1 Box 97E
Tucson, Arizona 85736
(520) 822-1065

November 24, 2000

27 2000

Mr. David Harlow
U S Fish and Wildlife Service
2321 West Royal Palm Road
Phoenix, Arizona 85021

Dear Mr. Harlow:

We are pleased to have the opportunity to submit scoping comments concerning Pima County's Sonoran Desert Conservation Plan. We are a non profit organization, with a core membership of private land owners/ranchers from the Altar Valley southwest of Tucson and cooperators from the various resource management agencies active in our watershed. Our comments are summarized as follows.

A. NEPA scoping

The Draft County materials are at best a compilation of information on biological resources and potential issues. (The Draft County "Plan" states that it "serves as a summary of technical an scientific information") Without a preliminary plan that actually contains the elements required for an HCP, it is not possible to make meaningful NEPA scoping comments. For instance, there is no indication of the type and extent of take of listed species that would be authorized by the HCP, the type and extent of mitigation that would be required, how the plan will address long-term management issues such as the role of prescribed burns in management of the landscape.

B. The County Draft does not Present Meaningful Options

Although the County draft plan states that it "is intended to frame a broad range of options," it is difficult to understand the nature of the options. The alternative analysis is at the heart of a NEPA review and is the one element of NEPA that is a substantive rather than merely procedural requirement. NEPA scoping should be deferred until a reasonable range of alternatives rather than just "options" or "conservation" opportunities have been identified.

C. The EIS Needs to Address Alternatives that Reflect the Realities of Land Ownership and Existing Land Stewardship.

The State of Arizona in trust for the school system owns approximately 50% of the Altar Valley. Most of the lands are under active resource utilization, primarily grazing. Given the land ownership characteristics in the Valley and the active resource utilization in the Valley, it is not appropriate to consider a reserve system approach to the Altar Valley. Rather, the EIS should examine a resource management approach in the Valley that is more comparable to forestry plans than to "hard-line" reserve systems such as those used in the Southern California NCCP/HCP program.

The EIS needs to address whether any HCP purporting to address the Altar Valley can be prepared without the active participation of the Valley's landowners.

D. The EIS Needs to Examine the County HCP in Relation to the Resource Management Issues Identified in the "Preserving Ranch Lands in Pima County" Report (October 2000)

Habitat systems in the Altar Valley are ultimately dependent on the health of the watershed. The EIS must thoroughly and comprehensively address the resource issues raised in the Report titled "Preserving Ranch Lands in Pima County," including the role of fire, mesquite control and erosion control in maintaining and enhancing the health of the watershed. The EIS also must address the "Findings" of the Report. Additionally, the history of prescribed burns, grazing exclusion and grazing management measures on Valley ranches such as the King's Anvil Ranch must be documented, studies and assessed before management prescriptions can be proposed for the Valley. The EIS must assess this information in order to provide the "hard look" required by NEPA and to properly assess alternatives pursuant to NEPA.

E. The Goals and Objectives of the Altar Valley Watershed Resource Assessment must be Addressed.

The goals and objectives of the Altar Valley Watershed Resource Assessment must be addressed in relation to species management goals. Eleven specific objectives have been identified to date. These objectives must be attained in order to comprehensively enhance and restore the vegetation and soil resources of the Valley. In turn, it is apparent that the long-term health of the habitat systems that support listed and sensitive species are dependent on achieving the watershed resource enhancement and restoration goals addressed by these eleven specific objectives. Accordingly, the EIS must address these eleven objectives in terms of relating watershed management goals to species management goals. The extent to which these objectives further the needs of listed and sensitive species must be assessed. Likewise, any potential conflicts between these objectives and species needs must be addressed in the EIS

F. The EIS Must Address the County Plan in Relation to the Pygmy Owl Critical Habitat Designation

Updated information on the pygmy owl needs to be related to the initial critical habitat designation so that the designation does not become written in stone. Questions have been raised that the pygmy owl populations in Arizona should be addressed as a species that is at the northern extent of its range. Any habitat protection and management prescriptions must reflect the differences in species behavior between species populations that are at the heart of the species' prime habitat and populations that are found at the habitat and climate extremes of the species habitat range. Such updated information should be incorporated into a NEPA analysis of the extent to which the County Plan and other programs should reflect the particular characteristics of a species at the outer limits of its range. The NEPA analysis should also include an assessment of such information in relation to the original critical habitat designation and the extent to which such information and provisions of the HCP should result in modifications to the critical habitat designation for the pygmy owl.

We appreciate your attention to our concerns and look forward to continued work with you and Pima County on the SDCP.

Sincerely,

Patricia King

Patricia King, Chairman
Altar Valley Conservation Alliance

Attachment

Cc: Mr. Chuck Huckelberry, Pima County Administrator

Altar Valley Watershed Resource Assessment
Grant No. 97-041WPF

MANAGEMENT GOALS AND OBJECTIVES

Based on the information gathered in Tasks 3, 4, and 5, four major resource issues stand out: 1) the Altar Wash , 2) mesquite encroachment in the uplands, 3) invasive non-native grasses, and 4) fire. The specific broad-based management objectives identified are as follows:

- Objective 1
  To the maximum extent possible, heal the entrenched arroyo of the Altar Valley floodplain.

- Objective 2
  Mitigate the effects of the Altar Wash on downcutting, erosion, water infiltration, sediment transfer, and floodplain vegetation.

- Objective 3
  Control the encroachment of mesquite in the upland areas.

- Objective 4
  Develop adaptive management pilot programs to mitigate the effects of mesquite encroachment on vegetation cover, erosion, forage production, wildlife habitat, and water infiltration.

- Objective 5
  Maintain a diversity of native grasses and forbs in the watershed.

- Objective 6
  Develop and test strategies to contain or reverse the spread of Lehmans lovegrass.

- Objective 7
  Encourage further implementation of management practices that favor increased cover of native perennial grasses.

- Objective 8
  Utilize prescribed and natural fires to maintain grassland vegetation in the watershed where there are no conflicts with other resource management objectives.

- Objective 9
  Utilize prescribed and natural fires to reduce shrub cover, curtail mesquite recruitment, and encourage native grasses.

- Objective 10
  Collaborate with researchers and the Buenos Aries National Wildlife Refuge to monitor the effects of fire and develop burning methods that encourage native perennial grasses.

- Objective 11
  Identify and abate areas of acute erosion.

CHILTON RANCH & CATTLE COMPANY
17500 W. Chilton Ranch Road, Box 423
Arivaca, Arizona 85601
520-398-9194

Chuck Huckelberry
County Administrator
County of Pima
130 West Congress
Tucson, AZ 85701

December 29, 2000

Subject: Comments Concerning Draft Sonoran Desert Conservation Plan

Dear Mr. Huckelberry and Pima County Supervisors:

We have read with interest and concern the Memorandum of September 26, 2000 to the Board of Supervisors regarding the draft Preliminary Sonoran Desert Conservation Plan. As ranchers and landowners in the Altar Valley, we have participated diligently in the Steering Committee meetings, the subarea meetings, and the many hours of Altar Valley Conservation Alliance work sessions that produced the comprehensive reports on our watershed.

We share many of the conservation goals you have enumerated. We especially support your commitment to historic and cultural preservation and to the role of continued economically productive cattle ranching. As you have forthrightly stated, Pima County ranches contribute both to the definition of the urban area and to the maintenance of an important historic and on-going sector of the County economy.

Your staff, especially Maeveen Behan and Linda Mayro, have spared no effort to advance the mandate of the County to make connections to local landowners and interest groups and listen to and record their concerns. The County's Herculean efforts to amass relevant data and make it as accessible to the public as possible are singular achievements of which the organizers and all the team members can be justly proud.

We now come to the issue of our primary concern. After all the preliminary work so competently advanced, why do you undermine the credibility and trustworthiness of your entire public involvement process and your stated goals by stating on page 10, Section VI, 8D, that you will seek to expropriate the property values of those landowners whose cooperation in habitat preservation you have applauded and sought? By stating that you will seek State authorization to **downzone** property when the zoning value is not exercised within 15 years, you immediately create short-term and long-term obstacles to achieving your otherwise laudable goals.

In the short term, such a declaration of intent reveals a complete disregard for the fact that property values are owned just as people's bank accounts are owned. They are not

available for "transfer" to other ownership without the agreement of the present owner. For virtually all landowners, the economic value of their land is a function of the existing historic zoning. While there is no inherent right to upzoning (as there is no right to expect someone to deposit gift money in your bank account), downzoning is plain and simple theft no matter what pretty words and lofty purposes you assign to the heist. One becomes exceedingly cautious and ambivalent about cooperating in mutual efforts to achieve common goals with people who make an up-front declaration of an intent to commit theft.

In the long term, if your stated goal of legislative indulgence for land value expropriation is attained, you can certainly expect to see a major loss of open space in 13-14 years as owners exercise their existing zoning rights before they are confiscated. We cannot see how this egregious provision can possibly advance your stated goals since the threat of loss of zoning value is the strongest possible motivator of immediate development.

For the moment, we will move on from the above over-riding impediment to real progress and will address the next important issue. For your twin goals of habitat preservation and historic ranch preservation to be achieved, the primary requirement is the operational security to be obtained through a Section 10 permit which was the selling point you used to motivate our participation in this time-consuming, costly, and complex process.

Many Pima County ranchers have preserved habitat for numerous species of concern and maintained unfragmented open space for public enjoyment by delaying the financial rewards of selling blocks of private property for development. Some have done so out of a commitment to preserving their ranching heritage as well as from an appreciation of the value and beauty of our desert grasslands. While most of us do not look forward to the conversion of our land to other uses, neither are we willing to merely gift our land values to those who have sought to drive us into extinction through political and legal harassment. A Section 10 permit, combined with conservation easements, purchase of development rights, mitigation banks or other tools acceptable to ranchers, could reduce the primary motivation for selling dispersed deeded parcels located throughout our ranches. It could be possible to create a land use stability that would advance the enumerated cultural, economic, land planning and aesthetic goals of both the County and those citizens committed to preserving the Sonoran desert grassland ranching culture.

To comment meaningfully on the specifics of such a plan, we need to see the details and be able to evaluate clear alternatives. At the present we have a lot of data, an assurance from the subarea evaluations that we are viewed as "valuable", and an accompanying, disconcerting indication that the County intends to "transfer" that value to public ownership. We need an unequivocal presentation of how the Altar Valley watershed resource values and property rights and the Habitat Conservation Plan interface. This still-reasonably-virgin valley needs to be comfortable that your intentions are honorable!

Our knowledge of the requirements for survival of the target species of interest in our watershed is limited to one certainty: they are *here* and not generally in Tucson, so the

present uses have been compatible and possibly favorable to their continued presence. Given this one undeniable reality, rigid "preserve" prescriptions designed more to achieve political agendas than to conserve present human and biological communities certainly cannot be justified. Modern grazing management in the Altar Valley watershed is based on a high level of knowledge of the science of range management and probably enhances both grassland and riparian progression toward climax conditions while maintaining the greatest degree of habitat variety and economic productivity. This combination is the formula that has created the value that is now being coveted. *The existing ecological richness is the biological basis that underlies your cultural, historic and economic reasons for keeping ranchers ranching.*

The present, not some hypothetical past condition, *must* be the baseline for habitat conservation plans. We have no intention of permitting urban planners to meet their political needs, acquire their federal construction permits and satisfy the demands of new-comer activists by *de facto* reduction of our community to a zoo and a museum. If the extremists simply insist, we will consider returns to past conditions in decadal increments coupled with an absolute mandate that all persons whose families were not here prior to January 1 of each successive decade be required to leave the state within 30 days. After we get back about 30 years, we'll have some new elections and be rid of this process once and for all.... Since we probably agree that this is not a feasible option, we need to recognize that human rights in rural areas can not be brushed aside. Attempts to return to a mystical, romantic notion of a "purer" past free of **other people's** footprints constantly surface in the language chosen by some vocal activists. Their clear preference for the advancement of their agenda over the respect due the rights and property of directly affected rural citizens creates an environment of distrust and impedes progress toward real-time agreements.

We are opposed to the purchase of more land by the County. We believe that the purchase of development rights is the only win-win arrangement by which the County insures habitat protection, keeps land on the tax rolls, maintains valuable real employment and production, preserves the historic ranching culture and avoids the expense of County management. *The State of Arizona has one over-riding habitat problem: a lack of private, productive land.* All other creature concerns pale in comparison to this gigantic issue. (Only about 13% of the land in Arizona is on the tax rolls.) Under no circumstances should the County be using public moneys to eliminate critical habitat for humans and critical resources for the production of food and fiber. We fail to see a specific affirmation of the County's understanding that they get <u>more value for less money</u> (not less value for less money) through the purchase of development rights than through fee purchase when appropriate consideration is given to both <u>habitat conservation</u> and <u>economic production</u>.

Sincerely,

Jim

Jim Chilton
Cc: David Harlow, U.S. Fish & Wildlife Service

Cynthia P. Coping
P.O. Box 1066
Red Rock, Arizona 85245

September 15, 2000

County Administrator Chuck Huckelberry, Sonoran Desert Conservation Plan Steering Committee, Pima County Science Team
130 West Congress
Tucson, Arizona 85701-1317

Dear Mr. Huckelberry, Steering Committee Members, and Pima County Science Team:

Linda Mayro's, *Ranching in Pima County*, released November 22, 1999, described cattle ranching as an activity that "respected the natural form of the land" and as a way to "restore natural ecosystems, increase biodiversity, (and) conserve water resources." This letter provides evidence to the credibility, accuracy, and appropriateness of the statement.

In this letter I dispute basic myths already presented to you by others. Too often the media grabs onto a political bias and the general public goes along with it either because we are not shown the entire picture, or because we are subconsciously unwilling to consider new information that contradicts what we already believe. That is human, and history bears out innumerable examples such as Copernicus.

In 1512 Nicolaus Copernicus published "Commentariolus" in which he described how the earth and planets revolve around the sun. In 1633 Galileo was forced by the Spanish Inquisition to abjure the theories of Copernicus. Fortunately the theories survived and became building blocks for progress. In 1606 Galileo invented the astronomical telescope. By 1610 Thomas Harriot discovered sunspots. In 1627 Johann Kepler compiled the *Rudolphine Tables*, listing the locations of 1,005 fixed stars. By 1849 Armand Fizeau had measured the speed of light. In the last century Newtonian physics gave way to theories of relativity and chaos, and even time travel. Was it Einstein who said he stood "on the shoulders of giants?" The rewards for questioning "known" facts and popularly held beliefs are innumerable, but we stubborn humans still say the sun rises and sets!

Practically everyone at an early age has heard their mother or a teacher exclaim,

"There are two sides to every story!" Actually the statement is false. There are many sides to every issue. Dr. Robert Tindall, a professor of competitive strategy at University of Arizona's College of Business and Public Administration gave this advice: To reach a successful policy decision one must treat each issue as a multi-sided object that can be held up to the light and turned every which way to see it from all possible angles. In that sense, the Sonoran Desert Conservation Plan (SDCP) project leaders acted wisely in bringing many parties, representing many different points of view, to the table.

Contrast that with a quote from Joy Belsky, Ph.D.:

"In our research, we looked very hard for papers that showed benefits of livestock grazing. We couldn't find any." *--excerpt from letter to SDCP Steering Committee from Friends of Sweetwater May, 27, 2000*

MYTH: All grazing is always harmful to the environment.

Here's a partial list of the books and papers Belsky overlooked:

Bell, Richard. 1971. A grazing ecosystem in the Serengeti. *Scientific American* 225(1):86-93.

Davies, William. 1938. Vegetation of grass verges and other excessively trodden habitats. *Journal of Ecology* XXVI: 38-49.

Geist, Valerius. 1974. On the relationship of social evolution and ecology in ungulates. *American Zoologist* 14:205-220.

Gordon, Iain, and Patrick Duncan. 1988. Pastures new for conservation. *New Scientist,* vol. 117, no. 1604, 54-59.

McNaughton, S.J. 1979. Grazing as an optimization process: Grass-ungulate relationships in the Serengeti. *The American Naturalist* 5:691-703.

McNaughton, S.J., M.G. Coughenour, and L.L. Wallace. 1982. Interactive processes in grassland ecosystems, in *Grasses and Grasslands:Systematics and Ecology.* Norman: University of Oklahoma Press.

McNaughton, S.J. 1984. Grazing lawns: Animals in herds, plant form, and coevolution. *The American Naturalist* `6:863-83.

Savory, Allan. *Holistic Resource Management.* 1988. Island Press. Washington D.C. and Covelo, California. ISBN 0-933280-61-0

Savory, Allan. *Holistic Management: A New Framework for Decision-making.* 1988. Island Press. Washington, D.C. and Covelo, California

Voisin, André. 1966. *Better Grassland Sward.* London: Crosby Lockwood & Son Ltd.

Paige, Ken, and Whitham Thomas. 1987. Overcompensation in response to mammalian herbivory: The advantage of being eaten. *American Naturalist 129:407-16*

TRUTH: Southern Arizona was historically grazed by cattle without any documented desertification prior to the overstocking and establishment of fences in the 1880's. Properly managed grazing is necessary to maintain a healthy grassland. Arbitrary removal of all livestock is a "knee-jerk" solution, and often accelerates desertification.

One of the most widely recognized range conservation scientists is Allan Savory. Savory began his career shortly before 1957 as a ranger/biologist in charge of all the game, fish, and tsetse fly control for more than eight thousand square miles of game reserves in Northern Rhodesia, now Zimbabwe. More recently the author of

Holistic Resource Management. Savory developed the holistic grazing management model employed in most of the successful range restoration projects implemented during the last decade throughout the world. I strongly recommend the SDCP Steering Committee become familiar with Savory's work. With regard to livestock grazing, in Savory's words:

> "Debra Donohue [a contributor to *Writers on the Range*, a service of *High Country News*, and a law professor at the University of Wyoming] calls for the removal of all livestock from public lands below 12-inch rainfall as the only solution to the degradation of these lands.
>
> I approach the same concern as an environmentalist whose views are opposed by most livestock and environmental organizations--perhaps a good indication of my neutrality." "...the issue is complex and much of the anger and emotion on both sides is because neither will go beyond absolute solutions that can be conveyed in simplistic 30-second sound bites. There is no one solution, and never can be, but there is a profoundly simple way for people to devise solutions collaboratively.
>
> Our concerns are the same--trying to reverse today's appalling degradation, or desertification, of public lands--and 40 years ago I would have sided with Debra. However, much new knowledge has emerged over these last few decades, although not yet in mainstream thinking. (History, unfortunately, proves that can take 100 to 200 years.)
>
> Through my scientific training I "knew" livestock were causing the desertification. We have "known" that for several thousand years, and deep beliefs assume the power of paradigms over scientist and lay person alike. However, early on one thing puzzled me as a Zimbabwean living in Africa. Three hundred years ago the southern tip of Africa teemed with millions of animals--springbok, blessbok, zebra, buffalo, elephants, giraffe, kudu, etc. In a one-day hunt near Bloemfontein apparently over 20,000 animals were shot for "sport". The rainfall was, and still is, below 10 inches and erratic, yet it was healthy grassland with many watering points or springs. By the time I left university the vast herds, the springs and the grassland were gone. One could travel 200-300 miles through bare ground and desert bushes and would, if lucky, see perhaps a hundred cattle and a couple of hundred sheep. We were taught that this desertification was due to overstocking and overgrazing by livestock.
>
> Does this make sense to anyone? It did not to me. Something was missing in our scientific logic. Frankly that situation is no different from what we see in western public lands and our logic is equally faulty.
>
> As I became more aware of evidence I had been blinded to by my scientific training and deep human beliefs, I had to change my stance as a wildlife biologist who resented livestock. The change for me came when I realized I loved land and wildlife more than I hated livestock.

...As for resting the land being the only solution, experimental plots in Nevada, New Mexico, California, Arizona, Wyoming, Colorado and Idaho that were placed in low erratic rainfall environments show the same results. After many years of total removal of livestock in these plots the loss of biodiversity and desertification has been worse than on badly managed neighboring lands. Both are seriously degraded with the rested plots slightly worse in all cases. Much as I disliked this result, as a scientist I cannot blind myself to such hard and irrefutable evidence. So we are faced with the fact that cattle [and bison], as managed, are doing incredible damage, but rest does similar damage in low and erratic rainfall environments.

...What fooled us for thousands of years was the effects of rest for two reasons. First we had no concept of "partial rest" which is almost the same as total rest on ecosystem functioning. That is why inside and outside all the rested research plots the effects are about the same. Secondly we had not yet discovered the concept of the "brittleness scale," at some point along which all environments lie. This scale... is dependent on the annual distribution of moisture rather than total rainfall. At the low end of the scale (humid throughout the year), resting land is the most powerful tool known for restoring damaged environments and biodiversity. At the other, high end of the scale (and particularly if the rainfall is also low) rest is the most destructive tool known. One has only to visit Chaco Canyon National Park in New Mexico [which has been cattle-free for more than 70 years] to see this demonstrated on a large scale. There despite all the money spent on soil conservation measures, totally removing livestock, check dams, etc., it is now a mess of mostly bare ground and massive erosion and arroyos.

That cattle cause the damage we observe is due to two main influences. First, if any severe-grazing herbivore (cattle, bison or whatever) are too long on any land (more than about three days during rapid growth) overgrazing occurs, and likewise if they return too soon. Thus two cows...or any large ungulates [i.e., hoofed animals] on a riparian area for a year causes damage although it only represents 730 animal-days of grazing-trampling. This we all see and conclude 'too many animals.' However, as we have discovered, 2,000 large animals of any sort passing through for a day, although it represents 2,000 animal-days of grazing-trampling (more than three times as much) produces exactly the opposite effect."

"...Because of the power of paradigms over human minds people with a higher education often find this harder to understand than ordinary people. Remember that electric lights were not developed, nor could they have been, by the best candle makers."--*"Tooth and Claw", Range, summer 2000, p. 72-73:*

<u>The Serengeti Plain is heavily grazed by wild animals and has been for eons.</u>

I've personally observed the same effects of grazing. In 1987 I visited Tanzania's Serengeti Plain and observed the wildlife migration. It is one of the most profound memories of my life. The land in many aspects such as sculpture, red soil, and

annual rainfall, is remarkably similar to southern Arizona. I saw a valley at least as large as the valley between the Catalina Range and the Silverbells, if not larger, absolutely covered with all kinds of animals, all together, as far as the eye could see, even through powerful binoculars. The animals moved constantly in one direction, from the grazed and heavily trampled lands to the ungrazed lands. There were literally millions of animals, so many they blackened the entire landscape.

Imagine Avra Valley and the Tortolita Fan entirely covered with animals. The Serengeti supports large herds with both food and water as it has for millions of years. The Serengeti is a rich savanna grassland, with a few large trees here and there, fitting the descriptions I've heard of pre-settlement conditions in southern Arizona. If grazing animals only deteriorate land, then those incredibly large herds would have vanished eons ago. In contrast, some of the rangelands here are rated for a whopping three animal-unit-months (AUM=1 cow or 5 sheep x 1 month) per square mile. It is a desert marked by erosion, sparse perennial grass (despite abundant annuals in good rain years), abundant woody plants, and alternating droughts and flash floods.

Prehistoric and feral cattle historically grazed Southern Arizona without desertification

According to pages 36-37 of Linda Mayro's report, thousands of feral cattle roamed the San Pedro and Santa Cruz rivers between 1831 and 1850, after the missions were abandoned and before the cattle industry was born. These cattle were eventually killed off by hunting of the females. At that time there was no reported degradation of the grasslands.

Contrary to popularly held beliefs, cattle were not originally brought to this continent by Europeans. According to Pleistocene mammologist Elaine Anderson, the shrub ox roamed from the Mississippi River to the West Coast and from Northern California to Mexico. They were here during the Irvingtonian Epoch, starting about two million years ago, a million years before the Ice Age when humans and bison migrated to North America. Fossil bones discovered in Burnet Cave in the Guadalupe Mountains of New Mexico show the shrub ox was here as recently as 8,000 years ago.

Bison are substantially more aggressive and hostile than cattle. They are also larger, with one extra rib. They would be more dangerous to hunt than cattle. Nobody knows why the shrub ox disappeared but it is possible the females were hunted into extinction just as the feral cattle were much more recently. In the meantime two million years of cattle grazing produced no documented desertification. Bison continued to the present day with no documented desertification prior to human settlement, despite bison being so close genetically to cattle that they can interbreed.* In fact when Lewis and Clark explored the midwest they measured topsoil 12 feet thick. **--from "Natives and Invaders: Wild cows came before bison." Barney Nelson, Ph.D., ,Range, fall 1999. pp64-67.*

In his autobiography Echoes of the Conquistadores Higinio (Gene) Aguirre described ranching in Pima County during his early 20th century childhood. There were no fences. Cattle roamed free as wild animals from Casa Grande all the way

to Nogales, and from the Catalina mountains west to beyond Queens Well. Roundups were a community activity. Cowboys lived with the cattle, following them and camping with them. Then farming began in the valley. Fences went up. Herds were dissected and confined, producing unnatural migration patterns. Cattle movements no longer mimic animals in the wild. Desertification began when that fundamental management change was implemented along with overstocking. Therefore we can conclude that cattle themselves do not cause desertification, but improper grazing management will. However, I disagree with any notion that desertification is entirely due to improper grazing management.

Overstocking was not the sole cause of desertification in Pima County.

As Linda Mayro's report *Ranching in Pima County* pointed out on page 43, quoting an historic article from the *Tucson Star*, desertification in Pima County is also the result of careless harvesting of wild grass between 1880 and 1910. At that time the harvest was yielding up to two tons per acre.

> " ...the vast plain of grama grass west of Tucson is being dug out by the roots, thus totally destroying the hope of the grass starting where it has been cut out...Unless something is done, the grama grass will soon be a thing of the past in Arizona".

Apparently "something" didn't get done. Following that, mesquite and acacia encroached, lowering the water table.

Further desertification is due to unscientific and unnatural fire management policies of the US Forest Service and other agencies. Improper and unnatural management of fire has resulted in grasslands being overrun with woody plants such as mesquite or piñon and juniper. These woody plants have roots that extend out 40 feet from the trunk. They suck moisture from the soil and lower the water table, choking grasses and biodiversity out.

Cattlemen have a vested interest in learning proper grazing management, and many are experimenting and learning. The key words here are, "properly managed." I make no excuses for improperly managed grazing, the historic effects of which have justifiably roused public concern.

Ranchers around the globe are using cattle to restore ecosystem health.

A sale advertisement found in the *Brangus Journal, April 2000* demonstrates how ranchers steward the land. In the corner of the ad is the Bar C [ranch] Creed, which reads,

> "...Our goals are: To leave the land better than we found it while maximizing production...."

That is a very typical goal because range health is directly proportional to ranch profits. To help keep your input more complete and up to date I ordered Mr. Huckelberry a gift subscription to *Range* magazine. *Range* quarterly reports on at least one, if not several, current projects proving that properly managed grazing

actually benefits the land and has been used to restore range to pre-settlement conditions.

A remarkably successful restoration project was presented at the July, 2000 Arizona Cattlegrowers' Convention in Tucson. Sid Goodloe owns a ranch at Capitan, New Mexico, and presented a slide show demonstrating his successful restoration of damaged land. Mr. Goodloe's family has been ranching on private land adjacent to Forest Service land for about a century.

Slides from 1920's photographs showed Goodloe's ranch was a beautiful, thick grassland with a few shade trees. His 1960's photographs showed the same view entirely covered by a forest of pinion and juniper trees with no grasses below. Mr. Goodloe, through years of trial and error, restored his property to its pre-settlement grassland condition. He proved his success with current photographs showing the land restored to the condition of the 1920's photographs. Goodloe has restored tens of thousands of acres.

Mr. Goodloe successfully used fire and rotational grazing methods. He added seeds. (Allan Savory says re-seeding isn't necessary.) Goodloe moves his cattle once per week. He has seven pastures, providing six weeks of rest. When the grasses were restored erosion abated and the ground now holds more water. The water table rose and killed the remaining pinion and juniper. Streams now flow year-round. Wildlife and biodiversity increased dramatically. The project produced enough increased game income and additional grazing forage that Goodloe turned a profit on the project.

Sid Goodloe is not alone in his efforts to restore rangelands. Other speakers at the Cattlemen's Convention presented their results also. Presentations similar to Mr. Goodloe's are given at every annual Arizona Cattlemen's Association Convention. Anyone truly concerned about range restoration should attend these conventions, get involved, and learn what is and is not working for the ranchers making hands-on efforts.

To show the results of other cattlemen's efforts to restore rangelands I have enclosed *Non-Federal Grazing Lands in the United States,* produced by the United States Department of Agriculture and the Natural Resources Conservation Service. The booklet describes several current and on-going range management and range restoration projects on private lands. The booklet described one project where the San Antonio water supply was improved. It also described how proper grazing management improves air quality.

<u>Properly managed grazing improves the quality and quantity of urban water supplies</u>

> "...Ranchers and city dwellers welcomed the news that mesquite tree management--commonly called "brush control"--might release valuable moisture as surface and ground water. Towns and cities began to look for partners in rural areas to augment urban water supplies. Seco Creek, a 171,000 acre watershed 50 miles from San Antonio [Texas] was one of many places where such partnerships developed. San Antonio and the rural

communities in the watershed needed water, and landowners in Seco Creek wanted to improve the condition and management of their land. Ranchers have carried out brush management, pasture planting, and grazing management practices to protect water quality and increase water supplies. They have established buffer zones along the streams that filter sediment and other pollutants from runoff. Monitoring of water quantity and quality indicates that the treatments, voluntarily applied by the ranchers, have increased the amount of good-quality water entering the Edwards Aquifer which is the source of San Antonio's water supply. Because almost 90 percent of the watershed is grazing land, Seco Creek has become an excellent example of how grazing land management can benefit landowners, as well as rural and urban residents."

Properly managed grazing reduces greenhouse gasses.

"Carbon dioxide and other greenhouse gasses are increasing in the Earth's atmosphere, potentially causing changes in global climate. Grazing land plants remove carbon dioxide from the air through the process of photosynthesis and store it in the soil as the below-ground plant parts die and decompose. Grazing land soils in the Great Plains have been found to contain over 40 tons of carbon per acre while cultivated soils contain 26.

Cultivated lands planted to grassland plants as part of the Conservation Reserve Program (CRP) were found to have gained an average of one-half ton of carbon per acre per year during the first 5 years after planting. This means that 28 million tons of carbon are being removed from the atmosphere each year as a result of farmers putting over 36 million acres of land in the CRP."

"As a result of proper grazing management and improved environmental conditions, atmospheric carbon is sequestered in the soil, improving soil quality and reducing the likelihood of a greenhouse effect causing global climate change."

That's good reason for us all to work cooperatively together to restore the grasslands. Unfortunately many more projects could be implemented on public lands but are typically stopped or stifled by bureaucratic failures from the public sector and malicious litigation from the non-profit sector. Private funds that could otherwise be spent on restoration are necessarily reserved for defense against the abundant malicious litigative attacks against the industry. I have enclosed a list of the court battles Arizona cattlemen currently face. Thus we see much more restoration occurring on private land than public land.

Cattle have been successfully used for mine tailings revegetation in Arizona.

Enclosed is an article clipped from the *Arizona Daily Star*, January 15, 1996, "Grass greener where cows go", detailing how Arizona operations of Asarco, Magma Copper Co., and Cyprus Sierrita Corp. all used cattle as a tool for revegetating mine tailings. Quoted from the article:

"...on the slopes of the nearly desolate tailings dams, the cattle work a small area for three or four days and act like 'rototillers and seeders' to break up the soil, deposit organic waste, and punch leftover hay deep into the sandy, sterile tailings material."

"Today, Cyprus has about 450 acres of tailings area being treated under a rotation grazing program...Cyprus has 'really turned around' the mountains of tailings material deposited over a 70-year period. Where once 'only a weed or two' would grow in the gritty, sterile tailings material, now all manner of wildlife has returned to the grass-covered slopes.

Once established, the revegetated areas are 'maintained by prudent grazing' to stimulate further growth."..."Erosion problems are greatly improved by the mulching effect of the grazing".

Grazing produces food without using pesticides, consumes very little fossil fuel, and produces less air pollution than other means of food production.

Roughly 80-85% of nutrients consumed by cattle are inedible by humans. Grazing requires very little fossil fuel compared to farm production of poultry, pork, food products and animal feeds, and it produces proportionately lower amounts and concentrations of air and water pollution.

The range is not sprayed with pesticides and therefore the cattle consume little, if any amounts of pesticide. According to a recent broadcast on National Public Radio, in contrast, soybean production requires a pound of pesticides per acre per year. The anti-grazing movement shares many of its members with the anti-pesticide "sustainable agriculture" movement. But consider the following:

"Pesticides are an indispensable tool in modern agriculture. Pesticides refer to a variety of chemicals used to protect crops from insects, rodents and fungus. Their use allows for a safer and more plentiful food supply than would otherwise be possible. In fact, Texas A&M University analysis, in which 140 agricultural scientists and economists took part, indicates that if the use of chemicals (including pesticides and inorganic fertilizer) were halted, crop yields would drop off, farm jobs would decrease, food prices would rise, exports would shrink and soil erosion would increase (because of a need for more crop land). In that scenario, household spending for food would increase by $428 a year. Annual food-price inflation would reach double-digit levels, causing overall inflation rates to rise."--*Factuality, August 1998, quoted in Range, Winter 1999, p. 17*

Properly managed livestock grazing improves soil.

Livestock grazing benefits the environment in many ways. First, the cattle have cloven hooves that till and aerate the soil, providing oxygen to plant roots. They till in manure and other biological matter and make it spongy. Spongy soil retains water, raising the water table, reducing erosion and the occurrence of flash flooding.

Underweight range cows produce few calves and reduce profits. In dry seasons ranchers supplement range feed with organic material to boost weight. Feed supplements include inedible by-products of food and clothing production, such as sugar beet pulp, spent brewery hops, and cotton gin "trash". These add biomass and organic matter to the soil. Additionally, by becoming cattle feed these materials stay out of the landfills. When the soil is hoof-tilled with added organic matter, it absorbs more rain and reduces erosion. The resulting mulch helps seeds germinate.

Compare grazing animals to the city greenskeeper. Professional greenskeepers perform functions that mimic grazing. These functions include mowing, aerating, and thatching. Without these activities a lawn declines. Likewise a grassland declines in the absence of grazing animals. Ungrazed grass shades itself into sparseness.

Grazing reduces the spread of wildfires.

When cattle graze they reduce the length of grass, reducing the spread of wildfires. A beef by-product is used in the manufacture of fire retardants.

Grazing is good for trees.

Cattle eat the parasitic mistletoe that attacks native trees such as ironwood and Palo Verde. Palo Verde is very susceptible to death from mistletoe. Mistletoe causes ironwoods to die back. Birds also eat mistletoe but they deposit it into nearby trees in their waste, propagating it. Cattle often browse on the leaves of Palo Verde and ironwood trees. This opens up air spaces between the branches, preventing powdery mildew fungus.

Ranchers maintain water for wildlife

Cattle in the desert require water sources a maximum of about three miles apart. Ranchers provide wells, drinkers, earthen tanks, and maintenance at their own expense. Wildlife benefit greatly from these water sources. Water sources are often damaged or drained due to intentional vandalism by city dwellers and by carelessness of illegal aliens. Ranchers, at their own expense, maintain water sources in good working condition. They check them several times weekly, regardless of the weather. Most ranchers will continue maintaining water supplies even while resting the surrounding pastures. They know that people and wildlife depend on them.

Ranchers support wildlife.

More than 80% of cattlemen have areas on their land that support wildlife populations. According to the Ag Council of America, 75% of the nations' wildlife lives on farms and ranches. Sixty two percent of cattlemen report wildlife populations have increased on their land in the last ten years.

Removing grazing from an ecosystem has been proven to accelerate desertification, reduce biodiversity, and even threaten an endangered species.

The first part of the Hippocratic Oath says: "Do no harm". Rangeland is deteriorating worldwide. Many have used the knee-jerk reaction of removing all cattle. In many areas such as Chaco Canyon this has only accelerated desertification.

Enclosed is the July/August 2000 issue of *Nature Conservancy* , entitled, "Wild, Wild West--The Drive to Save What's Left". The entire issue is relevant to the Sonoran Desert Conservation Plan. With reference to grazing, see the article, "Good Cow, Bad Cow" on pages 12-19 and these comments on page 15 in particular:

> "Thirty years ago, the Conservancy bought the Canelo Hills Ciénaga Preserve, a rare desert marsh in the San Pedro River Basin of Arizona, harboring one of Earth's last four populations of the Canelo Hills ladies' tresses orchid. First the stewards surrounded the orchids with a cattle fence. Next they watched as the population crashed from several hundred to a single flower. A thick mat of spikerush, free from cattle teeth, had crowded them out. The managers brought in fire to replace the missing cattle's disturbance in time to save the orchid, but the lesson was well learned: A simple absence of cattle does not guarantee a return to Eden.
>
> One of the ironic prescriptions for keeping ecosystems running smoothly now includes a healthy dose of the very agents of disturbance that would seem bent on destroying them: storms, floods, fires and, in some of the last remaining tracts of the West's wild open spaces, grazing animals."

The article reaches the wise conclusion:

> "No longer is the blame for the beaten range to be pinned solely on the four-legged beast of burden. Rather the solution ultimately lies with the two-legged keeper walking behind it."

The comment coincides with an admonition from the Scriptures, found in Deuteronomy 11:13-15 :

> "And it shall come to pass, that if you shall hearken diligently unto My commandments which I command you this day, to love the Lord your God, and to serve Him with all your heart and with all your soul, that I will give you the rain of your land in his due season, the first rain and the latter rain, that you may gather in your grain, and your wine, and your oil. And I will send grass in your fields for your cattle, that you may eat and be full."

The quotation demonstrates God's attitude toward grazing and beef consumption, and to the behavior of two-legged keepers. The Nature Conservancy was not alone in its findings. Here are three more examples:

> "...cattle...are back at Stone Lakes National Wildlife Refuge after being banished from the land 10 years ago. Back then, conservationists concerned about overgrazed grasslands wanted the livestock gone. Now it's for conservation reasons that the cattle have returned."..."The idea is that

by tooth and hoof, grazing animals will suppress the growth of invasive weeds, giving native grasses room to grow. The cattle also can munch the vegetation to different heights, and thereby tempt a variety of birds to stop, feed, and maybe even set up housekeeping.

...Because of the popular belief that grazing animals mean overgrazed lands, managers at Jepson Prairie Preserve in Solano County [California] have avoided grazing sheep in a public area called Docent Triangle, though sheep roam elsewhere on the land.

'A lot of people, when they come on the prairie and see sheep out there, they get all freaked out,' said [Kevin] Rice, [UC Davis agronomy and range scientist] who does research at Jepson, valued for its vernal pools and rare native plants. 'Here's the irony: it got to be the Docent Triangle was the lousiest place.'"--*"Wildlife & Cattle...Grazing's Irony", Range , summer 1999 p. 34:*

"Back in 1932 a civic group called the Order of The Antelope decided it would start a pronghorn refuge on Hart Mountain here in southeastern Oregon. They got the O.K. from the government, and for the next 60 years cooperated with the U.S. Fish & Wildlife Service (FWS) 'both physically and monetarily' in the management thereof....The refuge improved, the pronghorn population increased steadily and the herd remained healthy.

Then about 1989 the FWS transferred a new refuge manager to the Hart. Despite much evidence to the contrary, [the new manager] ... and many environmental groups were convinced that domestic livestock was decimating federal lands. Their philosophy was 'Cattle Free by '93" and in 1991 they got the cows booted off the refuge."... "[due to years of near-zero fawn numbers] this [antelope] herd has gone in size from 2,000 in 1992 to less than 900 in 1997..."-- *"Nuts on a Mission", Range, summer 1999, p.30*

The SDCP, if successful, will increase the populations of willow flycatchers in Arizona. Let's assume that would require a habitat with flies for the flycatchers to catch. Cattle draw flies. The attractant commonly used in commercial electric fly "zappers" is made from a hormone found in bovine saliva. What could we expect if we remove cattle from a flycatcher habitat?

The anti-grazing activists have a tendency to locate endangered species co-existing with grazing animals, and then blame the grazing for the endangerment of the species. What I have not come across is any science that proves this is true or false. It may well be possible that the grazing animals are the very reason some endangered species' such as the Canelo Hills ladies' tresses orchid are not extinct altogether.

Supporting the point are contents of Mr. Huckelberry's memorandum of April 28, 2000, page 4. Huckelberry wrote,

"The Arizona-Sonoran Desert Museum provided an assessment of the Silverbell, Ragged Top, Waterman, and Roskruge Mountains. The summary of the study included the following points":

- 'The geologic and topographic diversity contributes to the area's high biological diversity. For example, there are 484 taxa (species and subspecies) of plants in 72 families within the study area. Although Saguaro National Park and Organ Pipe Cactus National Monument have substantially larger floras, the study area is considerably richer than typical desert ranges such as the South Mountains (274 taxa) or the Sierra Estrella (330 taxa).'

- 'The Silverbells have only half as many exotic plants as the two major preserves in Pima County, reflecting a lower degree of human disturbance."

- The Silverbell Mountains support the highest densities of desert ironwood trees recorded to date in the Sonoran Desert. The ironwoods here harbor more associated plant species than anywhere else studied."

- A total of 177 vertebrate species and at least 821 invertebrate species have been recorded in the study area. These numbers include several species federally listed as Threatened and Endangered, including historic and potential habitat for the Cactus Ferruginous Pygmy-Owl. The desert bighorn sheep in the Silverbells may represent the last viable population indigenous to the Tucson basin."

- "Other species of concern harbored in the study area include California leaf-nosed bat, Mexican long-tongued bat, lesser long-nosed bat, western red bat, Merriam's mesquite mouse, Rufous-winged sparrow, Tucson shovel-nosed snake, ground snake, Pima pineapple cactus, Nichol's turk's head cactus, and three talus snails."

- "The Watermans support 29 plant species, including the federally endangered Nichol's turk's head cactus, that do not occur anywhere in the rest of the area. This cactus is known from only three localities in Arizona and a fourth in Sonora."

<u>This is the state of biological diversity after 150 years of continuous mining and continuous cattle grazing within the study area-- a point consistently overlooked or deliberately ignored by the anti-grazing activists.</u>

One hundred fifty years is a long, long time. If grazing and mining were as damaging to the environment as some claim, we would expect total desertification and little if any biodiversity after a period as long as 150 years. In fact we see just the opposite. If an ecosystem is not broken, should it be "fixed"?

<u>Grazing provides for both human needs and for biodiversity.</u>

According to Forest Service Scientist Dr. Richard Everett:

> "Conservation biology," says Everett, "puts emphasis on biodiversity and its sustainability over time. It is concerned only with plant and animal habitat and does not consider human use of the land. Ecosystem management attempts to include the human population and its growth. Ecosystem management asks: What is biologically possible on the land? What are the human expectations of the land? And where is the intersection of those two?"--*Undue Influence,* 1999. Merrill Press, p.268

If we work collaboratively to improve the land, that intersection is in a far better place for humans and the rest of Nature than what is biologically possible right now. Ranching should therefore be protected. Ranchers should be given access to whatever assistance they need financially to invest in range improvements.

Summary and Conclusions

Restoring grasslands and watersheds to pre-settlement conditions requires us to be open minded and willing to overturn obsolete paradigms. In this case we need to conquer the paradigm that all grazing is always harmful. I've listed 12 scientific books and papers that conclude grazing is necessary to ecosystem health. In fact cattle are a natural part of the landscape and were so for two million years. It makes no sense to say grazing harms land when millions of grazing animals naturally thrive on healthy landscapes suh as the Serengeti Plain. Overstocking is not the sole cause of desertification. Desertification in Pima County began when natural cattle migration patterns were altered by the construction of fences. Other causes were destructive grass harvesting practices and improper fire management.

Ranchers around the globe are successfully using cattle as a means to restore rangeland. Most successful rangeland restoration efforts have been carried out on private lands due to the bureaucratic difficulties affecting public lands. I've presented four examples demonstrating how cattle have improved rangeland, revegetated mine tailings, improved and increased the San Antonio water supply, and improved air quality. Many of the most successful restoration projects employ the holistic decision making models set forth by Allan Savory. I recommend the SDCP steering committee become familiar with Savory's model.

Cattle grazing has many direct environmental benefits such as keeping soils well conditioned, wildfires limited, and trees healthy. Grazing produces food using fewer pesticides and less fossil fuel than any other method of food production, while making the air and water cleaner rather than dirtier. Ranchers provide water for wildlife even when resting associated pastures. Seventy five percent of the nation's wildlife are found on farms and ranches. I've documented from Scripture that God approves of beef consumption and cattle grazing, which are affected by human behavior.

Simplistic range health prescriptions such as arbitrary removal of all cattle from land are tantamount to "quack" medicine. I've presented four examples where removal of cattle accelerated desertification, reduced biodiversity, and threatened endangered species'.

Tremendous biodiversity currently exists in the Ragged-Top Silverbell area after 150 years of continuous mining and grazing. Mining and grazing in that area are compatible with a healthy ecosystem and should thus be continued.

In decisions of resource management human needs must be appropriately balanced with protection and enhancement of biodiversity. I've demonstrated these are not mutually exclusive goals, but can be accomplished simultaneously. Accomplishing them requires respect for nature, for private property rights, and for each other.

Linda Mayro's statement in *Ranching in Pima County,* describing cattle ranching as an activity that "respected the natural form of the land" is credible, accurate, and appropriate. Mr. Huckelberry commented in the cover letter attached to Ms. Mayro's report, referring to the Board of Supervisors' "commitment to keep ranchers ranching as a way of achieving multiple community goals, including conserving natural resources". Mr. Huckelberry's comment is supported by both history and solid biological science.

Recommendation:

I recommend the SDCP Steering Committee support continued cattle grazing and assist ranchers in accessing financial and technical resources necessary to implement successful range improvement projects. I strongly recommend the SDCP Steering Committee protect ranching, property rights, and livestock grazing.

A final thought:

> "Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficial... The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding."---*Supreme Court Justice Louis D. Brandeis 1928, quoted in Fall 2000 issue of Range, p. 31*

Sincerely,

Cynthia P. Coping

P.S.

A new opportunity for learning is enclosed:

An invitation to attend the First National Conference on Grazing Lands to be held December 5-8, 2000 at Bally's Las Vegas in Las Vegas, Nevada. It is sponsored by the Grazing Lands Conservation Initiative and the National Association of Conservation Districts. According to the invitation,

"The conference will provide for exchange of technical and management information, identification of research needs, marketing of products, services, and other benefits of grazing. The need for sound, scientific technical assistance will be emphasized. Increased public awareness of the economic and environmental benefits of grazing is an objective."

The conference financial supporters are the USDA, Natural Resources Conservation Service (NRCS); and USDA Agricultural Research Service. The Grazing Lands Conservation Initiative's advisors are USDA Cooperative State Research, Education, and Extension Service-- Extension Committee on Policy; the American Society of Agronomy; Grazing Lands Technology Institute, NRCS; and AESOP Enterprises. The enclosed invitation describes all the important details of the conference. Interested parties wishing to obtain their own brochure may contact the National Association of Conservation Districts-NCGL, 9150 W. Jewell, Ste. 102, Lakewood, CO 80232-6469. Phone: (303) 988-1810. Fax: (303) 988-1896.

Enclosures:

- *Non-Federal Grazing Lands in the United States* . Program Aid Number 1552w. 1996. U.S. Department of Agriculture and Natural Resources Conservation Service
- A list of current litigation involving the ranching industry
- Newspaper article, "Grass greener where cows go". AZ Daily Star. 1/15/96.
- *Nature Conservancy.* Wild, Wild West--the Drive to Save What's Left. Jul/Aug 2000.
- Invitation to First National Conference on Grazing Lands, December 5-8, 2000.

Cynthia P. Coping
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Residence:
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(no mail delivery)

November 6, 2000

NOTE: I APOLOGIZE FOR ANY COMMENTS THAT SOUND CRITICAL, NEGATIVE OR HARSH. IF I WEREN'T SO PRESSED FOR TIME I'D HAVE EDITED THIS LETTER TO BE MUCH MORE FRIENDLY. CP

Field Supervisor
US Fish and Wildlife Service
2321 West Royal Palm Road
Phoenix, Arizona 85021

cc: Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 West Congress, 10th Floor
Tucson, Arizona 85701

RE: Comments Concerning Preliminary Sonoran Desert Conservation Plan (PSDCP)

Ladies and Gentlemen:

I highly recommend the County add some elements to the Plan, including a schedule element, a public awareness element, a farm preservation element, and a financial element. My comments involve several topics:
Goal definition
Communications improvement
Physical Expansion of the SDCP boundaries
Wildlife
Restoration of native Grasses
Ironwood tree replacement
Illegal immigration
Farm preservation element
Mining element
Glossary

Public Awareness Element
Although Pima County wishes a large number of people be involved in the development of the SDCP, the number attracted is very small. Only about 350 people out of a population of about a million are even remotely involved. This is because the citizenry at large is apparently unaware of the long term implications the SDCP holds for us all. It will affect every citizen directly in some way. The general public seems very out of touch with the importance and scope of this plan. This is evidenced by the issues brought to the forefront of this year's election. Little mention of the SDCP was made by most of the candidates. I hope the County will do more to raise public awareness through increased contact with the media, public broadcasting, and radio talk shows. Additionally it would be nice if any of the Board of Supervisors cared enough to show up to any of the public meetings.

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U.S. FISH & WILDLIFE SERVICE
ES STATE OFFICE-PHOENIX, AZ

For this reason I would like to see the FWS comments deadline extended to January 1, 2000 to match the County's outreach program.

Communication

Pima County has made a good effort to make the SDCP planning process very public and open, yet communications still need to improve. We do not all have internet access. Those of us living in remote locations do not have land based telephone lines and therefore no affordable Internet connections. Libraries are a minimum 20 miles away, and having the library closed half the morning is incompatible with the agricultural lifestyle. Therefore any information I have obtained is either from word-of-mouth or from personal visits to the County Building. I requested at least four times since March of this year to be placed on a SDCP mailing list. So far I received one meeting notice. Nothing more. I am happy the FWS placed me on their list, however, and I gratefully received notice the comment period was extended.

When the SDCP preliminary plan was published in late September we had until October 23, less than 30 days, to comment for the EIS. Yet by October 23 the County published at least two more documents, one on October 16, just a week before the deadline. I have no idea what else has been released since October 16. I stumbled across the two documents by lucky chance. It would be a much improved process if the entire community were privvy to what meetings are being held and what documents are being published.

I would like to see a publication come out explaining just what to expect when. What is scheduled to be published? When? How does one obtain a copy? **What meetings are being held where, and when?** It is one thing to SAY this process is open to the public, but if meeting schedules are available only to a select few people, then the process isn't truly open to the public.

Who is who? On one visit to the County building I obtained a list that I was told contained the names of the Steering Committee members. When the September 2000 plan came out it contained a different list. It is very difficult to write letters of any meaning when you do not know the parties to whom you write. I did write one 14 page letter briefly listing the environmental benefits of grazing in early September to the Steering Committee, in response to a letter from Friends of Sweetwater dated May 27, 2000.

My original list said the Friends of Sweetwater was a Committee member. It also said rancher Steve Lehning was a Committee Member. When the September Plan was published neither of these two parties was on the list, but others were, who were not listed earlier. On October 4 I attended the FWS scoping meeting. Linda Mayro was there also and said she had not seen the letter I had submitted three weeks earlier. Additionally, Mr. Lehning and another rancher, Mr. Gillespie, believed they were Steering Committee members, only to learn later their names had been dropped from the mailing list and also from the Steering Committee list -- without notification.

I would like to see a list published in the SDCP of Steering Committee members, their phone numbers and mailing addresses, and the names of specific organizations each is affiliated with. I do not want to see what coalition or alliance they are with. I want to know the specific organization within the coalition or alliance. The public has the right to know exactly who is making the decisions that impact our lives, and which special interests those parties represent.

The County wants the State to cooperate with its Plan, but has already offended the State Lands Department through basic impoliteness. For example, Governor Hull and Mike Anable were among the last parties to learn of the Ironwood National Monument. Although I've heard numerous times from County representatives that all the National Monument planning and meetings were open to the public and announced in the news prior to Bruce Babbitt's March 21 visit, I have yet to find even one stakeholder that knew anything about it in time to provide any input whatsoever.

How difficult would it have been to extend the simple courtesy of just one phone call to Mike Anable? Or Governor Hull?

On the other hand I greatly appreciate Mr. Huckelberry, Ms. Mayro and Ms. Behan for speaking at the SACPA meeting. They cleared up many misconceptions I held after I read the plan. Public outreach should be continued.

Expansion of the SDCP Boundaries

When the SDCP began, its scope encompassed a few ranches in Southern Pima County. Many of us in the north end of the County believed we had no incentive to become involved in the process. The plan expanded until it now encompasses the entire County and six million acres. Yet the Steering Committee is still limited to the original volunteers. Now the Plan is anticipated to go statewide. Unless the Steering Committee expands to allow new representatives from all the stakeholder groups, the Plan will be flawed and the process will still represent mostly the special interest groups that started it all.

Wildlife Variations over time need to be monitored.

I live eight miles from my nearest neighbor. Over the last five years I've observed the variations of the wildlife which have passed through the domestic area of my property, particularly birds and snakes. These are ever changing. For example some years we'll see tens of different rattlesnakes. It would be nice to know which ones are rare and in need of protection. Perhaps the Plan could identify them. Other years we see predominantly non-poisonous snakes of various types, and almost none if any rattlers. I did not see a bullsnake here until this year. Then suddenly I saw three different ones in the same day. I moved them (out of my finch aviary, with big smiles on their faces) and never saw them or my finches again.

Due to the drought this year I would have expected to see fewer birds and fewer species than normal, but the opposite held true. Birds such as the hooded oriole stayed months longer into the summer than in previous years. I also saw birds this year I've never seen here before, including vermillion flycatcher, yellow headed

blackbird, and even western tanager, which I never expected to see here in the central desert. The point I'm driving at is we cannot tell from a few inventories just what is living where.

I've also seen uncommon mammal species nearby that were not mentioned in the biological inventories for the SDCP. I dare not state what they were for fear of the legal consequences. It is a shame we are forced to live this way. If the laws were set up to reward creation and maintenance of habitat, rather than punishing people, we would have a much more successful national conservation effort.

The County has hired top scientists to inventory the wildlife, etc. in the watersheds covered by the SDCP. However, the baseline reporting and monitoring would be much more accurate if the Plan also considers other professional work we've already paid for. This work has been done on a professional and continuing level by range and wildlife experts from the BLM, Game and Fish, and NRCS. These scientists are not looking at single snapshots of data in time, but have compiled a lengthy series of such snapshots over a long period of time. The biologists responsible for the Plan ought to review and consider this complementary work.

Illegal Immigration

The SDCP made no mention of the devastating effects of illegal immigration on wildlife. Literally tens of thousands of illegal immigrants pass through the Ironwood National Monument annually. They deposit quite a bit of trash. Cattlemen try to clean up this trash to prevent plastic bags, etc. from twisting up cattle intestines. Deer and other animals may also consume trash.

The main ecological problem with the illegal immigrants in the Monument is hunger. I've personally fed hundreds. It is a grueling three day walk from the border to my house, for a young physically fit male who knows where he's going. Many of my visitors have been lost from 5-11 days. It is 20 miles from the last possible source of food to my house. My typical foreign visitor has not eaten in at least 48 hours. Many have starved up to five days. This is not a safe situation for desert tortoises. In fact, a group brought a live one to my house and said they would eat it if they did not obtain food soon. I've also heard from the Border Patrol of situations where illegal immigrants poached cattle. If they poach cattle they'll also take wildlife.

It is possible the trash immigrants discard attracts ravens. There's been a steady increase of ravens in the last few years. Ravens kill desert tortoises. The Ironwood Monument's illegal traffic is very small compared to areas to our south. Unless the FWS seriously recognizes this problem and addresses the illegal immigration situation with the Border Patrol a lot of habitat and species devastation will occur.

Wolves

I was happy to see the wolf picture eliminated from the photos in the SDCP. Wolves and bighorn sheep do not mix.

Grassland Restoration

One goal of the SDCP ought to be to restore as much native grassland as possible. Grassland restoration would raise the water table and prevent flooding. Grass holds water. It also sequesters carbon from the air, reducing greenhouse gasses. The SDCP ought to define specific goals for restoring grassland, or at least specific goals for learning how to restore grassland. I realize nobody has all the answers.

Why not have golf courses plant the "rough" areas in native grasses so as to provide a seed source? Then, if the golf course is certifed free of poisonous shrubs such as oleander, the clippings could be added to a grass bank for resting cattle pastures, rather than filling up our landfills with the organic matter that belongs in our soil. Who is better at growing grass than greens managers? We should be reseeding as much land as possible in native grass.

Also, the roadsides are currently going totally to waste. The highway medians and roadsides ought to be used as seed sources for native grasses. The roadsides get a lot more water than anywhere else, plus they get scraped and tilled by road maintenance equipment a lot. Rural roadsides (free of oleander) could be used to cultivate the desired native seeds and the clippings could be added to grass banks. Private back yards should not be used for grass banking because of the presence of oleander, pesticides, and other uncontrollable poisonous contaminants.

The County should contract with local sod growers to develop native grass sod for people to plant in their yards and for the roadside landscaping. Range biologist Allan Savory says bare ground is the quickest way to increase desertification. Rock landscaping increases the urban temperature. Native grasses won't. When I was a kid I lived in a rural suburb in Colorado on an acre lot. My folks planted Kentucky bluegrass on the small area surrounding our home. In the perimeter, the other 80%, they planted a native type of grass, called crested wheat, that needed a lot less water. We kept them both mowed. During wet years the wheat grass was just as lush and green as the bluegrass. We should encourage homeowners to plant native grasses this way in large yards and in green areas of developments. This would provide a seed base that birds and the wind could spread on the open desert.

The County should also seek federal agriculture funds to subsidize farmers to grow native grass mixtures for hay rather than alfalfa. Alfalfa requires an enormous amount of water. Planting native grasses will reduce farmland water consumption while raising the water table. When the native grasses are taken to the range as a feed supplement the seeds will spread on fertilized ground tilled by cattle hooves. Birds will also spread the seeds from the farms.

I support the rigorous scientific approach to restoring rangeland grasses. Perhaps the biologists could focus on devastated areas and use plantings of successional types of grasses over a period of years.

Land Use Website Proposal

Changes in both land use and potential regulations are occurring at aa rapid rate. I would like to see the County post a website for land use information. Any time a citizen gets news of a proposed development or new regulation, or new land use such as a Monument, they could post it on the public website for all who care to monitor it and stay abreast of what may be happening to their future.

Ranching

I wholeheartedly support the research and recommendations set forth in Preserving Ranch Lands in Pima County. Hopefully they will be incorporated into the SDCP. Preserving ranch-*i* is as important as preserving ranch *lands*. Preserving ranching has requirements that go beyond the scope of the published study, however.

Ranching is bound to other industries and cannot survive in their absence. Ranching would be much less profitable in the absence of the cotton farms, the local cotton gins, the alfalfa farms, the livestock auction business, and the local feedlot operations. Cattlemen depend on the cotton gin to provide gin trash (which they in turn keep out of the landfill). The gin trash contains an abundance of cotton seeds. Gin trash is very economical feed because it is free. After ginning season ends, straight cottonseed can still be purchased as an economical and highly nutritious feed supplement. The cattle eat the gin trash, convert it to fertilizer, and improve the desert soil. Ranchers also keep other materials out of landfills, such as discarded product from pasta and snack factories, and spent grain from breweries.

The availability of local feed suppliers such as farms and gins eliminates the cost of shipping feed in from locations farther away. The local auction house and the local feedlots provide ease of taking cattle to market, as well as the choice of whether or not to retain ownership until the sale to the packing houses.

Another incentive in saving farms and feedlots is that they provide substantial bird habitat by providing irrigated fields and plentiful feed to the birds. One of the best birdwatching sites is the electric wires surrounding the local feedlot.

Therefore I support the addition of a **farm preservation element** to the SDCP.

As part of the element to save farms and feedlots, the County ought to have an ordinance regarding "prior use." An immediate situation is the recent opening by the City of Marana of 38,000 acres of farmland to development without any prior notification to the immediate stakeholders involved, such as the Marana Livestock Auction barn. The auction barn is only a few years old, has state of the art handling equipment, and represents a sizeable investment by its owners. It is also the community center for the ranching industry at private expense. The opening of the surrounding lands for housing development poses a severe threat to the auction barn. Suburbs will be built around it and as soon as people move in they will be complaining about the smell and the flies. They will attempt to force the auction barn out.

There needs to be a "prior use awareness zone" ordinance that requires anyone moving in within a mile of an auction house, farm, industrial center, feedlot, or whatever, to sign a document stating they are aware of the prior and continuing use, they are aware of the smell and the flies, the dust, and whatever, and they promise to coexist peacefully with it or move away from it. They will have no right to request rezoning and no right to sue.

Flood Control

Preserving Ranching in Pima County pointed out that washes in Pima County go through cycles of downcutting and silting back in. It pointed out that in urbanized areas the washes cannot be allowed to follow this natural cycle due to the presence of homes. I encourage the County to pass ordinances requiring new homes be set back farther from washes so that nature can take its course. It is stupid to build a home on a floodplain anyway, but why should developers care about flooding? They'll be long gone before it happens.

I would like to see more summarized as well as detailed information in the Plan. For example, page 6 of Mr. Huckelberry's letter lists a lot of animals being protected. That should be summarized to say 41 species. On page 7 he says there will be 15 community meetings but does not provide the dates or times. I'd like to see a summary of how many new County employee positions will be created, and what this will cost.

Page 7 Paragraph 4.A. discusses the creation of a Ranch Division to deal with ranch acquisitions? What about ranch divestments back into the hands of private ranchers? That would decrease the County's costs while increasing the acquisition budget and also the tax base.

Page 8 paragraph 4.C. proposes the Wastewater Department go into the tree growing business. What am I missing? Why not contract with private enterprise rather than expanding government expenditures while reducing the tax base?

Page 8 Paragraph 6. Mr. Huckelberry proposes public/non-profit research and planning partnerships. What do these six particular non-profit organizations stand for and why were they selected to do our County's planning? Why are no for-profit organizations involved? I have severe heartburn when County planning is put in the hands of non-elected individuals who have no accountability to the public.

Page 9. Paragraph 7.A. "..permits for intensive uses"... What is an intensive use? Name examples, please.

Page 9. Paragraph 7.B. Could we please have details of what this new law is?

Page 9. Paragraph 7.C. Over the long run, is it biologically sensible to quadruple the number of ironwood trees? What if they suck groundwater up at an unbelievable rate? Would this law *improve* the landscape? Dr. Nabhan's work was very interesting, but can we get too much of a good thing? What biology report advocates actually increasing the number of trees? In 50 years these will be large

trees. We'd better know how many we really want. Mesquites are nice trees also, but we have seen what too many of them will do to the water table.

Also, Dr. Nabhan said the Seri Indians need ironwood. Can't the ironwoods to be removed be contracted to the Seri's? Perhaps a law shouldn't force it (as the tree is private property), but some type of program could make it easier to help the Seri people.

Page 9. Paragraph 7.E. What is a buffer zone? What is a buffer area? What 50% open space requirement? Where did that come from, the Earth First! agenda? A publicaton of definitions, or a glossary, would really enhance the plan.

Page 9. Paragraph 7.F. Good idea.

Page 9. Paragraph 7.G. I hate to see 70-80% of any new development get covered with landscape rock, the type that came out of places like the Jenott mine in the Samaniego Hills.

Page 10. Paragraph G. Who pays for this, and how?

Page 11 Paragraph9.E.. It is unclear who makes this payment and who receives it.

Mesquites
One scientific publication says we have too many mesquites and need to burn them out. Another by Dr. Nabhan, says the Mexicans are burning ironwood to make mesquite charcoal. Can we give the Mexicans permits to harvest our unwanted mesquites?

Growth Element
Page 3 Paragraph IV. Mr. Huckelberry states, "the only constant during this period has been the absolute, continued population expansion of Pima Count by on average 15,000 persons per year." At the SACPA meeting he raised that number to 20,000. Yet the Plan has no element for planned growth, and extends no invitation to developers to help plan growth in an inspired way. The plan appears to completely ignore the development community, and in doing so projects the message that the County wishes developers would just go away.

I don't like urban sprawl either but the only way to handle our inevitable growth is get development experts on our side. We need a community development plan that packs a lot of people into a small area without letting them feel crowded. This can be done. We need to bring in experts from Disneyworld and Las Vegas, or wherever lots of people go and still feel comfortable, to help plan the communities of the future. The "This Old House" series on PBS has exhibited several inspired communities. We need to inspire inspiration.

What if we could build communities that are planned in such a way that when the residence locations are planned, so are the roads and business locations? Well planned communities could provide whatever a person needs--perhaps including meaningful employment-- within a pleasantly-landscaped, safe walking distance.

What if we were to build entire communities inside a single building? Would the building's residents complain about traffic? What about clusters of small communities connected by a light rail system? In Las Vegas one can visit exotic hotels with a wide variety of unique and fun eating and shopping experiences. Why not do the same with apartment complexes? What about apartment complexes built around botannical gardens? The possibilities are endless, but we need to find ways to encourage such innovation. We need to find ways to make high density living more glamourous. Only the best developers can make these dreams into reality--let's not ignore them. Let's also get necessary road improvements completed before development is allowed in a particular area. It screws everyone up to do it the backwards way like we have always done.

Biological Corridors and the "Wildlands Project"

I support the idea of biological corridors. The SDCP plan overview published October 16 outlined a paragraph saying the SDCP and the "Wildlands Project" (WP) fit nicely together. I HOPE NOT!!!! The Wildlands Project was first announced in 1992 in the radical environmental journal, *Wild Earth*, published by Earth First!, in a special issue announcing what it called "The Wildlands Project, Plotting a North American Wilderness Recovery Strategy." It was authored by Dave Foreman. The plan calls for removing ALL human activity from 50% of ALL the land in EVERY state in the United States. That land includes farms, ranches, and even entire towns. The Wildlands Project does not recognize local, state, or even national boundaries. Because of the values of its originators, the Wildlands project is a threat to the Fifth Amendment and other Constitutional rights. Additionally decreasing the land supply and eliminating critical resources such as lumber, minerals, and food makes <u>every</u> American poorer, with the most devastating effects shouldered by those already on the bottom of the economic ladder. The rich will get a little poorer, but the poor will get a lot poorer.

Financial Element

My idea of a plan vs. a research paper is that a plan has schedules and financial projections. The September 16 version contains neither. How can we comment on a plan when we do not know what it will cost or how much our taxes will increase to pay for it? Without any financial projections, even rough ideas, we are nowhere. This is not a plan, but a research paper. I would like to see the EIS comment process opened up again after more information is published and we have a clearer picture of what we are embarking upon.

Mining

Pima County holds the second largest copper reserves in the world, second only to Chile. All the copper in the USA comes from southern Arizona. Yet the SDCP does not mention copper. I don't like to look at strip mines but I do enjoy using electrical things. Producing our own resources allows our nation to be strong and sovereign. There are new processes coming out for mining that allow in-situ mining with a minimal environmental impact. The SDCP ought to encourage this type of mining so as to preserve the resource and tax base. Also, the Plan ought to provide flexibility for increased exploration and extraction of critical natural resources during national crises including wars and trade embargos.

Another type of mining in Arizona is totally ridiculous, and that is mining for landscape rock. I once landscaped with rock. First, the rock was extracted from an otherwise pristine and beautiful place such as the Samaniego Hills. Once the rock was down weeds wanted to come through. Therefore once per year I sprayed two types of pesticides onto my yard, including a weed killer and a seed killer. Every year these pesticides would evaporate into the air or leach into the groundwater so every year a new application was sprayed. The County should stop landscaping its own roads, etc. with this rock. New landscape rock mines in Pima County ought to be outlawed.

I asked ASARCO managers if any of the rock extracted from their mine could be sold for landscape rock. They said no, because the rock contains copper and other heavy metals. Under the EPA they are not allowed to sell this. Yet a rock quarry can open a new landscape rock mine on ASARCO's land and sell these same minerals. What a stupid double standard. The US Government ought to get its act together and allow landscape rock to be removed from the waste piles at mineral mines. The main reason ASARCO is so ugly from a distance is not that they are scarring the land but that their waste piles get so high they can be seen for 40 miles. Meanwhile other companies open new mines for landscape rock. Stupid laws need to end.

Glossary

A few terms used commonly in the SDCP are vague to me. Please define the following terms in the glossary:
Buffer Zone
"Intensive" land use--examples, please?

Sincerely,

Cynthia P. Coping

P.S.

A few weeks ago I wrote the County regarding a potentially fatal blind road hazard in the Ironwood Monument. I requested road work to correct it. I also pointed out the difficulty of calling 9-1-1 due to poor cell phone signal coverage. The area has been lethal to many illegal aliens and also to victims of violent crimes.

A few weeks later I received a letter from the County stating that the Fish and Wildlife regulations require a two year pygmy owl study prior to any road work performance. Then another two year permitting process would be required. No pygmy owl has ever been spotted within 20 miles of this particular potentially fatal road hazard where injury accidents have already occurred. The County's written response was 100% unacceptable. We need regulations that value human life, particularly when there is no habitat in a roadway anyway!!!! Isn't it time to write smart laws instead of bumbling down the road to mindless tyranny? The next time I find an accident victim in that location I will be sure to give their attorney a copy of the County's letter.

Proposed Mission/Goal Statement for SDCP:

" The SDCP seeks continuous measurable improvement of the quality and quantity of surface water as measured by EPA Standards and the water table. This goal will be accomplished by ~~restoration~~ preservation of natural grasses, preservation of ranches, FARMS, AND the industries they depend upon. Through these efforts the County seeks to ~~enhance~~ improve habitat for all forms of wildlife, whether endangered or not, and to maximize the availability of biological corridors for genetic diversity and overall species preservation. The SDCP also recognizes the ~~impo~~ strategic and economic importance of the copper industry as unique to So. Az, and seeks an optimum balance of the economic, population growth, and natural biological elements encompassed within

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OCT 17 2000
U.S. FISH & WILDLIFE SERVICE
SUB OFFICE - TUCSON, AZ

October 12, 2000

Mr. David Harlow
Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road
Suite 103
Phoenix, Az. 85021

Re: Environmental Impact Statement (EIS)- Pima County Az. application for incidental take permit and implications for Honnas Ranch and Arivaca Creek and Federal Register / Vol. 65, No. 174 / Thursday, September 7, 2000 / Notices, Pages 54295 and 54296.

Dear Mr. Harlow;

We are concerned about how the proposed EIS will affect the traditional uses we have legally held and enjoyed as private property owners over many years. Under our control, the Riparian Vegetation has naturally increased by many fold regarding trees. The largest threat to our Riparian areas up to now has been increased upstream water use, drouth and increased upstream vegetation due to man introduced cattail and perhaps the new plantings of cottonwood trees by the Buenos Aires National Wildlife Refuge. This has resulted in loss of several water loving species including watercress on our property in the last few years, due to the stream drying up for periods of time. A remedy for this could be CAP water released along the Arivaca Creek which would most likely enhance the environment by creating many miles of downstream natural Riparian Habitat on the Buenos Aires Wildlife Refuge plus a recharge of both upstream and downstream water tables. Also periodically release of water from Arivaca Lake could relieve the stress on Arivaca Creek in the short term. We believe the impact of planting more shallow water loving vegetation upstream or along Arivaca Creek should be studied and included in the EIS as a result of the well known fact of an already overdrawn water rescource. We already have perhaps more vegetation than this Arivaca Creek can support and we believe there is a danger of changing the existing biodiversity of Arivaca Creek by greatly shortening the reach of the already established Riparian Habitat by a seemingly ever diminishing water supply and a greater demand being placed on it.

Although we have both Uplands and Riparian acreages, the Riparian areas contribute to a very large share of the forage for livestock produced on the ranch. We have ranched this property since 1960 and do not like the climate of present day politics regarding open space with strings attached to private property. Before our time these propertiies were also used for grazing and some farming. We feel that open space with less people access is sometimes good for some areas.

Some of the traditional freedoms of private property owners that we presently use to control activities on our property are:

1. Full control of all access and uses
    a. people

b. recreation
c. hunting
d. roads (except for legal easements)
e. granting easements for utilities etc.
f. for present personal and ranch uses
    1. the right to maintain ranch roads and fences anywhere on the property and go off road when deemed necessary
        a. this includes hauling of dirt, rocks and gravel for repairs and clearing of brush and trees that threaten existing fences and roads
    2. the right to place water pipelines anywhere on the property
    3. the right to use motorized equipment and ect. on the property
    4. the right to use and shoot firearms in a legal manner
    5. the right to graze and water livestock on the property and along Arivaca Creek
    6. the right to use washes for roads as has been done for years
    7. the right to maintain, enlarge and improve all present structures and improvements
    8. the right to choose location of and to drill wells for water or geophysical work and prospecting
    9. the right to divide acreage as prescribed by state law and not as prescribed by Board of Supervisors whim
    10. the right to speculate on other land uses such as guest ranch etc. should there not be a buyer for the land as it is

2. Control of resources unless by deed restriction or by law
    a. we own most of mineral rights
    b. we manage for Riparian growth and grazing
    c. cut dead firewood and a few fence posts for personal and ranch use
    d. use brush and tree removal
        1. to maintain roads, fences and utility easements
    e. erosion control work where needed and as finances, technical assistance and present regulation permit
        1. spreader dams
        2. tire structures
        3. reseeding

We know that we have contributed much in protecting Arivaca Creek during our 40 year tenure on this property. Our portion of Arivaca Creek is an established Riparian Area and does not need restoration but a continuing water supply. There is always room and need for improvement, but costs are sometimes prohibitive.

A provision such as a change in the state and county tax code that provides smaller ranchers incentive to reduce numbers of livestock in drouth periods, to protect the land and wildlife while maintaining agricultural tax status, would be most welcome. We as landowners in the Sonoran Desert Conservation Plan need incentives not penalties

because we happen to live in a certain area or because we own open space.

We are open to reasonable cooperation in further protecting Arivaca Creek by keeping and hopefully improving the status quo, but do not see that open space for the purpose of allowing the general public access during our ownership is a consideration unless it is profitable to us. We could not accept the liability nor the responsibility of public access without much thought, cooperation and considerations by U.S. Fish and Wildlife and Pima County.

At this point in time the land and especially the Riparian Habitat is in better shape than we found it despite the terrible drouth we are presently in. The demise of Arivaca Creek as a running stream seems to be a possible and threatening scenario for the future.

Sincerely,

Donald E. Honnas, Pres.

Donald E. Honnas, President
Honnas Land and Cattle Co.
Box 250
Arivaca, Az. 85601

cc. Ms. Sherry Barrett
Assistant Field Supervisor
Tucson Suboffice
U. S Fish and Wildlife Service
300 West Congress, Room 61
Tucson, AZ. 85701

C.H. Huckelberry
Pima County Administrtator
Attn. Maeveen Behan
130 West Congress
Tucson, Arizona 85701-1317

12/29/00

C.H. Huckelberry
Pima County Administrator
ATTN. Maeveen Behan
130 W. Congress
Tucson, AZ. 85701-1317

RE: Comments on "Pima County Sonoran Desert Conservation Plan"

Dear Mr. Huckelberry,

Please find enclosed from the editorial page of the "Wall Street Journal" a good editorial entitled "California Messes Up". I believe this is a good example of what extreme environmentalism can do and evidently Pima County is on the same track being our governmental officials have hired the same people. It would seem in order for these people to answer this editorial in a large public gathering before the Board of Supervisors and all involved in the Pima County Sonoran Desert Conservation Plan. Please do not let our government sell out.

I am concerned about several issues that Pima County has mishandled in the fairly recent past as I read the news from the "Arizona Daily Star". One being the ignoring of state law in trying to "downzone" private property. Could this be "anarchy" within the government? Then there is the ThornydaleRoad Ironwood tree removal. Another blatant act of the same type. Another issue that comes to mind is the order by the State of Arizona for Pima County to increase the salaries of the "Constables". Is this going to be ignored also? Perhaps the "Arizona Daily Star" misquoted you on this one. Then the County comes along and covers the "Burrowing Owl". I would hope that private citizens who pay the bill for all of these things will get leniency from the County and the Federal Government for the honest mistakes they make, and especially regarding environmental infringements of the law. Then at least we will not have to pay twice. Perhaps it would not be too hard for our governmental agencies to adopt laws that "one size fits all" and recommendations could be suggested from our own "steering committee".

It very much appears that "Pima County" is very much like a "cold jawed horse". The horse takes the bit in his jaw and goes wherever he wants to go until methods are used to break him and sometimes, if he is too hard headed, it is best to get rid of him.

Another concern I have is the thoughtless restoration of Riparian Areas. We have an example on Arivaca Creek of the planting of new Cottonwood trees which will consume more water from the shallow water table at the expense of an already established downstream population.

Also there is a population of "Cattails" upstream which is also taking water at the expense of the downstream Riparian Area. There has been no evidence of anything being done that has been fruitful in controlling the population.

These two examples are both on the Buenos Aires Wildlife Refuge and should be studied before Pima County pulls the same blunder in a like manner. I realize Pima County does not have any control of federal lands but it might help them make some wise judgments in the future regarding how much vegetation should be planted and what its effects will be. We need to use our water wisely in all scenarios.

If I have been too vague in my communication, please feel free to contact me.

I wish you a Happy New Year and may all of your problems work out for the good of you and those you serve.

Sincerely,

Donald E. Honnas
Box 250
Arivaca, Arizona 85601-250
Ph. 520-398-2391

REVIEW & OUTLOOK

California Messes Up

What a lovely mess in California. Wholesale electricity prices are zooming, power reserve margins are shrinking, the state's two biggest utilities are on the verge of bankruptcy and its Governor has just gone, hat in hand, to visit Alan Greenspan, as though he could somehow make all of this awfulness go away. California has created an unusual problem for editorial writers. Too much blame! We are dizzy trying to decide how to allocate it. But here's our best guess:

• *The stars.* An unfortunate misalignment of the planets has zoomed prices nationwide for an important raw material in electricity—natural gas. And in California, which depends on natural gas, higher prices have been aggravated by an inadequate supply of electricity generation (more on this later) and insatiable demand. Demand for electric power has been increasing at almost triple the national rate of increase of 2% to 3% a year.

* * *

But the magic moment happened when the planets governing prices collided with the need to shut down 25% of generation capacity a few weeks ago. This past summer has been rough on electric power generation. Some of the plant shut-downs were for maintenance and repair, some because plants had reached their air-pollution limits for the year. In the past, California would just gulp down some power from neighboring states in the Northwest. However, the planetary influences in the Northwest have not been auspicious either. A drought has left hydropower plants with less generating capacity; and colder weather, earlier than usual, has swelled demand.

Governor Davis
Unplugged

• *The regulators.* Four years ago, California regulators took their first—and so far, only—step toward the deregulation of electric power. (Note: They did not deregulate electric power, they vaguely made a pass at it.) Hence, the wholesale price is relatively free to reflect market conditions in generation, but the retail price to consumers remains frozen.

• *The utilities.* They not only agreed to the original, bogus deregulation scheme, but they supported it. The scheme itself is a masterpiece of short-term thinking.

At the time, energy prices were low, so having a plump fixed rate must have looked mighty appealing. So the utilities cheerfully signed off on an arrangement that provided them with fixed rates to consumers and mandated that they buy power—whose price was not fixed—from a central exchange; moreover, the scheme dictated that they could buy no longer than one day ahead of need. No longer-term or side contracts permitted. In other words, the utilities agreed to buy in a volatile commodity market without the tools allowing them to hedge.

Nor have the utilities shown much interest in investing in metering that gives consumers a peek at what they are paying for electricity. Thus consumers not only have no incentive to conserve, but have no idea of how much their own use of electricity costs.

• *Consumers.* Of course having no incentive to conserve—(Why?! Our rates are fixed!)—they haven't. Indeed, what happened in San Diego this summer provides a scary look into the consumer mind-set. San Diego Gas & Electric, the state's third largest investor-owned utility, ended its rate freeze in mid-1999. Rates dropped and everything seemed hunky-dory until last summer when the price of power skyrocketed. As their electric bills went up, consumers did, in fact, start conserving on their energy use. But they also went berserk and demanded rates be frozen again. The state's Santa Claus legislature accommodated.

• *The great state of California itself.* If this were happening in any state other than California, we'd be covered in sympathy. California, however, is an advanced example of the peril of Nimby. It has the toughest environment regulations. It has some of the toughest plant siting and permitting procedures. In fact, things are made so tough in California that no new substantial power generation has been added in the state in almost 15 years. (Thus causing Nimby to be replaced by Banana—build absolutely nothing anywhere near anyone.)

mid-popular Santa Claus theory of economics.

Thus, when wholesale prices started to rise sharply in June, utilities were forced to buy higher priced power without being able to pass the increase along to consumers. The mismatch has resulted in a multibillion-dollar shortfall that has Southern California Edison saying it cannot pay its power bills due January 4. "Consumer advocates" seem to think the utilities have stashed money somewhere. Nonetheless, credit-rating agencies, looking at the current runaway debt situation for both Pacific Gas & Electric and Southern California Edison, have downgraded their ratings, making it more expensive for them to borrow.

These very same regulators then made a muddle when they tried to rush to the rescue. First, when the price of power rose, state regulators slashed the price cap on wholesale prices to $250 from $750 per megawatt-hour. This of course caused those who generate power to sell it to states without price caps. So the regulators dropped the cap completely only to watch prices shoot up to an amazing $1,400 per megawatt-hour. Then the state regulators called in the Feds, The Federal Energy Regulatory Commission ordered more price caps and the Secretary of Energy, Bill Richardson, ordered 75 Western wholesalers to continue selling to California utilities, despite the fact that they may not be able to pay their bills.

now imports 20% of its power, has just assumed that states in the Northwest and Southwest would continue to supply its needs. Too bad if those other states need that power for themselves. California just gets the Feds to order them to keep sending power anyway.

* * *

Although blame has many receivers, in this case there is only one lesson to be drawn: You can't have your cake and eat it, too. California ought to recognize there are trade-offs. Either it deregulates electric power completely and is prepared to take the occasional bad consequences of high prices with the more frequent good consequences of lower prices or it continues to shield users from price volatility and suffers from inadequate supplies of power. Either it indulges its hyperaesthetic environmentalism or it builds the necessary power generation.

The coming weeks will be interesting. The federal order requiring Western wholesalers to sell to California will expire; the California Public Utility Commission will decide on whether to lift rates for consumers, the federal courts will decide whether to accept FERC's price caps, the bills for power for the two largest utilities will come due, and Standard & Poor's will decide whether to lower the utilities' credit ratings into junk bond territory. Optimists see the opportunity for some sort of resolution; we're betting on seeing a wider opportunity to assign blame

November 24, 2000

Mr David Harlow
U S Fish and Wildlife Service
2321 West Royal Palm Road Suite 103
Phoenix, Arizona 85021

Regarding: Scoping comments concerning the Sonoran Desert Conservation Plan (SDCP) for Pima County, Arizona

Dear Mr. Harlow:

We are pleased to have this opportunity to submit comments concerning Pima County's Sonoran Desert Conservation Plan. We are private landowners and ranchers in the Altar Valley, located southwest of Tucson. We have been active in attending Pima County's steering committee meetings and the sub area meetings held in the Altar Valley.

Ranch Conservation: We commend Pima County for recognizing the part ranch conservation plays in endangered species protection. We must now look for ways to maintain open space without "downzoning" or other restrictions reducing that lands value. Our family wishes to continue in ranching for generations if possible, and therein lies the problem. If our land is devalued our business is also devalued. Investigating conservation easements may be one way of addressing this problem.

Alternatives: Pima County has gathered a great deal of information, however there is little information of actions being planned, the actions impacts, or alternative actions aside from setting up "reserves". We would hope another alternative to reserves mentioned would be management practices. (In the memorandum it is stated the plan will work to "allow counties to downzone if the property has been *unused* for 15 years.) Sadly, the tone of the memorandum of the plan is confiscatory rather than cooperative. In managing our ranch and planning conservation actions such as prescribed burns and erosion control we can see the value of joining in the acquisition of an HCP, but it seems at this point the planning has not begun. The Plan needs to become more specific to understand what is being included. The Plan has not included the major landowner in our area. It would be too bad if all this time was spent and the information ended up on a shelf because the largest property owner, Arizona State Land Department, was not a participant.

Critical Habitat: Information on the Pygmy Owl needs to be related to the initial habitat designation so analysis of new information will result in modification of critical habitat designation.

We have investigated the benefits and hazards of participating in an HCP. We can lose a great deal if we are so restricted in this agreement we cannot manage our ranching business. We can also benefit in accomplishing many of the conservation practices we would like to complete. We will continue to work with Pima County and USFWS to craft an effective plan for all parties. Arizona State Land Department's role is essential. We appreciate your attention to our concerns.

Sincerely,

John King

John King
King's Anvil Ranch
HC1 Box 97E
Tucson, Arizona 85736

Cc: Mr. Chuck Huckelberry

November 21,2000
4250 E. 29, #118
Tucson, AZ 85711

Dear Mr. Harlow:

I am sending these comments to you as you prepare the Sonoran Desert Conservation Plan Environmental Impact Statement. I will concentrate on ranching.

In their own national study, the Forest Service listed cattle grazing as the #1 reason for species being federally listed in the southwest under the Endangered Species Act. To that, out of 155 national forests, Arizona's Coronado and Tonto National Forests rank 5th and 10th respectively in federal listings. Both forests are at least partially in the Sonoran Desert.

The U.S. General Accounting Office reprts that due to federal agencies' inability to properly manage grazing on public land that cows should be removed from ALL of our hot deserts, including the Sonoran.

In short, we cannot have a Sonoran Desert Conservation Plan that endorses and embraces ranching that is not absolutely ecologically benign. Frankly, I believe that is actually oxymoronic and impossible. Ranching in this hot, dry, fragile desert is inappropriate; is now and always was a mistake.

I believe, Mr. Harlow, that there should be no sanction of any program that provides compensation, monetary or otherwise, to ranchers for cattle reductions on public lands. Also, Pima County should purchase development rights on private ranch lands contingent upon a permanent end to grazing and specifically addressing vegetation, wildlife, riparian areas and sensitive species protection.

Arizona state property law should be changed to allow conservation and not force lessees to graze if they choose to preserve open space or habitat. Pima County should not establish, nor should the Fish and Wildlife Service sanction any grass bank programs for ranchers. This merely promotes abuse of the land. Where grazing is a cause of habitat degradation or species endangerment, grazing should be eliminated.

Mr. Harlow, the good old days of ranching with impunity are over. We have a corpse, we just haven't buried it yet. Our precious Sonoran Desert is largely a skeleton in grazed territory, rife with erosion, sheet-flooding, flash-flooding, vegetation loss, topsoil loss, habitat loss and riparian area destruction.

The problem is clear. The solution is clearer. The cows gotta go. Open space, not ecologically sterilized by cows, must prevail.

Your job, my job, and Pima County's job is to preserve this desert without cows OR bulldozers. It is going to take money, resolve and courage. Please get us off on the right foot by honestly confronting the obvious.

Sincerely,

T Lengerich

Tim Lengerich

cc: Chuck Huckleberry
Pima County Commissioners

5 December 2000

Pima County Board of Supervisors
Attn. Chuck Huckelberry, County Administrator
130 West Congress, 10th Floor
Tucson, Arizona 85701

Dear Board of Supervisors:

Please consider these comments on the Preliminary Draft of the Sonoran Desert Conservation Plan (September 2000).

I am a member of the Sonoran Desert Conservation Plan Steering Committee, the Chairman of the UA College of Agriculture and Life Sciences Santa Rita Experimental Range Research Advisory Committee, and Associate Professor of Range Management at the UA.

I will restrict my comments to elements of the Plan that directly pertain to the Santa Rita Experimental Range (SRER). The SRER covers nearly 50,000 in the Upper Santa Cruz subregional of Pima County. This extensive and largely wild area is an important facility for natural resource research and education, and it provides excellent opportunities for open space, wildlife habitat, and endangered species habitat. It is my opinion that the current goals and uses on the SRER are fully compatible with the goals of the Sonoran Desert Conservation Plan. Specifically, natural resource research and education currently undertaken on the SRER are compatible with the goals of open space conservation, planned development, and conservation of critical, sensitive and endangered species being pursued by the Sonoran Desert Conservation Plan.

Because the goals of the Conservation Plan and the SRER are compatible, it is important that the Plan includes provisions that will ensure that the SRER remains both a viable research and education facility as well as provide open space and habitat for sensitive, critical and endangered species.

The SRER was established in 1903 and is the oldest range experiment station in the world. Initially, primarily the U.S. Department of Agriculture, Bureau of Plant Industry conducted research and later the Forest Service in cooperation with the University of Arizona. Federal legislation in 1988 transferred the SRER to the Arizona State Land Department and Arizona Senate Bill 1249 (38th Legislature) provided that the area would be used by the University of Arizona for, "ecological and rangeland research purposes..... until such time as the legislature determines the research use can be terminated on all or part of the lands."

The long history of research on the SRER has contributed to the improvement of livestock, wildlife and watershed management in the world. This history and continuing research can also contribute to the successful management of habitat for sensitive, critical

and endangered species. The series of more than 100 repeat photography photo-stations on the SRER is one example of the contribution that the long tenure of research can contribute to the goals of the Conservation Plan. These photos are available on the Web at http://ag.arizona.edu/SRER under repeat photography.

The SRER currently provides habitat for the endangered Pima pineapple cactus, and it is likely that the endangered lesser long-nosed bat and southwestern willow flycather can be found on the SRER at some times in the year.

My concerns about the Preliminary Conservation Plan are its ability to insure that the SRER will remain as a viable facility for research and education, as well as providing habitat for sensitive, critical and endangered species. These concerns are centered in how the Conservation Plan will 1) designate the land use on the SRER, and 2) designate the land use surrounding the SRER.

The Preliminary Plan places the SRER in the Upper Santa Cruz subregion. The SRER is mentioned (page 23) in the discussion of Mountain Parks within the Upper Santa Cruz subregion, but the SRER is not specifically identified as a Mountain Park or Reserve. In the Existing Preserve and Current Develop map (figure 12, page 77), the SRER is identified as an existing preserve. There appears to be some inconsistency in the designation of the SRER, it is a Preserve on the map but carries no special designation in the text.

In addition to inconsistency, the specifics of any designation for the SRER are rather ambiguous. It is not clear what restrictions in land use will come with designation as a Mountain Park, Reserve or Preserve. It is my opinion, that although ambiguity may be beneficial because of the flexibility it provides, it offers no protection from pressures to change the current land use from research and education to some other use deemed more important by the State Legislature. Please recall that the SRER is State land that will be used for research and education largely at the discretion of the State Legislature. I would like the Conservation Plan to help foster the continued use of the SRER for research and education by placing it under some special designation that will prevent conversion to residential or commercial uses but not prevent the continuation of ongoing and future research and education uses.

The land use surrounding the SRER will have a great influence on the ability of the SRER to meet its current research and education goals as well as the goals of open space and habitat for sensitive, critical and endangered species. The most serious threats to these goals come from conversion from open space to subdivisions of neighboring land at the northern boundaries the SRER. The Conservation Plan identifies the urban growth boundary to reach the northern boundary of the SRER, and it identifies disposable State and BLM parcels (as well as private parcels) on the northern boundary of the SRER (figures 6 and 7, pages 71 and 72). Currently, the northern boundary is largely free of development, and only the dirt road from Sahuarita to Helvetia disrupts the continuity of open space in the northern part of the SRER. My concern is that the Conservation Plan must address the maximization of open space (1-2 mile buffer zone) on the northern

boundary and importantly that all access to these northern parcels must come from the north rather than from roads that pass through the SRER. The Sahuarita-Helvetia Road must not be allowed to service development on the northern boundary of the SRER. To serve both as viable a research and education facility and open space and habitat for sensitive, critical and endangered species, a significant buffer from development and prevention of through road traffic on the SRER must be part of the Sonoran Desert Conservation Plan.

Thank you for the opportunity to share these concerns with you and your staff. I am available to answer questions regarding my comments in this letter. I look forward to participating in future Steering Committee activities.

Sincerely,

Mitchel McClaran
2818 E. Drachman Street
Tucson, AZ 85716

November 21, 2000

Mr. David Harlow, Field Supervisor
US Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021

Regarding: Scoping Comments Concerning Sonoran Desert Conservation Plan (SDCP) for Pima County, Arizona

Dear Mr. Harlow:

We are pleased to have the opportunity to submit scoping comments concerning Pima County's Sonoran Desert Conservation Plan. We are private land owners and ranchers located in the Altar Valley southwest of Tucson. Our ranch operation is located entirely within pygmy owl critical habitat. We have been active members of the SDCP Steering Committee, as well as participants in subarea planning meetings in the Altar Valley. We are members of the Altar Valley Conservation Alliance and are in full agreement with the comments filed by the Alliance. This letter provides some additional comments.

1. **Ranch Conservation.** We would like to commend Pima County for recognizing that ranch conservation is an integral part of our region's endangered species protection strategy. Our challenge now is to find methods of involving private land owners / ranchers in the program in ways that do not reduce our property values without proper compensation nor result in loss of management flexibility. Most ranchers cannot afford to "give away" their land values through down zoning or other severe zoning restrictions. Tools like conservation easements, on the other hand, hold promise as a way of combining habitat protection with respect for private land owners' financial needs.

2. **Alternatives.** Although Pima County's data gathering efforts are impressive and useful, I am concerned about how and when this information will be shaped into a plan, specifically a plan designed to regulate take of endangered species (the purpose of a Habitat Conservation Plan, as we understand it). There do not seem to be any alternatives nor even the beginnings of a reasonable approach to crafting alternatives. We urge you to look for alternatives that favor management oriented tools rather than reserves. We urge you to look for land protection tools that favor market oriented incentives over zoning -- we are fiercely opposed to down zoning that reduces the value of our private land.

3. **Utilizing the HCP Permit.** When the County first initiated the SDCP, County officials encouraged our participation by promising that we would be beneficiaries of the eventual permit -- that our permitting needs would be addressed. We have asked repeatedly how this will work, and the answers have been persistently unclear. What are the mechanisms through which participating land owners like ourselves would utilize or be party to the regional HCP and associated permit, particularly given the predominance of State land in the Altar Valley?

4. **Subarea Plans.** Similarly, County officials have repeatedly promised that "subarea plans" would be an important part of constructing the overall SDCP and permit package. We attended several excellent meetings late last spring and early summer, but the process

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that the recovery plan does not preclude development of conservation measures by the SDCP that reflect the values of the community, the best available scientific information regarding CFPO and CFPO conservation, and the realities of the local economy.

4. The NOI published by USFWS refers to the authorization of "take" outside of proposed preserve boundaries. Is this reference based upon previous discussions between the USFWS and the County that are not part of the conservation elements presented in the preliminary draft of the SDCP? Given the lack of information regarding the levels of "Take" that will be authorized by the County Plan and who will be eligible to benefit from the Take Permit, this reference in the NOI is troubling.

This reference in the NOI would seem to imply that if Critical Habitat Unit 4 is identified as a preserve area; the SDCP would not authorize any development activity within this Unit of Critical Habitat. In such an instance, the plan would not offer any relief to land owners within the boundaries of Critical Habitat who would be forced to seek authorization for use of their lands within preserve areas under individual Section 7 consultations.

The utilization of hard preserve lines ("greenlining") to address the issues associated with authorizations for take, absent early and clear funding mechanisms, willing sellers, and defensible preserve boundaries is clearly problematic. Particularly, in light of the land use mosaic that exists in many of the Critical Habitat Units designated by the USFWS in Pima County.

5. The County proposes sweeping regulatory reform through the establishment of "one-stop" permitting program. We support this effort. Unfortunately there is little in the way of specifics to address how this will be accomplished and what benefits/impacts it will have on the regulated community. What approvals will this process provide? Under what mechanisms will the various jurisdictions (federal, state, and local) coordinate their efforts? For example, if the CWA Section 404 Permit Program is integrated into the SDCP regulatory process how will future changes in Corps policies and procedures subsequent to the adoption of the SDCP affect individuals who have been granted permits under the SDCP? What are the costs of the "one-stop" permitting process?

6. Important data regarding the CFPO appears to be lacking in the current version of the plan. We understand from discussions with the USFWS and AGFD that the first season of two planned seasons of survey for CFPO has been completed in Sonora,

To: Mr. David Harlow, Field Supervisor
USFWS
2321 W. Royal Palm Rd.- Suite 103
Phoenix, AZ 85021

Nov. 22, 2000

Re: Pima NRCD Comments on F&WS EIS Scoping for the Sonoran Desert Conservation Plan.

At the Pima Natural Resources Conservation District Board of Supervisor's meeting yesterday the Board (an elected body of state government) unanimously voted to submit the following comments on the proposed scoping of an EIS on the proposed Pima County Sonoran Desert Conservation Plan. The Pima NRCD represents natural resource conservation cooperators (ranchers, farmers & landowners) in Pima & Santa Cruz counties.

In light of Pima County's (PC's) dismal past performance of adhering to and enforcing past comprehensive land-use plans as well as conservation ordinances such as the PC slope, riparian protection, & native plant ordinances the EIS must critically scrutinize PC's Sonoran Desert Conservation Plan (SDCP). The proposed SDCP is woefully inadequate in numerous specifics and fails to address many deficiencies. At mimimum the EIS must address the following issues:

1. PC has apparently assumed control over some 937,000 acres of State Trust Lands (the ~1.45M ac. of "unincorporated PC). In reality PC has jurisdiction only over < 565,000 acres of private lands in the county (<13% of PC that is privately owned outside of municipal jurisdiction). A recent lawsuit in CA illustrates the inadequacy of a government entity trying to impose its jurisdiction on other entities that cannot or will not fully participate in the HCP. PC has not even approached Arizona State Land Department to begin working on any kind of MOU/MOA, and other MOU/MOA's supposedly achieved with other government agencies must be scrutinized for appropriate language to support PC's HCP. It must also be recognized that any MOU/MOA's are not binding & that each agency has land management mandates that may in the future change. The "incidental take" permit PC seeks is for 30-40 years and there are no guarantees that these MOU/MOA's have any duration of that extent. PC's SDCP fails to identify any "contingency" plans if any of the MOU/MOA's are terminated. Nor are there any assurances of compliance. What happens if PC cannot get full cooperation of the other agencies after a period of time?

2. The "science" used as the basis to draft and support the SDCP is extremely suspect - there has been no peer review of any of the "findings" of the science team (unless you consider an internal review by the science team itself "peer review"). This is especially evident in a recent review of the "Ironwood Primer" that was the basis for the Ironwood N.M. and a major portion of the SDCP (see attached review). Who selected the 51 species of concern and reviewed this list? Who devised the definition of riparian - especially xeroriparian - and the list of riparian plant species and reviewed this conjecture? Who is the "science team", and what are their credentials?

3. The "Ranch Conservation" component of the SDCP plays a major role in the success of this HCP. Yet this major component lacks any guarantees (or even assurances) that the grazing permits that are absolutely essential to the continuance of any of these ranches will continue into the future. These grazing permits are solely at the discretion of the land managing agency (ASLD, BLM, USFS, etc.) with jurisdiction (PC has no jurisdiction, nor control over how these lands will be managed or grazing permits allowed). This aspect is especially critical in light of the present politics & the avowed proclamation of numerous powerful environmental groups to eliminate grazing from the public lands. How does PC plan to address this conflict with these major supporters of the SDCP? How would PC use its influence on the other land management agencies?

4. The SDCP assumes financing of this endeavor is complete. The taxpayers of PC have NOT approved any bonding or tax increases, developers are opposed to the increased development fees, and the total real costs of this HCP have not been adequately tabulated. The major costs that have not been addressed are the acquisition of "conservation easements", preservation of State Trust Lands, monitoring, research and

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maintenance/administrative cost to PC. PC has a shameful record to date of adequate funding of the existing Parks Department & with additional acquisitions how will they fund an ever greater budget? Once the taxpayers are given the real total and true costs of this proposed SDCP they may not support the HCP.

5. The SDCP totally ignores (omits) any semblance of a mineral resource evaluation. PC produces more copper than many nations. Exploration for and continued production of copper from PC is essential to the national interest. Plus the development & utilization of numerous other minerals is essential to PC's future (cement, sand & gravel, etc.). How do these impact the proposed SDCP? Also, how does PC propose to regulate these land uses without the appropriate authority to do so?

6. The "public input" to the SDCP excluded numerous specific groups that are significantly impacted by the actions of the HCP. This flagrant omission was purposeful to ensure "consensus" on the HCP of those participating. Excluded from the beginning of the process was the mining interests (who own >33,000 acres of land in PC), ASLD, field agriculture, the Pima NRCD, taxpayer groups and other industries that will be significantly impacted. The "select" groups invited to the Steering Committee and Technical Committees are extremely biased. In addition the early drafts of the SDCP, and the September 2000 draft are only available for public scrutiny at the main library , or for purchase at a hefty price ($30) from the county administrator's office. Hardly "open" for public review & comment. In addition it appears that very select individuals and groups were given "free" copies of the SDCP drafts and the supporting "scientific studies" to support it. These support documents are also available for sale to any other interested parties for hefty price tags. The Pima NRCD has the natural resource conservation expertise to enhance the SDCP, yet has been excluded from the process> Is this conducive to open public review & comment?

7. The riparian "restoration" component of the SDCP has no mention of where the water resources will come from. PC lacks any authority to regulate or manage the water resources necessary to achieve the lofty riparian restoration objectives it states in the SDCP. How are these objectives to be achieved? How does the SDCP propose to protect the habitat of the aquatic species identified?

8. PC & USFWS's Sec.10 release of land for development would clearly jeopardize existing OCCUPIED critical habitat with known populations of Cactus Ferruginous Pygmy Owl and other species for mitigation lands that are UNOCCUPIED and are at best dubious as habitat. Even at mitigation ratios of 4:1 how can F&WS justify the direct loss of known OCCUPIED habitat? The SDCP fails to identify specific habitat to be impacted, nor identify specific habitat for mitigation for the T&E species listed let alone any of the other species "identified as sensitive, protected, etc. . There is no detail on the minimum numbers of "take" of disturbance of critical habitat. How will PC procure a 4:1 ratio?

9. The SDCP woefully underestimates the costs to landowners and taxpayers of PC. What about the punitive costs to landowners? The costs of preserving ironwood, etc. to the homeowner have been grossly understated ? What about "affordable housing" with a $5K surcharge? What impact will these costs have on future economic development?

10. The SDCP shamefully ignores questions of "taking" of private property rights. The question of "downzoning" has been purposefully omitted. The preservation of a property owners "rights" to develop their land is intrinsic to the value of that property. Downzoning, or diminishing the future potential of a property devalues the owners investment. For many people their entire life's savings & future financial security is in their property. For instance, a ranch's value is tied to the grazing permits that ranch has. Reducing the grazing permit reduces the ranch value. Further devaluation of the ranch by prohibiting any development would devastate the net worth of that property. Who will pay for these costs, the litigation, etc.?

As a natural resource conservation organization the Pima NRCD has been achieving sound conservation for over 4-decades. If anyone knows how to achieve the lofty goals of the SDCP it would be the Pima NRCD. Our record of conservation achievements speaks for itself. We stand ready & committed to assist PC in any way we can to develop a workable plan for the proper conservation of natural resources and use of land in Pima County.

Stuart A. Bengson, Chairman
Pima Natural Resources Conservation District
4650 N. Highway Dr.
Tucson, AZ 85705

June 1, 2000

Re: Report on the Analysis of the Proposed "Silver Bell National Monument":

Recently Secretary of the Interior Bruce Babbitt suggested the establishment of the Morris K. Udall - (Silver Bell) - Ironwood Forest National Monument. He stated that the primary objective of this National Monument was to preserve the last great stands of ironwood forests and prime cactus ferruginous pygmy owl habitat. Neither of these statements can be substantiated by scientific fact. The primary document used to substantiate these claims, the "Desert Ironwood Primer", is not a scientific document that holds up to peer review. Also, recent surveys of the proposed Monument area and other areas in the vicinity show that the greatest density of ironwood is farther to the east. Also, the area further to the east was recently declared by the USFWS as "critical habitat" for the cactus ferruginous pygmy owl (CFPO). Whereas the area being proposed for the National Monument has fewer ironwood trees, and is not designated as "critical habitat" for the CFPO.

This area is however a proven major mineralized area. It has been a historical major producer of copper and silver dating to the mid-1800's. Today there exists a major copper mine, and the surrounding area has tremendous potential for further copper development. Mining and minerals are of paramount importance in the sustainability of modern man's existence. Copper especially is as vital today as it ever was. More than $422 billion worth of processed materials originated from mining in 1999. Although some may view the visual impacts of mining as "ugly" in reality they are akin to the modern urban skyline and equate to jobs, taxes, homes, and the means to advance and improve the quality of life for mankind.

The first objective of this analysis was to verify the accuracy of specific references cited in the "Desert Ironwood Primer" (Feb. 2000, Arizona-Sonora Desert Museum by G.P. Nabhan and M. Behan). Many of the "scientific" statements in the "Primer" that were referenced with scientific citations proved to be exaggerated or false. There are several "scientific" statements in the "Primer" that are unsubstantiated self serving conjectures with no scientific basis of fact. The "Desert Ironwood Primer", as a scientific document, is flawed at the very least and has not been properly peer reviewed. The next objective of this analysis was to determine the true density of ironwood trees in the vicinity of the proposed National Monument. Our surveys indicate a six-fold increase in the average number of ironwood per acre in areas far to the east of the proposed Monument.

C.H. Huckleberry's Cover Letter to the Pima Co. Board of Supervisors:

p.1: "The *Desert Ironwood Primer* establishes the importance of ironwood...biodiversity of over 500..species.....habitat in the Silver Bell Mountains of Pima County is associated with 674 species....". The reference to "674 species" (see Table 6, p.25) was found to be correct, but is not a complete reference. The authors went on to state "In (the) Table...we present available data from 2-deserts on species richness...These represent species present in the general area...without specifying whether they occur together in the same sites...in fact, all of the data in (the) Table include species habitating the full range of desert habitats from dry flats to washes". The reference to "over 500 species" (see Figure 6, p.25) is based on "a survey sent to vertebrate zoologists" but does not document who these "zoologists" surveyed are nor their credentials as "experienced in Sonoran Desert field studies".

"Ironwood ranks among the most ecologically & economically important plant species....". This statement is "documented" on p.4 of the "Primer" with reference to Nabhan & Carr 1994). It was extremely difficult to locate this particular document. The 2-copies in the U.of A. Science library have been "missing" for some time with no luck in their search for the documents. I was finally able to locate a copy in the ASU Hayden Special Collections Archives. Upon examination of this reference I could find no statements nor supporting evidence to substantiate the author's claim that "ironwood is (or could be) the most ecologically & economically important plant species".

"The mere presence of ironwood & other legume trees can increase the number of bird species....by 63%". This statement is referenced on p.21 of the "Primer" as Vander Wall & Mac Mahon 1984. In researching this reference I found that the study did not focus on "ironwood", but included all legume tree species (palo verde, mesquite, and acacia). It is misleading for the author to "conclude" that this makes ironwood any more valuable for bird species than any of the other tree species. Further the authors of the referenced paper stated that "we cannot exclude the possibility that competition with distantly related taxa (e.g. ants, spiders, lizards, rodents) has affected avian distribution patterns".

p.2: "Recent studies show that without the protective cover of desert legumes, the distribution range of saguaro....would retreat many miles...". This statement of "fact" is referenced on p. 17-18 of the "Primer" citing Nobel 1980 (only 1-study with no other "recent studies referenced). Upon research of this singular reference I could find no substantiation for "ranges of saguaro, etc. retreating many miles". Further the reference specifically states "...diameter increase with (further north) latitude may help protect the apical meristem of C.gigantea from freezing injury". Apparently the northward distribution of saguaro is related more to morphological adaptation (i.e. larger stem diameter) than protective cover of trees.

"...highest ironwood densities...came from...(Ragged Top, 35 trees/ha ((14/ac.)))... are greater near the species northernmost limits...". This "fact" is referenced on p.14 &15 of the "Primer".The references are Spanish publications that I cannot verify at this point in time. I question the "findings" of the survey conducted by the author's due to the methodology of the survey (see "Part two: Ironwood Habitat Study pp. 46-60). In this survey the author used an "ironwood-centered plot" of 512 meters square compared to

"randomly selected plots". The question remains, were the "randomly selected plots" centered on other leguminous tree species (i.e. mesquite or palo verde)? If not, then the "richness" of species, etc. recorded under the ironwood cannot be termed any better than the "random" plots. You will naturally find a greater density & richness of species under the canopy of any tree specie in the desert. If the findings of the author can be scientifically duplicated then we can verify the accuracy of the numbers presented. It is quite easy to "skew" surveys to obtain data to support any given hypothesis. The true scientific test of validation is duplication of the data following the same methodology. The other question needing to be answered is how the authors determined the density of ironwood/hectare (as high as 35/ha. = 14/ac.) from a 512 meter square plot located under an ironwood canopy.

"...Ragged Top site...contributed the highest levels of species richness...". This is referenced on p.56-57 of the "Primer". Again this statement depends on the accuracy of the data compiled by the author and the interpretation of that data. Our surveys show that the density of ironwood near Ragged Top is comparable to the authors findings, but that ironwood in other locations of the proposed Monument are much lower. In fact the density of ironwood in areas off Tangerine Road, far to the east of the proposed Monument, are greater than 6X the density on average (see Ironwood Surveys). These surveys were recently completed on 1 acre sized plots (as referenced in the Forestry Handbook, Society of American Foresters, by R.D.Forbes).

p.3: "...U.S. offers limited protection for ironwood compared to Mexico..." This statement, and similar statements on pp. iv & v. of the "Executive Summary" of the "Primer" are unsubstantiated and somewhat ridiculous. While there is reference to recent laws in Mexico protecting ironwood, the author's fail to recognize the "fact" that ironwood is very well "protected" in the U.S.. We have the Organ Pipe NM, Cabeza-Prieta National Wildlife Refuge, Kofa Wildlife Refuge, the Barry Goldwater Military Reservation, The Tohono O'Odham Indian Reservation in addition to the AZ & CA Native Plant laws. Additionally the recent designation of "critical habitat" under the Endangered Species Act has severely restricted alteration of ironwood habitat. Further the Pima County slope and riparian ordinances can also be very valuable to protect ironwood habitat.

"...Ragged Top...contributes the highest values of significance...". This statement is referenced to p.59 of the "Primer". Upon looking at p.59 there is no substantiation or valid scientific reference for this conjecture.

"The *Desert Ironwood Primer* is the most comprehensive biological review...". This statement must be taken with caution because the "Primer" referred to has not had peer review and I would conjecture that it would fail such review.

The Desert Ironwood Primer:

p.i of Exec.Sum.:

"...sole species in the genus Olneya...". There is no unique distinction in this statement. Lehr 1978 lists over 420 single species genus plants in AZ, 16 in the same family as ironwood (Papilionodeae).

p.ii:

"Unlike other desert trees, ironwood rarely sheds all its leaves, so that its canopy provides shade & protection from frost and extreme heat year round." The ironwood does shed its leaves when frosts occur and will go deciduous in extreme drought. The palo verde even while essentially "leafless" is so densely branched that it provides a great deal of shade to plants under its canopy.

"Ironwood functions as a habitat modifying *keystone* species". This is true, and as is noted so do mesquite , palo verde and acacia. While you can say ironwood "caters to different sets of plants in its "nursery"", this is only because of differences in the various ecosystems not necessarily due to the ironwood alone.

"..mere presence of ironwood....can increase ..bird species...by 63%". This statement is false, as commented above.

p.iii:

"Recent studies show without protective cover...distribution..of saguaro..would retreat many miles...". This statement is false, as commented above.

p.iv:

"Attempts to protect ironwood...have been unsuccessful." This statement is unsubstantiated.

"Ironwood faces many threats...conversion ... to agriculture...woodcutting alone causes an average 17% reduction....". There is no substantiation of these statements.

p.v:

"...ironwood receives limited protection as species...". No credit is given to the protection established as commented above.

"...148 new plots...ironwood's presence to be equally high in ecological importance...". Without collaboration or verification of the procedures, methodology or accuracy of the conclusions gleaned from this recent study (i.e. peer review of the data and its interpretations) the data is suspect. See comments on this survey above. It would appear that the data has been skewed when ironwood is used as the center of the plot vs. a "random" barren plot.

"...protecting ironwood habitat in Pima County...". How would Pima County protections be any different from other protected status? Pima County already has slope and riparian ordinances for habitat protection.

p.vi:

"...we have selected several sites as priorities for new protection...". Who is "we" and what criteria used to "select"? How would "new protection" further what is already in place?

p.1 of "Primer":

"...most ecologically & economically important ..species". See above comment to refute this statement.

p.5:

"We encourage readers to send us their comments...". Is this the author's equivalent to a scientific peer review?

"...sole species....unique genus....". See above comment to invalidate this statement.

p.9:

"Table 1". Dimmit's study only looks at 1-decade of data, you cannot interpolate the data beyond that. Hardly long enough to make any conclusions about the physiology of ironwood.

p.14 & 15:

"Table 3". These findings are based on limited sampling. Some could question biased sampling techniques (i.e. "cut areas"). Also the methodology, interpretation of the data, and statistical accuracy must be peer reviewed before any conclusions can be drawn.

p.17:

"...ironwood canopy...3-4 times (inferred "better")...than mesquite or palo verde...". This statement is referenced as Tewksbury & Petrovich 1984. In researching this reference, it was first found to be 1994 not 1984. Further the original authors speculate that ironwood may be "unique amongst trees", but nowhere do the authors state that ironwood "3-4 times better".

"Recent studies.....". Referenced to Nobel 1980 has been refuted above.

p.22:

"Masked bobwhites also utilize ironwood habitat..". This is an unsubstantiated statement/conjecture. Masked bobwhite are indigenous to mesquite grassland habitats, not ironwood desert scrub.

"...ironwood as 1 of 6 ...focal species...". Credits Turner 1999 & Nabhan and Holdworth 1998. These references originate in a publication called the "Wildlands Project" which is a publication of a political activist group advocating the preservation of lands. There is no peer review or scientific recognition of this publication.

p.24:

"...survey sent to zoologists....". See comment on this unsubstantiated statement above.

p.25:

"Figure 6 & Table 6". See comments above.

p.39:

"....60%....400% overstocking.....". This statement is referenced to Aguirre-Murrieta 1994. This is an obscure document and in Spanish. I could not verify the authenticity of this "fact".

p.46-60:

"Ironwood Habitat Study". This is the "study" that supports much of the data presented in the "Primer". The methodology, results, and conclusions need to be peer reviewed. A set of duplicate plots need to be surveyed to ascertain if the results are statistically repeatable. From the author's description of the methodology it would appear that the plots were "skewed" to be centered on ironwood trees. To prove ironwood's superiority, the comparison ("random") plots should have been centered on mesquite, palo verde and acacia. The species "richness", etc. could then be evaluated on similar tree cover influences to determine if ironwood was really any different.

This analysis of the references cited in the "Primer" indicate that many of the conclusions and statements of "fact" are exaggerated or inaccurate. The "Primer" has not been peer reviewed, and therefore cannot be relied upon as a scientific document. Although ironwood can be accurately described as a "unique" ecosystem or habitat, the very same can be said of any ecosystem. The mere presence, or absence, of one dominate species or another should not be the prerequisite for deterring National Monument, or other "preservation" status. Further, our analysis of the density of the ironwood shows a far greater density in areas to the east of the proposed National Monument (see Ironwood Survey - attached).

S.A. Bengson
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#209

IRONWOOD SURVEYS

(1 chain X 10 chains = 1 ac.)
see appendix A for plot locations

Silver Bell Mine Area

Date:	Plot:	*Onte/ac.*	*Cemi/ac.*	Prju/ac.
5/24/00	1B	20	113	1
	1R	14	80	4
	avg.	*17*	*96.5*	*2.5*
	2B	32	73	0
	2R	36	105	0
	avg.	*34*	*89*	*0*
	3B	18	97	1
	3R	5	137	1
	avg.	*11.5*	*117*	*1*
	4B	8	55	1
	4R	13	50	2
	avg.	*10.5*	*52.5*	*1.5*
	5B	11	29	0
	5R	12	37	0
	avg.	*11.5*	*33*	*0*
	6B	12	60	0
	6R	6	53	0
	avg.	*9*	*56.5*	*0*
5/31/00	15B	35	64	1
	15R	34	56	0
	avg.	*34.5*	*60*	*0.5*
	16B	3	55	0
	16R	4	57	0
	avg.	*3.5*	*56*	*0*
	17B	0	71	0
	17R	0	65	0
	avg.	*0*	*68*	*0*
	18B	0	48	0
	18R	0	56	0
	avg.	*0*	*52*	*0*
	19B	16	49	0
	19R	19	41	0
	avg.	*17.5*	*45*	*0*
	20B	9	56	6
	20R	3	54	9
	avg.	*6*	*55*	*7.5*
	21B	8	36	1
	21R	19	42	1
	avg.	*13.5*	*39*	*1*
	22B	7	53	1
	22R	12	40	1
	avg.	*9.5*	*46.5*	*1*
	Avg:	***12.7***	***61.9***	***1.1***

Tangerine Road Area

Date:	Plot:	*Onte/ac.*	*Cemi/ac.*	*Prju/ac.*
5/26/00	7B	98	25	3
	7R	118	24	2
	avg.	*108*	*24.5*	*2.5*
	8B	118	32	4
	8R	85	25	8
	avg.	*101.5*	*28.5*	*6*
	9B	47	33	0
	9R	45	35	2
	avg.	*46*	*34*	*1*
	10B	90	14	6
	10R	105	28	5
	avg.	*97.5*	*21*	*5.5*
	11B	86	24	4
	11R	74	30	2
	avg.	*80*	*27*	*3*
	12B	97	10	13
	12R	102	8	13
	avg.	*99.5*	*9*	*13*
	13B	78	21	16
	13R	98	25	16
	avg.	*88*	*23*	*16*
	14B	7	27	7
	14R	15	25	9
	avg.	*11*	*26*	*8*
	Avg.	***78.9***	***24.1***	***6.9***

Onte = *Olneya tesota* (ironwood)

Cemi = *Cercidium microphyllum* (foothill or little leaf palo verde)

Prju = *Prosopsis juliflora* (velvet mesquite)

APPENDIX - A

Locations of Plots

(1-chain X 10-chains = 1-acre)

RAGGED TOP AREA:

Plots #1 - #3: NE 1/4 Sec.24 T.11S. R.9E. - turn SE off Sasco-Redrock Rd. onto Silver Bell Rd. 2.2 mi. - 0.1 mi. in towards Ragged Top on side track.

Plot #1 - head towards Ragged Top
Plot #2 - turn 90 deg. left of Ragged Top
Plot #3 - turn 90 deg. away from Ragged Top

Plots #4 - #6: Middle of Sec. 20 T.11 S. R.9E. - 2 mi. further on Silver Bell Rd. - heading off in opposite dir. away from Ragged Top.

Plot #4 - head N. away from Ragged Top
Plot #5 - turn 90 deg. towards the E.
Plot #6 - turn 90 deg. back towards the road (hit road @8 ch.X over road & continue)

TANGERINE ROAD AREA:

Plots #7 - #9: State Land along major power line corridor E. of I-10 & N. of Tangerine Rd.

Plot #7 - heading E. away from power lines.
Plot #8 - turn 90 deg. heading S.
Plot #9 - go back to other side of power line heading W.

Plots #10 - #11: Borrow pit area N. of Tangerine Rd. further E. of power lines.

Plot #10 - heading W. away from borrow pit.
Plot #11 - turn 90 deg. to N. (did 5 ch.-1/2 ac.-had to stop due to shooting in area) #'s X 2.

Plots #12 - #14: Just W. of electric sub-station near Dove Mnt. Rd.

Plot #12 - head W. of sub-station
Plot #13 - turn 90 deg. heading N.
Plot #14 - turn 90 deg. heading E.

SILVER BELL MINE AREA:

Plots #15 - #18: NE 1/4 Sec. 7 T.12S. R.8E.

Plot #15 - head in SW'erly dir. away from road
Plot #16 - turn 90 deg. heading SE'erly
Plot #17 - turn 90 deg. heading SW'erly
Plot #18 - turn 90 deg. heading NW'erly

Plots #19 - #22: NE 1/4 Sec. 13 T.11S. R.7E.

Plot #19 - heading NW'erly - cross over several washes
Plot #20 - turn 90 deg. heading W'erly - cross major wash
Plot #21 - turn 90 deg. heading E'erly - cross large wash
Plot #22 - turn 90 deg. heading SE'erly - on other side of road - cross large wash

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21 November 2000

Mr. David Harlow, Field Supervisor
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Dear Mr. Harlow,

Thank you for the opportunity to comment on the proposed Environmental Impact Statement for Pima County's Sonoran Desert Conservation Plan (SDCP). I write both as a member of the SDCP's Ranch Conservation Technical Advisory Team since its inception, and as an individual citizen who has been studying ranching, conservation and urbanization in southern Arizona for the past four years.

It is my understanding that the scoping process seeks input towards the development of criteria to be used in evaluating the issues and alternatives for the SDCP. The following are points I urge you to consider carefully in the scoping process. I limit my comments to the ranch conservation element of the SDCP, as that is the area of my expertise.

(1) Adequacy (or inadequacy) of biological information.

In evaluating alternatives for the SDCP, it must always be emphasized that our knowledge of the structures and processes that sustain native flora and fauna is far from complete. For many target species, basic data regarding range, habitat needs, and interactions with human activities are lacking. Professor William Shaw, Chair of the Science Technical Advisory Team, has expressed his opinion that basic vegetation data should be the highest priority for further research under the SDCP. Do not allow the elegance of GIS-generated maps to obscure the fact that their value is only as great as the quality of the data from which they are derived. *With the possible exception of a handful of target species, our biological-ecological knowledge is inadequate to support rigid, prescriptive management measures.* The SDCP must rely instead on adaptive management, combining further data collection with flexibility to modify management as our knowledge improves.

Failure to recognize the inadequacy of biological information has undermined conservation efforts to date, particularly in relation to listed endangered species and the putative effects of livestock grazing. In the case of the masked bobwhite quail, for example, scientists concluded in 1979 that they could learn no more without gaining control over grazing in reintroduction experiments. This negative conclusion was transmuted, in the political arena, into a positive assertion--*for which the Fish and Wildlife Service had no supporting data*--that removing cattle from the Buenos Aires Ranch would result in successful reintroduction of the masked bobwhite. Fifteen years after removing livestock, the viability of the masked bobwhite on the Buenos Aires is no more clear than it was then, and the role of other factors--drought, extremes of temperature, arroyo formation, and the range restoration practices carried out in the 1970s--appears, in retrospect, to have outweighed that of livestock grazing.

The Cactus Ferruginous Pygmy Owl is another example. Critical habitat was designated well ahead of adequate research, and subsequent surveys in Arizona and Mexico strongly suggest that grazing does not threaten the owl, even at very high stocking rates. Yet the perception persists--among environmentalists, ranchers, and Fish and Wildlife personnel--that regulation of grazing will have to increase in behalf of the owl. This is a purely political phenomenon, with no foundation in scientific fact. It serves only to create suspicion and antagonism, to the detriment of long-term conservation efforts.

(2) The high degree of variability of ecological processes in this region.

Rainfall is not only the principal limit on most ecological processes in arid and semiarid ecosystems such as Pima County's Sonoran desert and desert grasslands. It is also extremely variable over space and time, in both absolute quantities and ecological effects. Net primary productivity of rangelands in Pima County can vary by a factor of ten or even twenty from "good" years to "bad" ones. When rain falls can be more important than how much falls. This variability confounded much of range management in the region for many decades, and it continues to challenge conservation efforts aimed at endangered species. Especially for species at the edge of their ranges, variability of natural conditions may be expected to result in wide fluctuations in populations over time. *It is critical that natural variability not be confounded with anthropogenic factors in the analysis of population data.*

Ecological variability will have to figure prominently in the development of adaptive management plans for ranches participating in the SDCP. Good ranch managers have learned to be very flexible in their grazing management, changing the timing, intensity, and frequency of grazing in response to changing range conditions. Often this means cutting back on stocking rates during periods of drought and increasing again during periods of high forage productivity. The higher rates during good times are as necessary to the viability of the ranch as the lower rates during drought are to the viability of range resources. *There is no static "correct" stocking rate for these rangelands; carrying capacity varies from year to year and from ranch to ranch.* Official stocking rates are generally above what can be safely carried in the worst droughts, but well below what can be safely carried during good periods. Imposing a new, lower stocking rate in behalf of wildlife will endanger the viability of ranches without necessarily accomplishing anything for wildlife.

(3) Importance of a historical understanding of ranching, rangelands, and the resources they support.

There is no question that historic overgrazing between 1870 and 1934, especially during droughts, resulted in drastic damage to rangelands throughout the western United States, including in Pima County. Some indirect effects of this damage can still be seen today. But ranching today is structurally different from ranching at that time, and management has improved substantially. Stocking rates are less than half of what they were, and the timing, frequency, and intensity of grazing are much more carefully controlled. Livestock grazing is no longer the most significant disturbance that rangelands in the region experience.[1] *The SDCP should get beyond the simplistic notion that the presence or absence of cattle is determinative of habitat conditions for target species: the issue is not cattle* per se *but management.* This is true in riparian areas as well as uplands.

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[1] Guy R. McPherson and Jake F. Weltzin. Disturbance and Climate Change in United States/Mexico Borderland Plant Communities: A State-of-the-Knowledge Review. USDA-Forest Service Rocky Mountain Research Station General Technical Report RMRS-GTR-50, April 2000.

Grazing has been occurring on Pima County rangelands for more than a century, and its impacts are much less significant today than in the past. The native flora and fauna that exist on Pima County rangelands today have persisted through the earlier period and have demonstrated resistance or resilience to grazing. Indeed, it is quite possible that some species actually benefit from this land use. Any proposal to exclude livestock from areas that are currently grazed should be evaluated in light of this possibility, because livestock exclusion might itself represent a disturbance to status quo ecological processes.[2]

For the vast majority of target species, the greatest present threat is not continuation of status quo land uses but conversion to other uses: residential, commercial, recreational, etc. Land use conversion is, after all, the motivating force behind the SDCP. *In evaluating alternatives for the SDCP, presumption should be in favor of the status quo land use and against land use conversion.*

These historical caveats are even more crucial in light of the limited biological data available for most target species and the variability of natural conditions, mentioned above. We do not know how many pygmy owls, or willow flycatchers, or leopard frogs, were found in Pima County over the past century. Without longitudinal data, it is impossible to substantiate claims as to the effects of ongoing human activities on these and other species. Priority should be placed on thorough and consistent monitoring and data analysis *before* any prescriptive management guidelines are formulated.

These are further reasons why the SDCP should rely heavily on adaptive management, rather than prescriptive regulations. By and large, we do not know if present populations of target wildlife species are extant in spite of, or *because of,* historic human activities. Consequently, *more general goals of ecosystem functioning (improved watershed functioning, for example) should be stressed within programs of flexible, adaptive management.*

(4) Economic inter-relation of ranching and urbanization.

The conversion of ranch lands to suburban uses is driven by two factors: declining economic returns to livestock production and appreciating land values for *potential* real estate development. These two trends affect all of Pima County, even areas relatively remote from the Tucson metropolitan area.

On page 7 of the Preliminary Draft SDCP it is stated that: "Altar Valley, the Cienega Rincon area, and the Middle San Pedro watershed planning units do not have zoning in place that has generated large investment backed expectations in commercial or residential enterprise." This claim is misleading. The present zoning in these areas allows for one house per 4 acres, which represents the legal potential for a very large number of houses to be built. Present landowners, most of them ranchers, are fully cognizant of this fact, as are any creditors or underwriters who have lent (or may lend) them money. The market or equity value of these lands is already significantly greater than it would be if subdivision and residential development were not foreseeable, and much higher than can be economically justified by livestock production alone. Thus, while it is true that these lands are less expensive per acre than areas closer to Tucson, the SDCP must recognize that "investment backed expectations in...residential enterprise" are *already present, whether or not the present owner personally seeks to capitalize on them.*

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[2] Richard J. Hobbs and Laura F. Huenneke. Disturbance, Diversity, and Invasion: Implications for Conservation. *Conservation Biology* 6(3): 324-337. September 1992.

Ranch owners who have not subdivided their deeded lands have absorbed an opportunity cost to the benefit of open space and wildlife habitat values. Any sign that this forbearance may be punished--by regulatory or other means--will catalyze strong resistance among landowners and/or a rush to subdivide before equity values are lost. Some of the proposals contained in section VI (7) of the County Administrator's Memorandum, attached to the Preliminary Draft SDCP ("Modify Land Use Planning and Zoning Codes in the Unincorporated Area of Pima County"), risk provoking such a response. Down-zoning of ranchers' deeded acres will guarantee resistance and foreclose the possibility of effective cooperation between the County, the Fish and Wildlife Service, and the ranching community.

Fair, voluntary, market-value compensation for development rights on deeded ranch lands is imperative if the ranch conservation element of the SDCP is to succeed.

(5) Role of State Trust Lands in the economic viability of ranches in Pima County.

Most ranches in eastern Pima County rely for their economic viability on leases to graze State Trust Lands. Unlike most federal lands, State Trust Lands can be converted to commercial purposes and/or sold into private ownership. The possibility that leased State Trust Lands may be converted to other uses compels ranch owners to retain the development rights to their deeded lands, to secure their equity in the event that the State Trust Lands are converted, making the ranch no longer viable.

I commend the Preliminary Draft SDCP for recommending measures to secure longer-term tenure for State Trust Lands grazing lessees. Such measures are, however, outside the jurisdiction of Pima County to execute, and will thus require considerable political negotiation.

(6) Centrality of private lands and landowners to the success or failure of the SDCP.

For historical reasons, private lands in eastern Pima County tend to correspond with areas of greatest ecological and biological value. Ranch owners typically also manage much larger areas of adjacent State Trust or federal grazing lands. Consequently, the success or failure of the SDCP will hinge, in large measure, on decisions made by private landowners. *Alternatives for the SDCP should be crafted with the full and voluntary participation of private landowners. This participation should be sought before, not after, plan components are drafted.* This is particularly the case regarding ranch lands. It woud be a huge mistake to designate "preserve" or "reserve" lands for the SDCP--even on a provisional or "draft" basis--prior to meeting with the individuals who own and/or manage the designated lands. Such action would prompt distrust and significantly affect the prospects for effective implementation of the plan.

(7) Importance of *bona fide* negotiation and cooperation with ranch owners.

From the above points, it should be clear that negotiation and cooperation with ranch owners will be critical to effective development and implementation of the SDCP. This will be the case regardless of the "preferred alternative" for any given ranch: continued ranching with adaptive management for target species, sale of conservation easements or

development rights, outright sale for conservation purposes, etc. In such a situation, the importance of good faith interactions cannot be overstated. Trust must be established, cultivated and respected. This imperative has two further implications:

(a) *Timelines and deadlines cannot be imposed from the outside.* The desire to complete the SDCP by some arbitrarily selected date conflicts with the need to allow the process to evolve in a spirit of good faith and cooperation. It is unreasonable to expect landowners to make grave and irreversible decisions according to someone else's schedule. Rushing the process will be counter-productive.

(b) *The priorities and concerns of landowners must be recognized, understood, and integrated into the SDCP.* These range from current endangered species-related regulations (e.g., limitations on the use of fire, federal nexus issues related to ranch operations, critical habitat designations), to liability for the actions of undocumented aliens or law enforcement agencies, to planning and zoning. Landowner-generated goals and objectives for resource conditions (e.g., the Altar Valley Conservation Alliance's watershed action plan) should be embraced by the SDCP planning process.

(8) Diversity of ranchers and ranches.

Agricultural economists have observed that the study of ranching in the Southwest confronts a "double infinity": a tremendous diversity both of ecological conditions and of the socio-economic situations of individual ranchers.[3] The latter may be difficult for outsiders to see, but it is most certainly the case. Some ranches are paid off, others are not; some are owned by families with secure outside income, others are not; some make money most of the time, others lose money most of the time. Some ranch owners are in it for the investment opportunity, and others out of strong cultural, familial, and/or personal ties to ranching as a way of life. Ranchers (like everyone in our society) strongly resist measures that threaten their property values. But beyond that commonality, the SDCP should expect every rancher to have specific concerns, needs and ideas for the long-term conservation of his/her ranch. The planning process must be prepared for this diversity and responsive to it.

(9) Need for incentives-based mechanisms for wildlife and open space conservation.

Viewed as a whole, the SDCP will inevitably ask that ranchers commit their lands and their management to the preservation of open space and wildlife habitat *to compensate (or mitigate) for the damage done elsewhere by other landowners.* There is no reason to expect them to see this as an attractive deal, especially in light of the litigious origins of the SDCP itself. In addition to basic respect and good faith, ranch owners should be offered real and fair incentives to participate.

Incentives should be of (at least) two kinds: financial incentives for open space, habitat, and target species conservation, and regulatory incentives to facilitate ranch management and resource improvement. The latter should address, at the very least: fire, critical habitat designations, mesquite encroachment, arroyo formation, and Clean Water Act permitting issues.

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[3] John M. Fowler and James R. Gray. Rangeland economics in the arid West. pp.67-89 in Bruce A. Buchanan, ed. *Rangelands.* University of New Mexico Press. 1988.

Financial incentives are critical because the SDCP cannot succeed without these landowners' support and participation. They have the right to sell their private property, and powerful incentive to preserve its present equity value. In my experience, most of them want to continue ranching, now and into the future, here in Pima County. If this ambition evaporates, it will be replaced by a rational desire to sell to the highest bidder. By that time, the prospects for the SDCP will be slim.

The Endangered Species Act formalizes the public's property right in rare non-game wildlife and empowers the Fish and Wildlife Service to enforce it. To date, this enforcement has been largely punitive in nature, earning the distrust of the very landowners who have, intentionally or not, worked to manage large landscapes that still support functioning ecosystems and highly valued wildlife. The SDCP has the potential to reverse this distrust by linking conservation goals to the process that most seriously threatens Pima County's native flora and fauna: suburbanization. Mechanisms should be developed to convert the profits of land use conversion into funds to pay for the SDCP's ranch conservation measures.

Thank you again for this opportunity to participate in scoping for the SDCP EIS. I look forward to working with Pima County and the Service to realize genuine and just conservation.

Sincerely,

cc:
Chuck Huckelberry, Pima County Administrator
Tom Sheridan, Chair, Ranch Conservation Technical Advisory Team
William Shaw, Chair, Science Technical Advisory Team
Pat King, President, Altar Valley Conservation Alliance

LETTER

Sierrita Mining & Ranching Co.
HC 70 Box 4260
Sahuarita, AZ. 85629

Tuesday, November 21, 2000

US FISH AND WILDLIFE SERVICE
2321 WEST ROYAL PALM ROAD
SUITE 103
PHOENIX AZ 85021

ATTN: DAVID HARLOW, FIELD SUPERVISOR

We are pleased to be able to provide a response to a request for comment on the first draft of the Sonoran Desert Conservation Plan. Our area of concern is the Sierrita Mountains, which divide the Upper Santa Cruz and the Altar Valley watersheds. The members of the McGee Ranch community have owned and managed a significant portion of the Sierritas for over 100 years without interference. We believe our community will suffer culturally if we are dominated by county government. Our concerns and comments are as follows:

- The Sierritas have a highly diversified plant and animal community. We believe this is due to our ongoing development of water in the form of stock tanks and springs. The vegetation is in excellent condition due to good long-term range management practices. We are concerned that cattle are considered an undesirable exotic species. We do not believe this to be true. The presence of cattle in the Sierritas, have significantly improved the range both in wildlife diversity and plant community diversity. We also believe that the listing of any additional endangered species could impair our ability to continue the good management that we have employed over the past 100 years.

- Urban land use is a concern for us. The current zoning has been detrimental to providing for open space. We have been endeavoring to keep our community confined to a small portion of the ranch but the current zoning makes it difficult. There are too many barriers to up zoning, even when such action is preferable. Indiscriminate, across the board standards do not serve the needs of the rural communities that have already been

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NOV 24 2000
U.S. FISH & WILDLIFE SERVICE
ES STATE OFFICE-PHOENIX, AZ

established and we believe they are contributing to new "wildcat" subdivisions which require a lot size of 4.3 acres.

- Water resources are especially important to this community. Ranchers have historically impounded water in stock tanks and dams to water cattle. This has improved the health and diversity of local wildlife. We believe that the current practice of watering golf courses or any other large expanse of lawn or landscaping with groundwater is simply unacceptable. We would like to see some measure taken to ensure that this practice is ended.

- We support the multi-use concept of land management. Uses such as bird watching, hiking, and hunting have all been enjoyed in the Sierritas with little or no detrimental effects to flora or fauna. We do not believe in "preserves" or limiting access to the Sierrita Mountain range. We will not support a "hands-off" approach to conservation.

- We are concerned that the plan does not address the mineral resources of the Sonoran Desert. The Sierritas are very mineralized and Sierrita Mining & Ranching, along with others, holds valid claims to those minerals. We would like to see this issue addressed with protecting these interests in mind.

- Ranching is the most viable method of maintaining open space and wildlife diversity. Ranchers are dependent on State grazing leases. Without state leases ranchers will lose the ability to make a livable income and will be forced to sell off the pieces of land that they own. We believe that ranches should be allowed to continue as good stewards and not designate them as "preserves". We oppose changes in state legislation, which would impact a rancher's ability to use State Trust Land. We also oppose any acquisition of ranches by Pima County and would like to see language in place to keep Pima County from intruding in the management of ranches that they do not own.

- In general, the Sonoran Desert Conservation Plan is too aggressive and too expensive pertaining to preserving and purchasing lands. We feel it goes far beyond the minimum requirements set forth by the Endangered Species Act. While we acknowledge the need for a multi-species conservation plan, we do not want to see the county use this as an opportunity to assert their agenda of land acquisition and management.

We appreciate the opportunity to participate in the process and look forward to our continued involvement with the Sonoran Desert Conservation Plan.

Gary A. Fox
Partner

David L. Harris
Partner

Lynn C. Harris
Partner

Ph. 520-625-1204 Fax 520-625-3234
Lic. #138133 / 138132
E-mail smrco@aol.com

V. Letters Received from Real Estate, Development and Business Interests:

144. Arizona Electric Power Cooperative

145. Asta Planning and Zoning

146. Diamond Ventures

147. Metropolitan Pima Alliance

148. Southern Arizona Home Builders (November 22, 2000)

149. Southern Arizona Home Builders (December 29, 2000)

150. Stantec (November 21, 2000)

151. Stantec (December 29, 2000)

152. Tucson Association of Realtors (October 23, 2000)

153. Tucson Association of Realtors (December 29, 2000)

154. Vanguard Companies

155. Peter Vokac

156. Westland Resources for New World Homes (November 23, 2000)

157. Westland Resources for New World Homes (January 1, 2001)

Arizona Electric Power Cooperative, Inc.

P.O. Box 670 • Benson, Arizona 85602-0670 • Phone 520-586-3631

October 6, 2000

Mr. David Harlow, Field Supervisor
US Fish and Wildlife Service
2321 W. Royal Palm Road, Suite 103
Phoenix, AZ 85021

RE: COMMENTS ON THE ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE SONORAN DESERT CONSERVATION PLAN – PIMA COUNTY, ARIZONA

Dear Mr. Harlow:

Arizona Electric Power Cooperative, Inc. (AEPCO) provides electric services to residents of Pima County through our member cooperative, Trico Electric Cooperative, Inc. (TRICO). With this letter we are providing comments in response to the U.S. Fish and Wildlife Service (FWS) Federal Register notice dated September 7, 2000. This notice requested input regarding development of the issues and alternatives to be addressed in the EIS for the Sonoran Desert Conservation Plan (SDCP). As stakeholders in this process, AEPCO and TRICO are interested in ensuring that the EIS properly analyzes the impact that the SDCP will have on the local and regional community.

First, we would like to commend the on-going efforts of Pima County and all the cooperators working to develop the SDCP. We support the County's goal to preserve and protect the unique natural and cultural resources of the Sonoran Desert. Further, the extensive and detailed inventory of County resources that is the basis of the Plan will be an invaluable resource to all who have an interest in the future growth and development of Pima County. As the SDCP now begins to undergo federal review, we offer the following comments regarding the review process and content of the EIS:

- AEPCO notes that the comment period on the initial stage of development of the EIS closes only two weeks after the date of the public scoping meetings. Although the Federal Register Notice does provide for a 45-day scoping period in total, we believe it likely that the scoping meetings will act as the "prompt" for many to seriously consider the FWS's request for input into issues and alternatives associated with the proposed action. We understand that Pima County has held educational sessions on the SDCP for the community over the past several months, but this process is not part of the federal scoping process. The September 7, 2000, Federal Register Notice is the first opportunity for stakeholders to comment at the federal level. We are concerned that the FWS has not allowed appropriate time for issue and

A Touchstone Energy® Cooperative

alternatives identification on the front-end of this process in order to have the EIS comprehensively assess implementation of the SDCP.

- At the public scoping meeting on October 4, 2000, a list of issues for analysis in the EIS was presented to the audience. AEPCO is pleased that Utilities Rights-of-way will be included in the issues that will be addressed. It is important that the EIS evaluate the impacts to human health and welfare that could result from the potential reduction of utility corridor alternatives under the SDCP. From a natural resource perspective, consolidation of utility corridors is a preferable approach. However, electric service reliability can be severely compromised when utility equipment is required to be installed in a limited number of corridors and these corridors are affected by natural events such as storms or floods, or human-caused events such as aircraft or vehicle accidents. We would like the EIS to address the impacts to the health and welfare of the community if utilities are restricted from installing equipment in locations necessary to ensure grid reliability.

- Electric utility *delivery* projects are often small in scope and minor in their impact to natural resources. For example, AEPCO is currently in the permitting phase of a small substation located in northwest Tucson. We propose to impact only 3 out of 10 acres at the project site. Under normal conditions, this project could be considered a Categorical Exclusion under National Environmental Policy Act (NEPA) analysis. However, since the project is located in critical habitat for endangered species, the analysis and permitting process has caused a delay in construction and a subsequent impact to electric reliability in the local service area. AEPCO would like the analysis of alternatives to include alternatives that address the impacts of treating small utility projects as a separate class of impacts from larger and more comprehensive utility projects. This type of alternative will allow utilities to deliver services to local areas in a more timely manner than would be found under an alternative that treats all utility projects under one classification.

- The economic analysis of the impacts from the issuance of an incidental take permit(s) should address the impacts to utilities (and therefore their customers) from the additional time and funds that it will take in order to comply with the regulatory burden that will occur as a result of the implementation of the SDCP. Because development will be directed away from certain areas, utilities will be required to evaluate an increased number of alternatives to plans that provide the optimum reliability solution for the best financial investment. This impact should be defined in the EIS economic analysis.

- We understand that Pima County currently has no utility industry representation on the community steering committee for the SDCP. Please note that AEPCO and/or TRICO is willing to provide technical assistance regarding utility rights-of-way and delivery issues to both the FWS and Pima County as development and analysis of the SDCP continues.

As a stakeholder in the EIS development process, AEPCO thanks the FWS for the opportunity to express our concerns in this public forum. We look forward to continued participation in this process, as well as working with Pima County on their formulation of a land management plan that will benefit the natural resources and the community of Pima County. If you have any questions regarding these comments, please contact me at (520) 586-5158, or Teri McCaulou at (520) 586-5122.

Sincerely,

Kara M. Downey

Kara M. Downey, QEP
Manager of Environmental, Safety and Health Services

Via Certified Mail (RRR): Z 235 455 766

c/ Representative Jim Kolbe, District 5
Representative Ed Pastor, District 2
Chuck Huckelberry, Pima County Administrator
Marv Athey, TRICO
P. Cooper
B. Hewlett
D. Kimball
T. McCaulou
M. Saunders
File: NEPA, Reports, SDCP

ASTA PLANNING & ZONING CO.

Ron Asta

3661 N. Campbell Ave. PMB 108
Tucson, Arizona 85719-1527
Phone: (520) 319-0757
FAX: (520) 319-1757
e-mail: astapz@azstarnet.com

December 14, 2000

SONORAN DESERT CONSERVATION PLAN
Pima County Administrator's Office
130 W. Congress St.
Tucson, Az. 85701-1317

RE: **165 ACRES SW OF MISSION & AJO/ PARCELS #119-41-266D & 119-35-186**

This office represents the owners of the property referenced above located as shown on the map attached. We noticed that the original Sonoran Desert Conservation Plan (SDCP) draft of October 9, 1998 including this property on an exhibit for expansion of Tucson Mountain Park, the "jewel' of the County's open space system.

However, the current SDCP draft has not translated this expansion to the Sonoran Desert Plan itself. This letter then respectfully requests that this property be made an integral part of the Sonoran Desert Conservation Plan.

It is clear that the County has made a significant investment and commitment to this area south of Ajo Highway with its recent acquisition of the Rollings property to the west. We are proposing acquisition of these parcels as a nice complement to that commitment of Tucson Mountain Park's expansion south of Ajo.

These properties will add to the establishment of perpetually-protected biological linkages between Tucson Mountain Park and the Santa Cruz River Corridor. These properties will also add to the establishment of public access

linkages between Tucson Mountain Park and the Juan Bautista de Anza National Historic Trail. These linkages will reduce the likelihood that Tucson Mountain Park will become an isolated biological island surrounded by development.

You probably already know that this land we propose for your open space system contains a dense virgin stand of magnificent Saguaros as well as spectacular scenic resources including prominent peaks and ridges.

Finally, this property fronts on Mission Road as well as Ajo Highway assuring adequate public access to Tucson Mountain Park for both regional and neighboring citizens that will disperse uses throughout the Park to lessen cumulative user impacts on natural resources.

Thank you for your consideration and we are ready to meet with you at any time. The owners of parcels 119-35-174 & -175 also shown on the attached map have been represented in the past by Mr. James Matusiak, 795-7031. These owners have expressed serious interest in making their property a part of Tucson Mountain Park. Please feel free to call Mr. Matusiak. Acquisition of these parcels will further the goal of "linkage".

Sincerely,

Ron Asta

Ron Asta

cc: Jim Matusiak

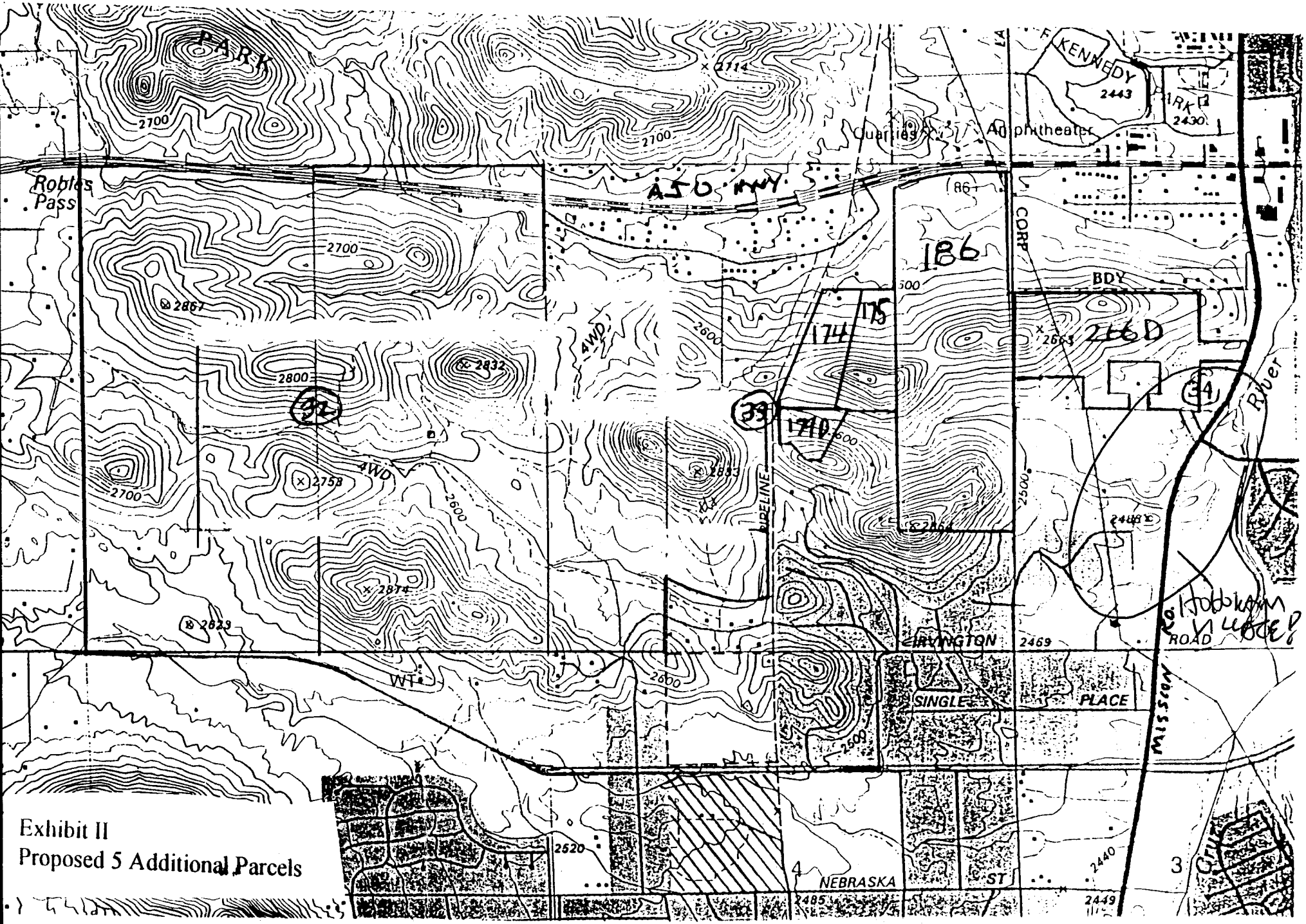

Exhibit II
Proposed 5 Additional Parcels

DIAMOND VENTURES INC.

♦ 2200 EAST RIVER ROAD
SUITE 115
TUCSON, AZ 85718-6586
520 / 577-0200
520 / 299-5602 FAX
E-MAIL: diamondventures@theriver.com

December 29, 2000

Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 West Congress, 10th Floor
Tucson, Arizona 85701

Re: Comments on the Preliminary Draft Sonoran Desert Conservation Plan

Dear Mr. Huckleberry:

Pursuant to your request for comment on the Preliminary Draft Sonoran Desert Conservation Plan, we offer the following comments. These comments have been prepared to identify shortcomings and needs that exist in the current preliminary draft to facilitate the successful resolution of the ambitious planning effort that has been embarked upon by the County. We look forward to your response to these comments as we proceed as a community through this planning and regulatory effort.

There is a real opportunity for the Sonoran Desert Conservation Plan process to serve as a vehicle to promote improved regional planning. To date, there has been significant criticism that Pima County has not formed a "partnership" with the cities and towns in Pima County in the currently ongoing planning process. We would urge Pima County to establish meaningful and mutually acceptable working relationships with all municipal jurisdictions within Pima County relative to the Sonoran Desert Conservation Plan planning process.

There are serious concerns that the Sonoran Desert Conservation Plan is being developed on a piece meal basis and in a planning vacuum. It is unfair and unreasonable to expect the community to provide well-informed and meaningful input to the conservation planning process without the benefit of knowing how our community is planning to grow in the future. In accordance with the Growing Smarter Act and the Growing Smarter Plus legislation all cities, towns and Pima County must update their respective General Plans. It would seem prudent to develop the Sonoran Desert Conservation Plan in coordination with and concurrent with the update of the General Plans in the region. This planning approach would efficiently use our government resources, convenience the citizenry and allow the community to understand the intricate interrelationships that exist between land use, infrastructure, fiscal policies, open space and the realistic attainment of our community conservation needs and goals.

The Preliminary Draft of the Sonoran Desert Conservation Plan, while promoting ambitious conservation and growth management goals, lacks much of the significant detail that would be required for successful implementation of a multi-species habitat conservation plan (MSHCP). Many fundamental questions remain unanswered, including:

- What kinds of activities will be covered by the SDCP?
- How does the SDCP affect landowners that have regulatory obligations under the ESA and require permits from USFWS?
- Who can participate in the SDCP and what are the requirements to participate?
- What are the costs associated with the adoption and implementation of the SDCP?
- How will the SDCP be funded?
- What costs will be borne by the regulated community?

- What long-term assurances does the SDCP provide to the regulated community?
- How will the SDCP, in a practical sense, simplify the permitting process with its "one-stop" permitting proposal?
- What purpose is served by proposing numerous new regulatory and impact fee proposals in the SDCP?

To date, the County has expended considerable effort and costs on the collection and synthesis of data, the formulation of plan elements, and implementation of a formalized public participation process. It is extremely troubling that many of the fundamental questions that must be answered in detail for the plan to be successful remain unanswered.

Specific comments on the SDCP are provided below.

1. The events that served as a catalyst for the County's pursuit of the SCDP was the listing of CFPO and the designation of CFPO critical habitat within Pima County. In this context, the fundamental purpose of the SDCP is to provide the community with the ability to effectively address the potential conflicts that arise between economic development and population growth and the conservation of endangered species in a comprehensive fashion and in a manner prescribed by the regulations of the Endangered Species Act. The current draft provides little guidance for the regulated community and it does not provide any relief or certainty for those landowners whose properties have been encumbered by designations of critical habitat.

2. The current draft of the SDCP does not acknowledge that the purpose for an HCP is to provide for the lawful "take" of a listed species, consistent with the conditions outlined by USFWS regulations. In fact, the Purpose and Need statement published by the USFWS in their Notice of Intent to prepare an EIS to evaluate the SDCP does not include any statements relating to the take of an endangered species (FR 65 No. 174, pg. 54296). The purpose for the 10a permit process should be acknowledged clearly within a purpose and need statement that guides preparation of the SDCP. Further, one of the clearly articulated goals of the SDCP should be to provide the regulated community with a more efficient and cost-effective solution to their compliance obligations under the Endangered Species Act (ESA).

3. The current draft of the plan appears to be more about growth management and less about compliance with ESA permitting obligations through the development of a habitat conservation plan. The SDCP contains many plan components that are completely outside the realm of habitat conservation planning such as:

- Creating a state-funding program to improve private and public dirt roads.
- Expansion of the impact fee authority to include other, non-conservation based services such as schools and police facilities.
- Creation of a State Lot Split Public Improvement Infrastructure Bank to finance lot split improvement districts, etc.

Many of these elements, while certainly having the potential to benefit our community, do not relate to the purpose and need for an HCP, are speculative, and require actions by governmental bodies that can not be required to take action, and thus jeopardize the plan's implementation and viability. We suggest that such elements be removed from the SDCP and be considered as we update the Pima County Comprehensive Plan.

4. Definition of the goals and objectives of the SDCP continue to be problematic and confound the scoping efforts initiated by the USFWS and Pima County. This excerpt from the NOI published by the USFWS clearly indicates that the SDCP is the HCP that the USFWS will be analyzing in its EIS.

> *"Pima County proposes to be an applicant for an incidental take permit, through development and implementation of the Sonoran Desert Conservation Plan (SDCP), which will serve as a habitat conservation plan, as required by the Act for issuance of an incidental take permit. The SDCP will provide the measures to minimize and mitigate the effects of the proposed taking on listed and sensitive species and the habitats upon which they depend."*

However, the executive summary of the October 2000 report published by the County and entitled "Overview of the Sonoran Desert Conservation Plan" refers to the SDCP as a larger planning effort in which a multi-species habitat conservation plan will be inserted. Specifically, it states:

> *"The most significant component of the SDCP would be a Multi-species Habitat Conservation Plan (MHCP) which would satisfy federal requirements."*

Clearly, this representation of the SDCP and a yet to be prepared MHCP is in conflict with the NOI published by the USFWS and raises fundamental questions regarding the actual scope of review for the USFWS EIS and the implementing authority for the various components of the SDCP.

5. The transportation elements of the plan described in the Memorandum to the Board have nothing to do with the purpose and need identified in the NOI or the conservation objectives outlined elsewhere in SDCP documentation. They raise serious questions in regard to the scope of the plan, the range of alternatives that may have to be considered within the EIS and the ability of the Service to require/enforce implementation of these elements if adopted as part of the final plan.

6. How does the County plan to address the formulation and evaluation of alternatives? The current scope of the EIS as defined by the purpose and need statement in the NOI and the County's preliminary plan is sufficiently broad as to make thorough development of alternatives required by NEPA difficult at best. Will the county prepare/review complete stand-alone alternative plans in addition to the No Action Alternative? The County's current view of alternatives as suggested in the summary of the Preliminary SDCP provided on page 60 of that document seems to suggest that the County plans to pursue its evaluation of alternatives in a manner that falls well below the standards required by the National Environmental Policy Act (NEPA).

Presentation of the plan with elements that can be meaningfully considered to stand alone for purposes of alternatives evaluation from other elements of the plan would enable effective plan development, alternative consideration, and public discussion and comment. Such independent elements could include Preserve Design, Development Constraints, Monitoring and Adaptive Management, Funding, etc. With clearly defined plan elements, alternatives to achieve the plans purpose and need could be readily developed and evaluated. This matrix approach to alternative

identification and evaluation has been effective in other complicated NEPA processes and would facilitate focused, effective public participation.

7. The County proposes sweeping regulatory reform through the establishment of "one-stop" permitting program. Unfortunately there is little in the way of specifics to address how this will be accomplished. What approvals will this process provide? Under what mechanisms will the various jurisdictions (federal, state, and local) coordinate their efforts? What guarantees exist that such permitting programs would be performed in a consistent and timely fashion? If the CWA Section 404 permit program is integrated into the SDCP regulatory process, how will changes in Corps' policies and procedures subsequent to the adoption of the SDCP affect individuals who have been granted permits under the SDCP? Will there be objective and standardized application of all requirements and standards? What are the costs of the "one-stop" permitting process? The current draft of the SDCP does not define what the mitigation requirements (= costs) will be for each of the various permits that will be integrated in to the "one-stop" permitting process.

8. The protection of historic and cultural resources is well established by Federal, State, and County Regulation. Under what authority is the Service evaluating this preservation element of the county's plan in the EIS? Under what authority would these preservation measures (which we anticipate would exceed the Section 106 compliance obligations of the Service) be implemented? Would these authorities supercede the requirements of Section 106 permitting as required for Corps permits? What role will the federal advisory council have in this process?

9. As evidenced by the County's recent difficulty in complying with the provisions of its Native Plant Preservation Ordinance (NPPO), the current NPPO is impractical and often impossible to implement when applied on the ground. How can the County seriously consider making the current standards even more stringent in regards to ironwood tree preservation? Would the County and other municipal participants in the planning process be forced to re-route roads and purchase additional rights-of-way to construct or expand our road system? Or, would the county be forced to completely abandon plans to expand existing roads because they cannot avoid impacts to ironwoods as small as eight inches in diameter?

While the importance of the ironwood within certain Sonoran Desert plant communities has been clearly identified, the AGFD has advised the regulated community on numerous occasions that ironwood trees, in and by themselves, do not seem to be a prerequisite for determining suitable CFPO habitat. The establishment of these punitive salvage requirements is not clearly linked to mitigating the impacts of development on the CFPO or any of the other priority vulnerable species identified in the County's plan.

10. The most significant ESA issues facing the County at the present moment are i) the listing of the cactus ferruginous pygmy-owl (CFPO) as endangered by the USFWS and the subsequent designation of critical habitat for the CFPO and ii) the listing of Pima Pineapple Cactus as an endangered species. Unfortunately, the County's current plan is largely silent as to the specifics of how these issues will be addressed. The plan lacks any specific recommendations for dealing with either the CFPO or the Pima Pineapple Cactus. More troubling is the Plan's apparent reliance on recommendations that will be forthcoming in the draft and final CFPO Recovery Plan being prepared by the USFWS. This recovery plan is currently being prepared outside of the public process prescribed by NEPA – how will this effort play into the Habitat Conservation Plan (HCP)/NEPA process? Are they even compatible except in the broad specific of establishing biological recovery objectives for the CFPO? Is the USFWS willing to integrate their recovery plan into the County's planning process and its NEPA review so that development standards and mitigation obligations are prepared in a public forum?

If the County plan adopts the current draft development standards that have been outlined in internal drafts of the Recovery Plan for CFPO,[1] the SDCP will have failed in one of its important objectives; it will not have reduced the regulatory burden on the regulated community. In fact, there may be nothing that distinguishes development practices and permitting under the SDCP from obtaining a permit from USFWS under Section 7 – suggesting that the money that has been spent to develop the SDCP-MSHCP need not have been spent.

11. Important data regarding the CFPO appears to be lacking in the current version of the plan. We understand from communication with the USFWS and AGFD that the first season of two planned seasons of survey for CFPO has been completed in Sonora, Mexico. These surveys were quite successful and in fact we were told that there were approximately 300 detections during this survey effort. These detections occurred throughout Sonora, from the southern portions of the State to the near International Border. We also understand from these conversations that there has been evidence of CFPO moving across the International Border – suggesting that the US and Mexican populations of CFPO are not distinct, isolated populations. This information is significant and should have tremendous influence on the formulation of the SDCP. We do not understand why it was not included in the preliminary draft of the SDCP.

12. The SDCP makes reference to five distinct population segments for the CFPO. Unfortunately no data is provided to indicate why these population segments are considered to be distinct from one another. This seemingly insignificant reference to the areas where CFPO have been detected has ecologically and economically important management implications. The Organ Pipe, Altar Valley, and Tohono population segments identified in the County's SDCP as distinct population segments are more reasonably considered a single unit. This is supported by the absence of any barriers that would preclude the movement of CFPO between these areas, the relatively large distances that dispersing CFPO can move,[2] and the seemingly large population in Mexico. Lacking any information to the contrary, other than land ownership differences, the identification of these three areas as distinct population segments is unreasonable and speculative. These three areas considered in the context of the initial survey data from Mexico make this region of the County a critical component for the management and conservation of the CFPO.

AGFD has reported that dispersing CFPO have moved from southern Pinal County into the Northwest Tucson area. Therefore, the identification of Pinal County and Northwest Tucson as distinct population segments also seems unwarranted and contrary to existing dispersal data.

13. The NOI refers to the authorization of "take" outside of proposed preserve boundaries. Is this reference based upon previous discussions between the USFWS and the County that are not part of the conservation elements presented in the preliminary draft of the SDCP? Given the lack of information regarding the levels of "Take" that will be authorized by the County Plan and who will be eligible to benefit from the Take Permit, this reference in the NOI is troubling. The NOI would seem to imply that if Critical Habitat Unit 4 is identified as a preserve area, the SDCP would not authorize any development activity within this Unit of Critical Habitat. In such an instance, the plan would not offer any relief to the regulated community who would be forced to seek authorization for use of their lands within preserve areas under Section 7 of the ESA.

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[1] The USFWS has repeatedly utilized the development standards and mitigation requirements outlined in the current draft of the recovery plan as the basis for establishing development restrictions and mitigation requirements during Section 7 consultation for individual project plans.

[2] The USFWS, in a number of the ongoing Section 7 consultations have indicated that the maximum dispersal distance for juvenile CFPO is 19 miles.

The utilization of hard preserve lines ("greenlining") to address the issues associated with authorizations for take, absent early and clear funding mechanisms, willing sellers, and defensible preserve boundaries is clearly problematic. Particularly, in light of the land use mosaic that exists in many of the Critical Habitat Units designated in Pima County.

14. Section 10(a)(2)(A) of the ESA requires that an incidental take permit shall not be issued unless the applicant submits a plan that contains the following: (i) the impact which will likely result from such taking; (ii) what steps the applicant will take to minimize and mitigate impacts, and the funding that will be available to implement such steps; (iii) what alternative actions to such taking the applicant considered and the reasons why such alternative actions are not being utilized; and (iv) other such matters the may be required as being necessary or appropriate for the plan. The plan, as it is currently conceived, does not satisfy any of these requirements. Until these significant issues are addressed, the SDCP cannot and will not satisfy the requirements of the ESA and the needs of our community.

15. The process outlined in the Sonoran Desert Conservation Concept Plan provided in the Preliminary Sonoran Desert Conservation Plan appears flawed and is lacking in important details in regard to development of the MSHCP. Notably absent is preparation of a draft EIS for public review and comment, preparation of a final EIS, and the USFWS obligation to complete an intra-agency section 7 consultation and the subsequent issuance of a Section 9 "take" permit for the activities proposed in the County's conservation plan.

The so-called fact-based recommendations and the interest-based recommendations identified in the process outline must be brought together much earlier to reflect the direction that the community wishes to embark upon. In fact, the integration of community values and the science that allows us to understand the implications of a plan based upon those values must occur prior to the publication of the draft EIS. This integrated plan then becomes the proposed action analyzed in the EIS for its impacts to the human environment and the issuance of the 10(a) permit.

16. The Built-Out And Committed Lands Map (referred to in the NOI through reference to the Preliminary SDCP) is in error when referring to the status of certain properties. We urge Pima County to verify the accuracy of all information and maps.

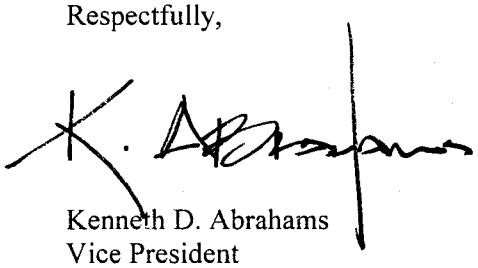
We urge Pima County to embrace a regional planning point view and to form working partnerships with all of the municipal corporations within Pima County and to consider the SDCP as an element in a fully integrated regional planning process that has been legislatively mandated. Surely, the successful implementation of the SDCP will ultimately depend upon reaching a broad based community consensus.

As we review the plan it becomes apparent that the SDCP, as conceptually presented in the preliminary draft, is a growth management tool, of the sort that was recently turned down by the voters of Arizona. It is not focused on the resolution of the ESA conflicts that exist in our community today. While clearly economic growth, population growth, and ESA conflict are often linked, existing regulatory and statutory constraints make the resolution of these issues in one overarching planning effort unlikely. In fact we fear that the opposite may be true, the sheer breadth of issues that are being addressed by the SDCP and the confused statutory authorities under which the SDCP would be initiated could be its very undoing. It may be time to separate the MSHCP from the rest of the SDCP so that it can move forward unencumbered by the

complex growth management issues that require changes in law, action by state government, establishment of regional transportation authorities, and the like.

We appreciate the opportunity to provide our comments on the preliminary draft SDCP and look forward to working with the County Staff and the USFWS to resolve these complicated issues. The successful resolution of these planning issues to the environmental and economic benefit of the community will require focused input from all segments of our community.

Respectfully,



Kenneth D. Abrahams
Vice President

Via Facsimile & U.S. Mail

cc: Donald Diamond

MPA Metropolitan Pima Alliance

P.O. Box 16233
Tucson, AZ 85732-6233
520-327-4210

www.metropimaalliance

December 27, 2000

C.H. Huckelberry
Pima County Administrator
130 West Congress Street, 10th Floor
Tucson, Arizona 85701-1317

Reference: Sonoran Desert Conservation Plan ("SDCP")

Dear Mr. Huckelberry:

We are taking this opportunity to offer constructive comments and suggestions to the approach you have laid out in your Memorandum of Submittal to the Pima County Board of Supervisors, dated September 26, 2000 concerning the draft SDCP. Simply put, the driving force behind the adoption of the Sonoran Desert Conservation Plan is that eastern Pima County will benefit greatly by obtaining a Section 10 permit under the Endangered Species Act. Any community consensus will be difficult, if not impossible, to maintain if all of the activities you have laid out remain in the SDCP. Many of these activities can be more appropriately addressed in the Comprehensive Plan (Attachment A) update so as to not detract from the Section 10 permit goal. We ask that those tasks specific to updating the Comprehensive Plan be dealt with separately.

For your consideration, we have attached a list of activities that logically fall within the effort to finalize the Sonoran Desert Conservation Plan along with a list of activities deemed more appropriate for Pima County to pursue in its quest to reorganize County departments and update its Comprehensive Plan. We ask that you review these lists and seek the counsel of the Steering Committee before deciding the future course of the effort to develop a final Sonoran Desert Conservation Plan.

Granted, your task as the County Administrator, is to develop sound public policy and that process must go beyond an exercise in reaching the lowest common denominator. We do not suggest, however, that Pima County should stop short of developing a full panoply of tools for responsible growth management. Quite the contrary, landowner and conservationist interests alike are better served with a full set of well-defined and uniformly applied policies. However, in order to protect the gains represented by the draft Sonoran Desert Conservation Plan, it is imperative that we address Section 10 issues in a process separate and apart from Pima County's effort to update its Comprehensive Plan. Otherwise, the hurdles facing Pima County's effort to reorganize

its departments and gain amendments to State legislation will undoubtedly delay and jeopardize our efforts to secure a Section 10 permit.

Sincerely,

Tim Terrill
Board Member
Metropolitan Pima Alliance

c. Supervisor Carroll
Supervisor Grijalva
Supervisor Boyd
Supervisor Eckstrom
Supervisor Bronson

ATTACHMENT A

I. SONORAN DESERT CONSERVATION PLAN ACTIVITIES

The introduction to the Draft Sonoran Desert Conservation Plan states its relationship to the Section 10 permit-activities as follows:

> This document discusses each of the elements of the Sonoran Desert Conservation Plan on an individual basis and in relation to one another. The draft Sonoran Desert Conservation Plan also discusses options for implementing the Section 10 permit process of the Endangered Species Act..."

Elements from the September 26, 2000 Memorandum to the Pima County Board of Supervisors which naturally fit in this category are listed below. In the past, work on each of these elements has been divided among the Cultural Resources Team, The Science Team and the Ranch Technical Advisory Team.

- Produce Preliminary Sonoran Desert Conservation Plan (Section VI, pg. 6)
- Increase Public Review and Informational Meetings (Section VI, pg. 7)
- Formulate Cooperative Planning Agreements (Section VI, pg. 7)
  - Bureau of Land Management
  - Environmental Protection Agency
  - National Parks Service
  - United States Air Force
  - United States Army Corps of Engineers
  - United States Forest Service
  - United States Fish and Wildlife Service
- Develop Regional multi-species Conservation Plan (Section VI, pg. 7)
- Coordinate Environmental Impact Statement (Section VI, pg. 7)
- Produce Adaptive Management Plan (Section VI, pg. 7)
- Develop Implementing Agreement (Section VI, pg. 7)
- Host Open House Meetings (Section VI, pg. 7)
- Create Reserve Design Alternatives (Section VI, pg. 7)
- Create Incentives for Conservation Easements (Section VI, pg. 10, ¶ F)
- Create State-wide Mitigation Bank (Section VI, pg. 10, ¶ G)

- Develop a Mitigation Scheme for Rezoned Critical Habitat (Section VI, pg. 11, ¶ 9. E)

UPDATED COMPREHENSIVE PLAN FOR PIMA COUNTY

The introduction to the draft Sonoran Desert Conservation Plan also anticipates the need for Pima County to update the Pima County Comprehensive plan. It states the following in relation to the draft plan:

The focus of the last two years has been on developing the factual basis for a natural and cultural resource protection plan. Urban issues can be as fully researched and quantified [sic] so that the Board is able to address the full spectrum of land use, fiscal and social equity issues as it considers adoption of the multi-species conservation plan in 2002. This can be accomplished by both initiating the Pima County comprehensive plan update and now beginning a similar process to protect our urban resources of people and the built environment.

Those elements falling within the County's "similar effort" to update its Comprehensive Plan and secure State legislation are:

- Direct changes in County Organizational Design to Implement Plan (Section VI, pg. 7)
    - Reorganize Parks and Recreation Department
    - Reorganize Flood Control District
    - Add nursery duties to Wastewater Management Department
    - Institute Youth Conservation Corps
    - Add coordination duties to Department of Environmental Quality
    - Increase planning staff at Development Services
- Initiate Major Comprehensive Plan Amendment (Section VI, pg. 8)
- Authorize Public/Private/Non-profit Research and Planning (Section VI, pg. 8)
- Modify Land Use Planning and Zoning Code (Section VI, pg. 9)
    - Defer upzoning and conditional use permits
    - Consolidate code provisions relating to environment
    - Amend Native Plant Ordinance
    - Expand Native Plant Ordinance
    - Amend Buffer Overlay Zone
    - Turfed acre limitations for new developments
    - Expand Historical and Archaeological protections

- Pursue New or Amended State Legislation (Section VI, pg. 10)
    - County authority to control lot splits
    - State-funded grants for dirt roads
    - Infrastructure financing bank
    - downzoning authority for counties
    - expanded impact fees
    - create real estate levy for open space
- Financing Local Implementation. (Section VI, pg. 11)
    - Transportation fee
    - Regional impact fee
    - Regional water conservation fee
    - General obligation bonds with electoral authority
- Major Development Endowment Funds (Section VI, pg. 12, ¶ F)

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Susan Bradford
<sahbasue@azstarnet
.com>

To: david_harlow@fws.gov
cc:
Subject: Pima County Sonoran Desert Conservation Plan

11/22/00 10:37 AM

DTW
Sherry

Mr. David Harlow
Field Supervisor
U.S. Fish and Wildlife Service

Dear Mr. Harlow:

Thank you for the opportunity to comment on the conservation alternatives
and issues to be addressed in the Pima County Incidental Take Permit EIS.

Members of SAHBA would like to see a strong economic growth alternative brought forward in the EIS. This alternative should detail Pima County becoming a larger center for clean industries including computers, engineering, aerospace, and education (university expansion, community college and technical school expansion, and other educational opportunities)
and how that can be done in a manner that accomplishes the goals of the incidental take permit. We would also like to see all aspects of the economic impacts of each alternative thoroughly discussed in the EIS, as

required by NEPA. This economic impact section needs to be a scientific

and meaningful analysis in contrast to that published by the Service in regard
to pygmy owl critical habitat.

As a major stake holder, SAHBA requests membership on the primary EIS team
and on any committees/subcommittees that are developed. I am sure that you
will find that SAHBA has unique expertise that will allow us to make significant
contributions to virtually all facets of this important document. Please make sure
that I am on all mailing lists and kept abreast of all dealings in regard to this EIS.

Sincerely,
Alan P. Lurie
Executive Vice President
Southern Arizona Home Builders Association
2840 N. Country Club Road
Tucson, AZ 85716
Tel: 520-795-5114
Fax: 520-326-8665
sahba@azstarnet.com

Comments on the Preliminary Draft Sonoran Desert Conservation Plan

Submitted by
The Southern Arizona Home Builders Association

December 29, 2000

Introduction

In response to a request from the Office of the Pima County Administrator, this document provides the comments of the Southern Arizona Home Builders Association ("SAHBA") on the draft *Preliminary Sonoran Desert Conservation Plan* dated September 2000 ("SDCP"). SAHBA appreciates this opportunity to submit comments on the SDCP, and looks forward to the County's response to all comments made by interested parties. It is regrettable, however, that the SDCP did not provide a meaningful opportunity for public comment.

SAHBA had been advised that the SDCP planners were compiling and synthesizing a wealth of information, from which would emerge a slate of innovative and ambitious conservation goals. With this in mind, we reviewed the SDCP with the intent of informing our members as to the progress and contents of the plan, and drawing on their expertise and experience to provide the County with our comments. We began our review with a basic set of questions, the answers to which would be important for each one of our members. Those questions included the following:

1. What is the SDCP's relationship with the Endangered Species Act ("ESA") requirements for the protection of the cactus ferruginous pygmy owl ("CFPO")?
2. How does the SDCP change the regulatory landscape?
3. What kinds of activities will be covered by the SDCP?
4. How will the SDCP be implemented and by whom?
5. What are the basic requirements for participation in the SDCP?
6. What are the costs associated with the adoption and implementation of the SDCP, and how are those costs allocated?
7. How will implementation of the SDCP be funded?
8. What costs will be borne by SAHBA members?
9. What are the benefits of participation for SAHBA members?
10. What long-term assurances are provided to the regulated community by the SDCP?

We reviewed the SDCP and found that it did indeed contain an ambitious slate of goals for revolutionizing Pima County's approach to conservation and growth management. We also discovered that the answers to the foregoing ten questions were nowhere to be found.

A considerable amount of human and financial resources have been expended on the development of the SDCP over the past two years, and the plan continues to make progress through the ESA and NEPA processes. Yet SAHBA finds it utterly amazing — not to mention alarming — that the SDCP remains largely silent on bedrock issues relating to funding and implementation. We are hopeful that SAHBA, as well as the others affected members of the regulated community, can provide the County with whatever assistance it requires as it sharpens its focus on these critical issues.

Comments

I. The goals of the SDCP need to be reconciled with the regulatory basis for its implementation.

The impetus for the SDCP was the desire to restore a measure of regulatory stability to Pima County by implementing a coordinated approach to ESA compliance in the wake of the uncertainty and controversy arising from the listing of the Arizona population of the cactus ferruginous pygmy owl ("CFPO") and the subsequent designation of critical habitat for the species. However, a review of the September 2000 draft of the SDCP reveals that the goals of the plan go far beyond the subject matter and jurisdictional limits of the ESA. The SDCP attempts to address a series of broad issues and stands to affect a myriad of others, including, but not limited to the following:

- growth management;
- transportation;
- water quality and restoration of riparian areas;
- water rights;
- archeological, cultural and historic resources;
- preservation of open space and parks;
- housing, and;
- provision of basic public services.

Even in the area of wildlife conservation, many of the "priority vulnerable species" identified for protection by the SDCP are presently not listed as endangered or threatened under the ESA or state law or even considered "candidates" for listing. Nevertheless, as it was when the concept was introduced two years ago, the foundation of the SDCP today remains embedded in the ESA. There can be little doubt that the proposed ESA regional habitat conservation plan ("RHCP") is the legal and regulatory linchpin of the entire SDCP. With this comment, SAHBA does not take the position that conservation objectives unrelated to the requirements of the ESA cannot be addressed in some way by a regional conservation plan. To the contrary, SAHBA believes that on an overall basis, the goals of the SDCP are laudable and commends the County for this landmark effort. However, SAHBA urges the County to be mindful of the fact that the ESA was never intended to serve as the basis for regional growth

management and conservation planning. At present, the SDCP appears to use the ESA (and to some extent, other federal environmental regulations) as a stalking horse to advance conservation initiatives that are beyond the scope of ESA regulation.

The SDCP fails to identify the extent to which its proposed conservation measures are designed to meet the statutory requirements for obtaining the RHCP. Furthermore, the SDCP does not address (and in some cases does not even acknowledge) the relationship between several of its conservation goals and the existing state or federal regulatory systems that are in place to protect those resources. For example, the requirements of the National Historic Preservation Act and related state laws are virtually ignored by the SDCP. Given that one of the stated goals of the SDCP is to provide regulatory certainty for all affected parties, one of the first tasks of the planning process should have been to establish a clearly defined regulatory baseline that identifies the jurisdictional limits of each existing regulatory program affecting growth and conservation in Pima County. That baseline would provide a sound basis from which to set reasonable, attainable short-term goals, while enabling the County to develop a stronger foundation for the fundamental changes in the regulatory approach to growth, conservation and economic development that are represented by the goals of the SDCP.

Instead, the SDCP — in very general, non-specific terms — refers to significant statutory and regulatory change on both the local and state levels without a clear understanding of the regulatory baseline. Moreover, one is left with the impression that some of these changes are required in order to achieve compliance with the ESA, which leads SAHBA to conclude that the County has misconstrued the ESA as well as the extent of FWS's jurisdiction. SAHBA believes that the SDCP should be clear not only with respect to which components of the plan are required to comply with the minimum requirements of the ESA, but also with respect to the limitations of the ESA (and FWS) as a means to achieve the conservation and growth management goals of the SDCP.

Establishment of the regulatory baseline could begin with a detailed analysis of other federal and state regulatory programs that are currently in place, including (but not limited to) the NPDES stormwater permitting program under Section 402 of the Clean Water Act ("CWA") (administered by the EPA); the CWA Section 404 program (administered by the Corps of Engineers); Section 106 of the National Historic Preservation Act; the Arizona Native Plant Act (administered by State Department of Agriculture and Horticulture). The effectiveness and limitations of various existing land use and resource protection programs implemented by the affected local jurisdictions should then be analyzed in light of their relationship to federal and state law.

Presently, however, the SDCP planning process continues to move forward amidst continuing uncertainty and confusion that can hinder the progress of the plan in a number of ways. Consider the following:

- Valuable resources are expended to set conservation goals without regard to (a) the legal limitations of existing regulatory programs as a means of achieving those goals, and (b) the degree of difficulty involved in making whatever changes are needed or desired, which may involve the establishment of entirely new regulatory systems, including the establishment of intergovernmental coordination and cooperation on an unprecedented scale.

- Given the uncertainty surrounding how the SDCP will be implemented, the regulated community and other regulatory bodies, whose cooperation and participation is essential to the success of the plan, are essentially being asked to make a leap of faith.

- Under the current draft of the SDCP, the regulated community must bear most of the cost for its implementation, yet it remains uninformed as to the ultimate effect of the SDCP on its activities.

II. The SDCP fails to adequately address critical issues relating to plan implementation and funding.

A. Economic Considerations and Consequences

Given the lofty ambitions of the SDCP, the lack of information upon which to base an economic analysis of the plan is a major cause for concern. From an economic standpoint, SAHBA's review of the SDCP yielded only one fact: implementation of the plan is likely to be extremely expensive. The time and attention that has been devoted to the gathering and synthesis of scientific data is certainly understandable. Nevertheless, SAHBA believes that that the financial means by which the County intends to achieve the goals of the SDCP — as well as the potential consequences of the plan for the region's economy — should receive equal consideration as the process moves forward.

Thus far, the SDCP fails to identify even in general terms the cost of implementation and lacks a discernible strategy for establishing a basic funding structure. Moreover, while the County has stated that the SDCP can be both a "cornerstone of conservation as well as economic expansion," it appears that the economic consequences of the SDCP have thus far been given little or no consideration. SAHBA looks forward to the development of a body of information regarding the financial viability of the SDCP, and offers the following issues and concerns for the County's consideration:

- Five of the six potential "revenue enhancement programs" identified in a September 26 memorandum from the County Administrator to the Board of Supervisors would either directly or indirectly impact SAHBA's members, yet little or no detail is offered as to how these programs would be structured or implemented. These programs include mitigation payments, various water and transportation impact fees and major development endowment funds. In addition, other costs associated with adopting sweeping regulatory changes would be borne by SAHBA members, such as posting cultural resource assurance bonds and increased costs of compliance.

- The SDCP should identify how revenue generated from various fees and mitigation payments will be allocated among the plan's conservation initiatives, specifically with respect to the allocation of funds to meet mitigation obligations under the proposed RHCP.

- The SDCP refers to the possibility of lowering certain ad valorem tax rates to encourage the preservation of open space. While SAHBA is certainly not unconditionally opposed to property tax cuts, the County should nevertheless carefully consider how the loss of ad valorem tax revenue will be made up, especially in light of the heavy revenue burden likely to be associated with the implementation of the SDCP.

- SAHBA is opposed to the specific targeting of properties for preserve acquisition or the imposition of more stringent development regulations. Drawing lines on a map tends to have a "greenlining" effect that has negatively affected property values in other areas around the nation. Nevertheless, to the extent that lines will be drawn to identify desired preserve areas or growth control zones, SAHBA believes that such decisions should not be made without the benefit of input from the regulated community. If specific lines are to be drawn, SAHBA requests the County to identify the committee, board, or group that will recommend the designations, and further identify the members of that body.

- The SDCP contemplates the adoption of broad, major regulatory changes that, if imposed, may interfere with the legitimate investment-backed expectations of landowners, potentially including some SAHBA members.

Based on the foregoing, SAHBA is concerned that a disproportionate share of the cost burden associated with the plan's implementation will be borne by SAHBA members and the business community in general. SAHBA is especially concerned about the impact of this burden on the cost of housing in one of the most rapidly-growing regions in the nation. SAHBA implores the County to consider carefully the potential consequences of shifting a significant portion of the cost burden for implementation of the SDCP to the regulated community. As

the county supervisor stated in his September 26, 2000, memorandum regarding the SDCP to the Pima County Board of Supervisors:

> Through seven terms of Boards of Supervisors growth has been debated. Debate ranged from whether there should be no growth, or whether it should be controlled, managed, encouraged, or now "smarter." The only constant during this period has been the absolute, continued population expansion of Pima County by on average of 15,000 persons per year. The debate is not about whether or not we will grow. It is about how we grow. Good, thoughtful advance planning is essential to sustaining economic expansion.

As the providers of housing to the growing population of Pima County, SAHBA members are an absolutely vital part of the effort to achieve sustained economic expansion. As residents of Pima County and the Sonoran Desert region, SAHBA members are also concerned about the future of our landscape and natural resources. Let us be clear: SAHBA believes that the goals of conservation and economic expansion are compatible and can and must be pursued jointly.

B. Consequences for the Permitting Process

One of the stated primary goals of the SDCP has been the creation of a stable, efficient "one-stop" permitting process for parties who require approvals from multiple jurisdictions largely due to the regulation of development activities under the ESA. Presently, the SDCP provides only very general statements regarding how this objective will be met. Given the inherent difficulties associated with creating a combined permitting process involving federal, state and local regulatory systems, SAHBA hopes that the SDCP planning effort will soon focus on several unresolved issues relating to permitting programs and procedures. The following is a partial list of issues that are presently either unresolved or not addressed altogether in the SDCP:

- The breadth of regulatory approvals (federal, state and local) that may be obtained by participation in the SDCP;
- The legal relationship between the ESA and non-ESA related programs and approvals covered by the SDCP and how the various permitting jurisdictions will be coordinated;
- Basic qualifications for participating in the SDCP;

- Whether pursuit of individual ESA permits will be an option for projects who elect not to participate in the SDCP, and the impact of such an election on the ability to obtain other required development permits in a timely fashion;

- Methodology for determining level of "take" for individual projects as well as the level of take anticipated under the SDCP as a whole for the purposes of the ESA Section 10(a) authorization, and;

- Mitigation requirements, including methodology for determining amount and allocation of fees, use restrictions or acquisition/dedication of additional land.

C. Regulatory Certainty and Assurances

SAHBA is also concerned about the potential durability of permits or approvals that would be obtained under a unified SDCP permitting process. Given the significant level of mitigation that seems to be contemplated by the SDCP, SAHBA believes that the SDCP should endeavor to provide its participants with a high level of long-term assurances that additional mitigation or further use restrictions will not be imposed in the event of changed circumstances beyond the participant's control. For example, if a SAHBA member obtains a suite of approvals through the SDCP, then how will changes to the SDCP mandated by FWS affect the member's existing approvals?

III. The SDCP does not provide a meaningful opportunity to comment on the "most significant component" of the plan — the RHCP.

A. Relationship of the RHCP Component to the Broader Goals of the SDCP

Curiously the RHCP element of the plan is somewhat marginalized in the current version of the SDCP, which in spite of its heft fails to satisfy the basic requirements for submittal of a habitat conservation plan pursuant to Section 10(a) of the ESA. The RHCP component is overshadowed by several conservation initiatives that are beyond the scope of ESA regulation. Nevertheless, there seems to be little doubt that the Section 10(a) RHCP will be the legal backbone of the entire SDCP.

Some of the questions raised by our comments can perhaps be resolved by clarifying the relationship between the actual RHCP that is being considered for approval by FWS and the other non-ESA related elements of the SDCP. FWS recently published a notice of intent ("NOI") to prepare an Environmental Impact Statement ("EIS") relating to the SDCP, which stated that the SDCP itself would "serve as a habitat conservation plan, as required by the [ESA] for issuance of an incidental take permit" (65 Fed. Reg. 54295, Sept. 7, 2000). However, the

"Overview of the Sonoran Desert Conservation Plan," released by the County in October 2000, indicates that the SDCP is a broad-based plan of which the RHCP is considered to be a component that will be incorporated upon approval by FWS. Indeed, the Overview recognizes that the RHCP is the "most significant component" of the SDCP.

In light of the significance of the RHCP element to the overall SDCP effort, and the lack of detailed information regarding the RHCP in the draft plan that was released for public comment, SAHBA respectfully requests that the County address and respond to the following questions and comments:

1. SAHBA understands that the recommendations contained in the final CFPO Recovery Plan, which is currently being developed by a team of experts assembled by FWS, will be incorporated into the SDCP. The Recovery Plan is being written virtually in secret, and the process is exempted from the Federal Freedom of Information Act. Given the importance of the Recovery Team's deliberations, and the extent to which the County apparently intends to rely on the eventual Recovery Plan in the development of the RHCP, would the County support a request to FWS to open the Recovery Team's proceedings and allow the public an opportunity to comment on drafts of the Recovery Plan?

2. In a September 26, 2000 memorandum to the County Board of Supervisors, the county administrator made the following statement: "It is now anticipated that an adopted, legally, federally implementable [SDCP], which includes a multi-species conservation plan element, will be adoptable by the Board in the fall of 2002." Please explain the significance of the phrase "federally implementable" in light of the fact that the SDCP currently contains various conservation initiatives which cannot be required under the ESA.

B. <u>The SDCP presently does not satisfy the ESA's requirements for submittal of a habitat conservation plan</u>.

Since the RHCP is the key element of the SDCP, SAHBA believes that future drafts should contain significantly more detail regarding how the plan will satisfy the ESA's requirements for approval of the RHCP and issuance of an incidental take permit. Section 10(a)(2)(A) of the ESA stipulates that an incidental take permit shall not be issued by FWS unless the applicant submits a plan which specifies the following:

(i) the impact which will likely result from such taking;
(ii) what steps the applicant will take to minimize and mitigate impacts, and the funding that will be available to implement such steps;

(iii) what alternative actions to such taking the applicant considered and the reasons why such alternative actions are not being utilized; and

(iv) other such measures that may be required as being necessary or appropriate for the plan.

At present, the SDCP does not contain sufficient information to satisfy any of these four criteria. The most critical piece of missing information relates to the level of activity that will be authorized through plan participation. Until conceptual limitations on the utility of the plan to authorize development activity are established, impact of anticipated take cannot be assessed, appropriate mitigation measures cannot be designed, and mechanisms to fund those mitigation measures cannot be developed. In sum, the SDCP cannot begin to satisfy the legal prerequisites for issuance of an RHCP permit until the difficult regulatory issues referenced throughout these comments are addressed in detail. As a representative of a segment of the regulated community that is certain to be significantly affected by the adoption and implementation of the SDCP, SAHBA looks forward to working with Pima County to address these important issues.

Conclusion

SAHBA's comments are not intended to minimize the contributions of those who have worked to assemble the SDCP's impressive background regarding our region's natural resources. Nevertheless, SAHBA believes that it is time to sharpen the focus on critical issues relating to plan implementation, coordinating complex regulatory systems, and funding. These are the issues that will determine whether or not a regional conservation planning effort will succeed or fail.

Please respond to:
Alan P. Lurie
Executive Vice President
Southern Arizona Home Builders Association
520-795-5114
sahba@azstarnet.com

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Stantec

21 November 2000
File: 85099010

Tel: 602-640-2720
Fax: 602-640-2730
david_harlow@fws.gov

Mr. David Harlow
U.S. Fish & Wildlife Service
2321 West Royal Palm Road, Suite 1
Phoenix, AZ 85021

Reference: Pima County Incidental Take Permit EIS

Dear Mr. Harlow:

I appreciate the opportunity to comment on the alternatives and issues to be addressed in the Pima County Incidental Take Permit EIS.

As an employee of a major consulting firm, Stantec, with approximately 400 employees in our Tucson and Phoenix offices in Arizona, and as a member of the scientific community representing several hundred landowners in Pima County, I would like to be involved in all aspects of the EIS.

I recommend a range of alternatives that includes species that could potentially be listed within the next 20 or more years, as well as those already listed and proposed for listing. The Service often has information about population trends that project into the future. That information should be used for a comprehensive analysis of potential listings.

Buildings

Environment

Industrial

Management Systems

Transportation

Urban Land

An important issue that I feel should be carried through the entire document in detail is that of the actual benefits to each species, both locally and globally. Because there is an enormous cost associated with this EIS and the ensuing permit actions, the public should be able to clearly see significant direct tangible benefits to the species addressed in the permit. The public also needs to be aware of all costs, direct, indirect, and cumulative.

On behalf of Stantec and as a member of the scientific community, I am requesting membership on the stakeholder team and any other primary EIS teams developed as well as membership on any committees/subcommittees that are formed.

RECEIVED
NOV 22 2000
U.S. FISH & WILDLIFE SERVICE
ES STATE OFFICE PHOENIX, AZ

Reference: Pima County Incidental Take Permit EIS

Please make sure that my name is placed on all mailing lists and that I am kept informed of all meetings and documents relating to this EIS.

Sincerely,

STANTEC CONSULTING INC.

Mary E. Darling, MS, JD
Senior Biologist
mdarling@stantec.com

md T:\Admin\5528\med\harlow letter.doc

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stantec.com

Stantec

29 December 2000

Charles H. Huckelberry
Pima County Administrator
130 West Congress Street, 11th Floor
Tucson, AZ 85701-1332

Reference: Sonoran Desert Conservation Plan Comments

Dear Mr. Huckelberry:

Our comments on the Preliminary Sonoran Desert Conservation Plan are two-fold. First, Pima County is to be congratulated on all of the hard work and progress represented by the Preliminary Sonoran Desert Conservation Plan. The dedication of your staff and the efforts of the Steering Committee members are quite evident not only in the Preliminary Plan itself but also in the compilation of the numerous supporting studies.

Our second comment runs to the means of financing those components of the Plan aimed at preserving open space and providing wildlife habitat. Never in the history of Pima County has such an aggressive and comprehensive plan been put forward. If the Plan is to succeed in recognizable form, great care must be taken to ensure that lands are targeted for acquisition in order of their importance to the Plan and that sufficient funds are available for the acquisition of those lands. Fortunately, there is a great commonality of interest between the private sector development interests and the interests of the preservationists in devising a workable funding mechanism. This commonality of interests can best be demonstrated by comparing the "No Action Alternative" to the "Coordinated Activities Alternative" set forth below.

Buildings
Environment
Industrial
Management Systems
Transportation
Urban Land

No Action Alternative. Under the No Action Alternative, Pima County fails to obtain a Section 10 permit under the Endangered Species Act (ESA). Accordingly, development in the unincorporated areas of Pima County proceeds on the strength of Section 7 permits for individual development projects and developers continue to acquire "mitigation lands" as required by the United States Fish & Wildlife Service(USFWS). Assume, for example, that the development community will need to acquire 100,000 acres of "mitigation acres" over the course of time in order to meet USFWS requirements. Some of the expected results of the No Action Alternative are:

1. Accidental Benefit. 100,000 acres of open space has been acquired by developers. The development community, however, has no economic interest in the acquisition of lands for parks, historic sites, continued ranching

Reference: Sonoran Desert Conservation Plan Comments

operations or wildlife corridors. Consequently, many opportunities to create synergy have been lost.

2. Checkerboard Mitigation Lands. Some portion of the 100,000 acres may coincidentally overlap with Pima County's goals of preserving open space, ranch lands, etc. Lacking any coordinated effort between the County and the development community, however, the lion's share of the 100,000 acres is characterized by a hodge-podge of small holdings scattered about the county in checkerboard fashion. Moreover, the price of lands acquired by Pima County and the price of lands acquired by developers have both increased due to both sectors competing in the market place for the same land.

3. Transactional Costs. Costs to the development community are greater under the No Action Alternative because there is no program in place to minimize the transactional costs. That is, each acquisition of mitigation lands is separately negotiated between buyer and seller; each transaction generates delays due to negotiations; each transaction generates closing costs and legal fees; each transaction involves one-on-one negotiations between the developer and the USFWS over the extent of mitigation lands required and the acceptability of mitigation lands proposed for acquisition; and, the developer in each transaction must reach agreement with some entity to hold title to the property and accept responsibility for maintenance of the mitigation lands post-acquisition.

Coordinated Effort Activities Alternative. Under the Coordinated Activities Alternative, Pima County succeeds in obtaining a Section 10 Permit under ESA. The development community thus reaps the immediate benefit of "knowing what the rules are" before making an investment in land. More benefits flow to each party through coordinated efforts. Some of the possibilities are outlined below:

1. Mitigation Bank/Incentive for Pima County. Pima County creates a "mitigation bank" with the hope of attracting investment dollars from the economic community. That is, Pima County negotiates the purchase of land which will further one or more goals of the Sonoran Desert Conservation Plan and offers "shares" of that investment to the development community. In turn, the development community directs funds it would otherwise have invested in the 100,000 acres of mitigation lands (under the No Action Alternative) to Pima County. An example illustrating the utility of mitigation banking would be a hypothetical ranch comprised of 150,000 acres, with two-thirds of that ranch (100,000 acres) qualifying as mitigation land. The ranch also has a headquarters with historical value, mountains suitable for parks and a stretch of riparian area providing a wildlife corridor between adjacent uplands.

2. Mitigation Bank/Incentive for Development Community. By purchasing shares from the mitigation bank, the development community incurs less transactional costs in satisfying the mitigation requirement. Additional benefits include the certainty that its mitigation lands investment will qualify for

Reference: Sonoran Desert Conservation Plan Comments

mitigation purposes (assuming a reasonable level of cooperation by the USFWS) and freedom from long term maintenance obligations.

3. Allocation of Costs. In this example not all of the acreage acquired by Pima County qualifies for mitigation purposes. Theoretically, some portion of the costs could be formally allocated to Parks and Recreation, some to Historical Preservation, some to mitigation, etc. In practical reality, however, there is no reason to believe that in-depth appraisals and economic studies would produce any better result for Pima County than would the free market. Individual developers, knowing the perils and uncertainties of negotiating private deals for the acquisition of mitigation land, will be fully motivated to compete for "shares" from the mitigation bank. Considering the costs developers would otherwise incur in obtaining mitigation lands, Pima County might well profit from its investment if the free market is allowed to function.

While the concept of mitigation banking is still in its infancy and a great deal of work remains, the benefits to be obtained justify the effort that it will take to implement the bank. We look forward to working with your staff on that effort.

Sincerely,

STANTEC CONSULTING INC.

By: _____

For: Tim Terrill
Mary Darling
Brad Brown

c. Supervisor Carroll
Supervisor Grijalva
Supervisor Day
Supervisor Eckstrom
Supervisor Bronson

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October 23, 2000

David Harlow, Field Supervisor
US FWS
2321 W. Royal Palm Road, Suite 103
Phoenix, AZ 85021-4951

Sent Via FAX: 602/640-2730

Dear Mr. Harlow:

On behalf of the Tucson Association of REALTORS®, I would like to express our support for the issuance of a Section 10 permit to Pima County and other surrounding jurisdictions.

We are confident your EIS will find that issuance of a Section 10 permit will enhance the ability of a community to work to protect species, one or more, while still allowing development and other land use activities to take place.

We ask that your EIS look at the following issues:

- Local economic conditions
- The affect on the local tax base
- How affordable housing will be impacted
- Effects on the ranching and grazing community
- Local transportation issues, especially roads planned but not yet under construction
- Land uses in the area
- Comprehensive Plans in the area

Although we have not developed a comprehensive list of issues that should be addressed, these are some of the most important issues that we believe will affect our community. Again, we express our support for issuance of a Section 10 permit as we believe it allows communities to go forward with plans yet still affords maximum protection to a species by encouraging smart, responsible development and land use. We believe the Sonoran Desert Conservation Plan will serve as a model for habitat and species conservation planning and are actively working with the County to achieve this goal.

Please feel free to contact me if you have any questions.

Sincerely,

Patricia V. Richardson
Government Affairs Vice President

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December 29, 2000

Chuck Huckelberry, County Administrator
Pima County Board of Supervisors
130 W. Congress, 10th Floor
Tucson, AZ 85701

RE: Comments on the Draft Sonoran Desert Conservation Plan

Dear Mr. Huckelberry:

The Tucson Association of REALTORS® would like to take this opportunity to provide our comments on the Draft Sonoran Desert Conservation Plan. We recognize the time and effort that has been put into this document and have been pleased to participate in the process to date.

Let us first say that we support the concept that has developed the SDCP so far. We have long supported the idea of managed growth that balances private property rights with the needs of the community.

Keeping in mind those ideals, we have reviewed the SDCP. It is our understanding the original purpose of the SDCP was to develop a multi-species conservation plan that would meet the requirements of the Endangered Species Act in order to obtain a Section 10 permit. We support obtaining such a permit as it will provide stability in this area for the benefit of all the community. We do have concerns that the SDCP, as drafted, is far too encompassing to be a manageable plan. Much of the SDCP focuses on changes applicable to the Comprehensive Plan. While integration of these two plans will be vital to the overall success of the SDCP, we believe the current draft may detract from the primary goal of achieving a Section 10 permit.

Some of our specific concerns are:

- The strict limitations on rezonings in designated areas, without substantial protection of at least 65% of the resources and substantial set asides for habitat and open space. There is no definition of what "substantial protection" means – is it a total restriction of development? How are the resources defined? How was the 65% number reached? Do we have documentation from other communities to know that this is the right percentage? Such a large percentage of a landowner's property *required* to be set aside may have a significant impact on the rights of a property owner. This proposal needs much further clarification and input, particularly from those property owners that would be affected.

- The increase in "preservation in place" requirements may drastically restrict private property rights. Blanket prohibitions on tree removals could have the effect of a regulatory taking on economic value of a parcel. Being able to develop your land is a fundamental right of property ownership. Are such drastic measures needed? Do we know that what is currently in place is not sufficient?

- The basic infrastructure requirements for lot splits takes away what may be viewed as a fundamental right of property ownership. The Tucson Association of REALTORS® understands the concerns brought about by "wildcat" subdivisions, but to subject every lot split to public

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infrastructure requirements takes away choice and the ideals of the American Dream. The proposal of a "state lot split public improvement infrastructure bank" is certainly an idea worth exploring to help alleviate the issues brought on by unregulated development and we are happy to assist in that exploration.

- While we support water conservation goals, mandatory plumbing retrofit requirements must be carefully looked at before any serious consideration of implementation. Such retrofit requirements may be very costly and adversely affect homeowners as well as potential purchasers.

We do not support some of the funding mechanisms suggested by the SDCP, particularly any funding mechanism that has only a few paying for the benefit of all. The transfer tax to fund land acquisition and conservation activities is an unfair tax placed only upon those that buy or sell property. Use of funds paid by a few to benefit the community is fundamentally unfair and inequitable. If this community desires more open space and is willing to have the burdens of supporting needed services spread upon fewer property owners because there is less land on the tax rolls, then the community overall should fund the necessary resources. Transfer taxes artificially influence the housing market and often times affect housing affordability for those that can least afford to be affected. There are many other funding sources that should be looked at including a sales tax. Perhaps a state wide voluntary source could be explored such as is currently being done to support schools.

Impact fees are again like a transfer tax, a burden placed on a few. We question the effectiveness of the current impact fees and don't believe they accomplish the goals. Likewise, regional impact fees need to be carefully scrutinized to see if the burden placed on the few is willingly born for the many that will benefit.

The mitigation payments and major development endowment funds are two more sources of funding that need much further study. Are these just more taxes in disguise? How was the size of 320 acres for the major development fee determined? Is this just another way of stopping development or will there be true benefits to the community that must pay them?

We support creating incentives for property owners to develop and use their land in an environmentally sound manner. We also support those goals that encourage consolidation of ordinances and departments, making it easier for everyone involved to understand the rules of the game and get through the process. We do not support more government dictating expensive policies that infringe on the constitutional right to own, use and enjoy privately held land.

As a matter of overall perception, the SDCP, as it has been presented, tells us where land and resources must be protected but gives no guidance or direction as to where development should and can occur, nor does it address what this community may view as desirable development and growth. It should more pointedly focus on its purpose – achieving a Section 10 permit. The ancillary issues of land development and managed growth should be dealt with in the Comprehensive Plan and the two used together.

We appreciate the opportunity to participate in the development of the Sonoran Desert Conservation Plan and will continue to keep the dialogue open as we all struggle with the best ways to manage our growing community.

Sincerely,

Patricia V. Richardson

Patricia V. Richardson
Senior Vice President, Administration and Government Affairs

cc: Pima County Board of Supervisors
Gary E. Doran, CEO

Vanguard Companies
4055 East River Road
Tucson AZ 85718
520/615-9300 Phone
520/615-9333 Fax

DTW 4/21
Sherry

November 20, 2000

Via Fax Only to 1/602/640-2730

David L. Harlow,
Field Supervisor
U.S. Fish & Wildlife Services
2321 West Royal Palm Road, #103
Phoenix AZ 85021

Re: AESO/SE
Your Memorandum of 10/24/00 to Interested Parties
Comment Period for Scoping of an Environmental Impact Statement

Dear Mr. Harlow:

In light of the fact that Pima County's Sonoran Desert Conservation Plan (SDCP) has been in process for the past 2 years and is not planned for completion until another 2 years from now, **what can we do as a community, and what can I do as a developer and member of the SDCP Steering Committee, over the next two years to mitigate the costs and time of complying with the Endangered Species Act?**

Individual owl surveys and individual permits (such as 404 permits) to satisfy other federal agencies are costly, time consuming, and in many cases the end result is not economically, socially or otherwise justified.

Finally, I wholeheartedly endorse a great deal of the content of Jonathan DuHamel's earlier comment letter to you, especially his statement that the **primary focus of the SDCP should be to comply with the Endangered Species Act** and his point that unilateral government changes in the use of private property are most objectionable.

Thank you for your consideration of these comments.

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Yours truly,

Michael Ahmet

cc: Leslie A. Dierauf - U.S. Fish & Wildlife, Albuquerque – 1/505/248-6788 fax
Paul Fromer - Recon Consultants, San Diego – 1/619-291-4165 fax
Lori Jones Woods - Recon Consultants, Tucson 322-6956 fax
Maveen Behan - Pima County Administrator's Office, Tucson – 740-817[illegible] fax

COMMUNITY DEVELOPMENT ADVISOR

PETER R. VOKAC

2439 W.VIA DI SILVIO TUCSON, AZ 85741 PH/FAX:520/297-3016

in partnership with ASTA PLANNING AND ZONING, Ron Asta ph: 319-0757

December 29, 2000

SONORAN DESERT CONSERVATION PLAN Fax: 740-8171
Pima County Administrator's Office
130 W. Congress
Tucson, Az. 85701-1317

Re: 165 ac. urban park land on SW side, a potential Tucson landmark

Parcel No.	Section	Township	Range	Zoning	Acreage	
119-41-266D	34	14S	13E	LIU 3.0	49.99	
119-35-186	33	14S	13E	RT	114.96	

1/4 mile south and west of the Ajo/Mission Rd intersection this L-shaped site includes the south facing slopes of the southeasternmost ridges of the Tucson Mountains.

The slopes of crumbled Quartenary lava are thick with healthy stands of Saguaro. The site includes an Ice Age valley and five distinctive peaks. Its boundaries abut Ajo on the north and Mission Rd. on the east.

Contemporary residents of the area report animals using the site as a corridor between the mountains and the West Branch of the Santa Cruz which is immediately east of Mission Road at that place.

Near Mission Rd. the 165-acre site abuts an undeveloped 50-acre parcel on the south that is known to local archeologists as "The West Branch Site," a Hohokam pottery-making village that has been dated to 960-1040 CE, exactly a thousand years ago. Distinctive pottery made in that village is found all over southern Arizona and even as far north as Anasazi communities near Flagstaff.

The village lacks a ball court, but it has besides its historical manufacturing facilities, an elegant pit house, sporting a white plaster floor. That Hohokam village in its time is not unlike Tucson itself, a proud but modest manufacturing center.

The main site, the two parcels named above, has immediate access to both Ajo and Mission roads, with flat parking space in both areas. It would be an ideal "urban park," a place where open space is introduced to people who haven't the time or the means either to drive or to walk great distances, people with families, people with infirmities, and people who want a couple of hours respite from busy city life. As a natural urban park it would be unique in Tucson.

I have walked the area extensively and I can report that it is beautiful to behold, but extremely difficult to hike. Loose rocks discourage cross-country hiking. This is an ideal feature to protect the park from the ravages of human population. Unlike most nature parks, foot traffic in this one will be naturally restricted to authorized trails without the necessity for signs and barricades.

I have run some engineering plots for trails on the site, restricting them to 8% grades so as to accommodate handicapped visitors. All of the peaks on the site can be reached by switchback trails having this gentle grade. The view of Tucson and the surrounding mountains from the peaks is wonderful. It would be an inspiration to anyone and everyone who might spend a not too strenuous hour "conquering" the slopes via a gentle park trail.

Please put this unique 165-acre site into the Sonoran Desert Conservation Plan. It has the potential to be a Tucson landmark.

Sincerely yours,

Peter Vokac,
Community Development Advisor

WestLand Resources, Inc.
Engineering and Environmental Consultants

November 22, 2000

Mr. David Harlow, Field Supervisor
U.S. FISH & WILDLIFE SERVICE
2321 W. Royal Palm Road, Suite 103
Phoenix, Arizona 85021

Dear Mr. Harlow:

On behalf of myself and my client, New World Homes, I am submitting the following comments regarding the U.S. Fish & Wildlife Service's (USFWS; Service) Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) related to the Sonoran Desert Conservation Plan (SDCP). We look forward to working with the Service and Pima County as they move forward in this process to a successful conclusion.

1. The purpose and need identified in the NOI for the EIS and the SDCP as published in the Federal Register (FR) notice is provided below:

> *The purpose of and need for the EIS and proposed SDCP are: (1) to ensure the long-term survival of the full spectrum of plants and animals that are indigenous to Pima County, through maintaining or improving the habitat conditions and ecosystems necessary for their survival; and, (2) to provide the framework for a combination of actions to protect and enhance the natural environment through comprehensive, long-range planning.* (FR 65 No. 174, pg. 54296).

This Purpose and Need statement does not include any statements relating to the take of an endangered species (FR 65 No. 174, pg. 54296). The lawful take of a listed species, consistent with the conditions outlined by USFWS regulations, is the purpose for the 10a permit process and should be acknowledged clearly within the purpose and need statement that will guide preparation of the EIS. One of the clearly articulated goals of the SDCP should be to provide the regulated community with a more efficient and cost-effective solution to their compliance obligations under the Endangered Species Act (ESA).

2. The only substantive information the public has in regards to the County proposal is the current draft of the plan – the Preliminary Sonoran Desert Conservation Plan, September 2000 and attached Board of Supervisors Memorandum. However, based upon review of this information, the plan is lacking in important elements, including, but not necessarily limited to:

- Anticipated levels of take,
- The nature of authorizations that will be provided by participation in the SDCP,
- Funding structure and mechanism and its relationship to conservation requirements, and
- Preserve acquisition methodology.

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3. The current draft of the plan contains a number of elements that are completely outside the realm of habitat conservation planning such as:

   - Creating a state-funding program to improve private and public dirt roads.
   - Expansion of the impact fee authority to include other, non-conservation based services such as schools and police facilities.
   - Creation of a State Lot Split Public Improvement Infrastructure Bank to finance lot split improvement districts, etc.

   Many of these elements, while certainly having the potential to benefit our community, do not relate to the purpose and need for an HCP, are speculative, and require actions by bodies that can not be required to take action, and thus jeopardize the plan's implementation and viability.

4. The transportation elements of the plan described in the Memorandum to the Board have nothing to do with the purpose and need identified in the NOI or the conservation objectives outlined elsewhere in SDCP documentation. They raise serious questions in regard to the scope of the plan, the range of alternatives that may have to be considered within the EIS, and the ability of the Service to require/enforce implementation of these elements if adopted as part of the final plan.

5. How does the Service plan to address the formulation and evaluation of alternatives? The current scope of the EIS as defined by the purpose and need statement in the NOI and the County's preliminary plan is sufficiently broad as to make thorough development of alternatives difficult at best. Will the Service prepare/review complete stand-alone alternative plans in addition to the No Action Alternative? Or, will the Service break down the plan into key elements such as Preserve Design, Development Constraints, Monitoring and Adaptive Management, Funding, etc. and then develop and evaluate alternatives for these discrete plan elements? This matrix approach to alternative identification and evaluation has been effective in other complicated National Environmental Policy Act (NEPA) processes and would facilitate focused, effective public participation.

6. The protection of historic and cultural resources is well established by Federal, State, and County Regulation. Under what authority is the Service evaluating this preservation element of the county's plan in the EIS? Under what authority would these preservation measures (which we anticipate would exceed the Section 106 compliance obligations of the Service) be implemented?

7. The most significant ESA issue facing the County at the present moment is the listing of the cactus ferruginous pygmy-owl (CFPO) and the designation of critical habitat for the CFPO and the conflicts that have arisen as a result. The County's current plan is largely silent as to the specifics of how this issue will be addressed. More troubling is the Plan's apparent reliance on recommendations that will be forthcoming in the draft and final CFPO Recovery Plan being prepared by the USFWS. This recovery plan is currently being prepared outside of the public process prescribed by NEPA – how will this effort play into the Habitat Conservation Plan

(HCP)/NEPA process? Are they even compatible except in the broad specific of establishing biological recovery objectives for the CFPO?

8. Definition of the goals and objectives of the SDCP continue to be problematic and confound the scoping effort initiated by the USFWS. This excerpt from the NOI published by the USFWS clearly indicates that the SDCP is the HCP that the USFWS will be analyzing in its EIS.

> *"Pima County proposes to be an applicant for an incidental take permit, through development and implementation of the Sonoran Desert Conservation Plan (SDCP), which will serve as a habitat conservation plan, as required by the Act for issuance of an incidental take permit. The SDCP will provide the measures to minimize and mitigate the effects of the proposed taking on listed and sensitive species and the habitats upon which they depend."*

However, the executive summary of the October 2000 report published by the County and entitled "Overview of the Sonoran Desert Conservation Plan" refers to the SDCP as if it is a larger planning effort in which a multi-species habitat conservation plan will be inserted. Specifically, it states:

> *"The most significant component of the SDCP would be a Multi-species Habitat Conservation Plan (MHCP) which would satisfy federal requirements"*

Clearly, this representation of the SDCP and a yet to be prepared MHCP is in conflict with the NOI and raises fundamental questions regarding the actual scope of review for this EIS.

9. The Built-Out And Committed Lands Map (referred to in the NOI through reference to the Preliminary SDCP) is in error when referring to the status of at least one of the properties owned by New World Homes and also to one of the adjacent properties. These properties are shown as being zoned at less than 0.3 RAC when in fact they are currently zoned for development in excess of 4 RAC.

10. The NOI refers to the authorization of take outside of proposed preserve boundaries. The utilization of hard preserve lines ("greenlining") to address the issues associated with authorizations for take, absent early and clear funding mechanisms, willing sellers, and defensible preserve boundaries is clearly problematic. Particularly, in light of the land use mosaic that occurs in many of the Critical Habitat Units designated in Pima County. For example, the NOI would seem to imply that if Critical Habitat Unit 4 is identified as a preserve area, the SDCP would not authorize any development activity within this Unit of Critical Habitat. In such an instance, the plan would not offer any relief to the regulated community.

We will be preparing more specific comments on the Preliminary SDCP for submittal to the County. We appreciate your consideration of these comments and we look forward to working with the Service, Pima County, and other interested parties as this HCP/NEPA process proceeds.

Respectfully,
WestLand Resources, Inc.

James A. Tress, Jr.
Principal

JAT:jc
cc: Terry Klinger, New World Homes

WestLand Resources, Inc.

Memo

To: Pima County Board of Supervisors
Attn: Mr. Chuck Huckleberry
130 West Congress, 10th Floor
Tucson, Arizona 85701

From: Jim Tress, WestLand Resources, Inc.

CC: Terry Klinger, New World Homes

Date: January 1, 2001

Re: COMMENTS ON THE PRELIMINARY DRAFT SONORAN DESERT CONSERVATION PLAN ON BEHALF OF NEW WORLD HOMES

In response to your request for comment on the Preliminary Draft Sonoran Desert Conservation Plan (SDCP) we offer the following on behalf of New World Homes. These comments have been prepared to constructively assist you and your staff in the successful resolution of this ambitious planning effort. We look forward to your response to these comments. Specific comments on the Preliminary Draft SDCP are provided below.

1. The preliminary draft of the SDCP, while promoting ambitious conservation and growth management goals, lacks much of the significant detail that would be required for successful implementation of a multi-species habitat conservation plan (MSHCP). Many fundamental questions remain unanswered, including:

- What kinds of activities will be covered by the SDCP?
- How does the SDCP affect landowners that have regulatory obligations under the ESA and require permits from the USFWS?
- Who can participate in the SDCP and what are the requirements to participate?
- What are the costs associated with the adoption and implementation of the SDCP?
- How will the SDCP be funded?
- What costs will be borne by the regulated community?
- What long-term assurances does the SDCP provide to the regulated community?

- How will the SDCP, in a practical sense, simplify the permitting process with its "one-stop" permitting proposal?

Without this information, the current draft provides little guidance for the regulated community and it does not provide any relief or certainty for those landowners whose properties have been encumbered by designations of critical habitat. Without this information, one of the fundamental purposes of the SDCP, to provide the community with the ability to effectively address the conflicts that exist between continued population growth and the conservation of endangered species, remains unresolved.

2. The current draft of the plan appears to be more about growth management and less about compliance with ESA permitting obligations through the development of a habitat conservation plan. The SDCP contains many plan components that are completely outside the realm of habitat conservation planning such as:

- Creating a state-funding program to improve private and public dirt roads.
- Expansion of the impact fee authority to include other, non-conservation based services such as schools and police facilities.
- Creation of a State Lot Split Public Improvement Infrastructure Bank to finance lot split improvement districts, etc.

Many of these elements, while certainly having the potential to benefit our community, do not relate to the purpose and need for an HCP and require actions by governmental bodies that can not be required to take action, thus jeopardizing the plan's implementation and viability.

3. The SDCP appears to inappropriately rely on future recommendations that may arise from the CFPO Recovery Plan. If the SDCP utilizes development standards similar to those that have been outlined in internal drafts of the CFPO Recovery Plan, there would be little that distinguishes development practices and permitting under the adopted SDCP from what would occur under Section 7 consultation with the USFWS on a project by project basis.[1] The establishment of development restrictions and other conservation measures are the rightful province of a Habitat Conservation Plan, such as the SDCP, not a recovery plan. The County should work with the USFWS to ensure

[1] The USFWS has repeatedly used the development standards and mitigation requirements outlined in the current draft of the recovery plan as the basis for establishing development restrictions and mitigation requirements during Section 7 consultation for individual project plans.

that the recovery plan does not preclude development of conservation measures by the SDCP that reflect the values of the community, the best available scientific information regarding CFPO and CFPO conservation, and the realities of the local economy.

4. The NOI published by USFWS refers to the authorization of "take" outside of proposed preserve boundaries. Is this reference based upon previous discussions between the USFWS and the County that are not part of the conservation elements presented in the preliminary draft of the SDCP? Given the lack of information regarding the levels of "Take" that will be authorized by the County Plan and who will be eligible to benefit from the Take Permit, this reference in the NOI is troubling.

This reference in the NOI would seem to imply that if Critical Habitat Unit 4 is identified as a preserve area; the SDCP would not authorize any development activity within this Unit of Critical Habitat. In such an instance, the plan would not offer any relief to land owners within the boundaries of Critical Habitat who would be forced to seek authorization for use of their lands within preserve areas under individual Section 7 consultations.

The utilization of hard preserve lines ("greenlining") to address the issues associated with authorizations for take, absent early and clear funding mechanisms, willing sellers, and defensible preserve boundaries is clearly problematic. Particularly, in light of the land use mosaic that exists in many of the Critical Habitat Units designated by the USFWS in Pima County.

5. The County proposes sweeping regulatory reform through the establishment of "one-stop" permitting program. We support this effort. Unfortunately there is little in the way of specifics to address how this will be accomplished and what benefits/impacts it will have on the regulated community. What approvals will this process provide? Under what mechanisms will the various jurisdictions (federal, state, and local) coordinate their efforts? For example, if the CWA Section 404 Permit Program is integrated into the SDCP regulatory process how will future changes in Corps policies and procedures subsequent to the adoption of the SDCP affect individuals who have been granted permits under the SDCP? What are the costs of the "one-stop" permitting process?

6. Important data regarding the CFPO appears to be lacking in the current version of the plan. We understand from discussions with the USFWS and AGFD that the first season of two planned seasons of survey for CFPO has been completed in Sonora,

Mexico. These surveys were quite successful. Approximately 300 CFPO were detected during this first survey effort. These detections occurred throughout Sonora, from the southern portions of the State to the near the International Border. We also understand that there has been evidence of CFPO moving across the International Border – indicating that the US and Mexican populations of CFPO are not distinct, isolated populations. This information is significant and should have tremendous influence on the formulation of the SDCP.

7. The SDCP refers to five distinct population segments for the CFPO. Unfortunately, no data are provided to indicate why these population segments are considered distinct from one another. This seemingly insignificant reference to the areas where CFPO have been detected has ecologically and economically important management implications. The Organ Pipe, Altar Valley, and Tohono population segments identified in the County's SDCP as distinct population segments are more reasonably considered a single unit. This conclusion is supported by the absence of any barriers that would preclude the movement of CFPO between these areas, the relatively large distances that dispersing CFPO can move,[2] and the seemingly large population in Mexico. Lacking any information to the contrary, other than land ownership differences, the identification of these three areas as distinct population segments is unreasonable and speculative. These three areas considered in the context of the 2000 survey data from Mexico make this region of Pima County a critical component for the management and conservation of the CFPO.

The identification of Pinal County and Northwest Tucson as distinct population segments also seems unwarranted and contrary to existing data. AGFD has reported that dispersing CFPO have moved between southern Pinal County and the Northwest Tucson area, demonstrating the connectivity between these two areas.

8. While the importance of the ironwood within certain Sonoran Desert plant communities has been clearly identified, AGFD has advised the regulated community on numerous occasions that ironwood trees, in and of themselves, do not seem to be a prerequisite for determining suitable CFPO habitat. The establishment of overly restrictive ironwood salvage requirements does not mitigate for the impacts of development on the CFPO or any of the other listed species identified in the County's plan.

2 The USFWS, in a number of the ongoing Section 7 consultations have indicated that the maximum dispersal distance for juvenile CFPO is 19 miles.

In the absence of clear benefit to CFPO or other listed species, why is the County considering making the current standards even more stringent? These restrictions as part of the MSHCP would seemingly force the County and other municipal participants in the planning process to re-rout new roadway alignments, purchase additional rights-of-way, and even abandon plans to expand existing roads needed to meet current and future traffic demands because they cannot avoid impacts to ironwoods larger than eight inches in diameter. Again, all of this without clear benefit to the listed species targeted in the SDCP.

10. The Built-Out And Committed Lands Map provided in the SDCP is in error when referring to the status of at least one of the properties owned by New World Homes and also to one of the adjacent properties. These properties are shown as being zoned at less than 0.3 RAC when in fact they are currently zoned for development in excess of 4 RAC.

We understand that the extensive body of baseline data compiled by the County in its GIS database is the basis upon which the County plan will be prepared. Careful verification of all of the data in the County's GIS database should be a critical step of the County's planning process. As indicated by the disclaimer provided on each of the GIS products in the preliminary draft SDCP, we presume that this step is still to be completed.

11. Section 10(a)(2)(A) of the ESA requires that an incidental take permit shall not be issued unless the applicant submits a plan the contains the following:

(i) The impact which will likely result from such taking;
(ii) What steps the applicant will take to minimize and mitigate impacts, and the funding that will be available to implement such steps;
(iii) What alternative actions to such taking the applicant considered and the reasons why such alternative actions are not being utilized; and
(iv) Other such matters the may be required as being necessary or appropriate for the plan.

The SDCP, as it is currently conceived, does not satisfy any of these requirements. Until these requirements are met the SDCP cannot and will not satisfy the needs of our community.

12. The process outlined in the Sonoran Desert Conservation Concept Plan graphic provided in the Preliminary Sonoran Desert Conservation Plan (The Process Graphic) is lacking in important details concerning development of the MSHCP. Notably absent is preparation of a draft EIS for public review and comment, preparation of a final EIS that includes detailed responses to public comment on the draft, and the USFWS obligation to complete an intra-agency Section 7 consultation and the subsequent issuance of a "Take" permit for the activities proposed in the County's conservation plan.

The fact-based recommendations and the interest-based recommendations identified in the Process Graphic must be integrated much earlier to reflect the direction that the community wishes to embark upon. In fact, the integration of community values and the science that allows us to understand the implications of a plan based upon those values must occur prior to the publication of the draft EIS.

As we review the plan it becomes increasingly apparent that the SDCP is a growth management tool and is not intended to just focus on the resolution of ESA conflicts that exist in our community today. While clearly traffic and other community issues that result from population growth and the conflicts that exist between development activity and the ESA have common cause; existing regulatory and statutory constraints make the resolution of all of these growth issues in one overarching planning effort extremely difficult. In fact we fear that the sheer breadth of issues that are being addressed by the SDCP and the uncertain statutory authorities under which each of these elements of the SDCP would be initiated could be its very undoing. It may be time to separate the MSHCP from the rest of the SDCP so that it can move forward unencumbered by the other complex growth management issues that require changes in law, actions by multiple local jurisdictions and the State Government, establishment of regional transportation authorities, and the like.

We appreciate the opportunity you have provided to submit our comments on this early and preliminary draft of the SDCP. The successful resolution of these planning issues to the environmental and economic benefit of the community will require focused input from all segments of our community. We look forward to working with you, your Staff, and the USFWS to resolve these complicated issues. Should you have any questions regarding our comments or should you wish to discuss any of our comments in detail please do not hesitate to contact me at 520-206-9585 or Mr. Terry Klinger at 520-745-9800.

VI. Letters Received from the Resource Extraction Industry:

158. ASARCO (November 22, 2000)

159. ASARCO (December 28, 2000)

160. Arizona Mining Association (November 21, 2000)

161. Arizona Mining Association (January 1, 2001)

162. Stuart Bengson

163. Jonathan DuHamel

ASARCO

Copper Operations
Tucson Office

November 22, 2000

Mr. David Harlow
Field Supervisor
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021

Dear Mr. Harlow:

Comments on Sonoran Desert Conservation Plan (SDCP)
for Pima County, Arizona
Federal Register September 7, 2000 - 54295-54297

ASARCO Incorporated ("Asarco") would like to thank you for the opportunity to comment on the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Sonoran Desert Conservation Plan (SDCP). We at Asarco want to commend the Fish and Wildlife Service (F&WS) for recognizing the scope of this project is worthy of a full Environmental Impact Statement assessment. There are several areas we wish to comment on, procedural as well as for specific EIS scoping concerns. Asarco also fully supports the comments on this proposal submitted by Phelps Dodge and the Arizona Mining Association. We would also like to thank F&WS for extending the comment period; the subject is extensive and the corresponding documentation is not readily available.

Asarco is a wholly owned subsidiary of Grupo Mexico, S.A. de C.V., the third largest producer of primary copper in the world, and is itself an important producer of copper and associated co-products. The majority of Asarco's copper is produced from open pit copper mines located in arid and semi-arid regions in Arizona. Two of the operating facilities in Arizona and at least one operation that is in the planning stages will be affected by the SDCP. Asarco is the largest private landowner in the area currently known as the Ironwood Forest National Monument, is a significant landowner within Pima County, and owns properties in many of the areas slated for conservation. The plan is currently too vague to determine its impacts on any of these facilities. However, the stated goals of the Board of Supervisors and the County Administrator's Office in various news interviews, as well as in at least three resolutions, makes Asarco certain that the plan as presented by the County will be less than favorable for continuing or expanding mining operations.

This scoping is premature. The documents to be included in the review of the SDCP have not all been completed, nor is the plan itself complete. Because of this, neither the F&WS nor the general public can determine what should be in the EIS. In 1981, the Council on Environmental Quality ("CEQ") issued a guidance memorandum to agencies on the scoping process which is directly applicable to these circumstances. That memorandum explained:

> "Scoping cannot be useful until the agency knows enough about the proposed action to identify most of the affected parties, and to present a coherent proposal

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> "Scoping cannot be useful until the agency knows enough about the proposed action to identify most of the affected parties, and to present a coherent proposal and a suggested initial list of environmental issues and alternatives. Until that time there is no way to explain to the public and other agencies what you want them to get involved in. So the first stage is to gather preliminary information from the applicant or to compose a clear picture of your proposal, if it is being developed by the agency." [Council on Environmental Quality, Memorandum on Scoping Guidance (April 30, 1981) (emphasis in original)]

CEQ's scoping guidance memorandum went on to address scoping for programmatic agency actions, such as the proposed Sonoran Desert Conservation Plan, explaining that "[p]rogramattic proposals are often harder to deal with in a scoping context than site specific proposals. Thus extra care should be taken in explaining the goals of the proposal and making the information available well in advance of any meetings." Ibid. (emphasis added). Finally, CEQ explained the potential problems associated with ignoring this advice: If scoping "is attempted too early, the agency cannot explain what it has in mind and informed participation will be impossible." Ibid. (emphasis added).[1]

ISSUES FOR THE SCOPING PHASE

Asarco recommends that, at a minimum, F&WS is required to evaluate the following issues as a part of its EIS.

Impacts on Mineral Availability

The EIS must consider the impact of the proposal on minerals availability, especially minerals of strategic importance, including possible impacts to national security and the balance of trade. Further, as a matter of federal mineral policy, domestic production is encouraged by statute and should not be prevented by this proposal. Domestic consumption of minerals will continue regardless of the actions under consideration here. In fact, every American uses an average of 40,000 pounds of new minerals annually. With world population expected to reach 6 billion next year, and with the increased use of natural resources by developing countries, demands upon U.S. minerals will increase.

Since minerals are a nonrenewable resource, new deposits must be found to replace depleted mines. Developable mineral deposits, however, are not common. Concentrations of useful minerals rich enough to form ore deposits are rare phenomena; thus, commercially extractable concentrations form only where special physical and chemical conditions have favored their accumulation. The Conservation Plan addressed by this proposal has great potential to affect the development of and discovery of existing mineral deposits.

The SDCP ignores that most of the mineral resources in Arizona have been found in southeastern Pima County.

Economic/Socioeconomic Impact of Decreased Mineral Exploration and Development

[1] BLM's own internal NEPA manual is consistent with CEQ's guidance as the steps for the scoping process include "define proposed action" "identify purpose and need, alternatives to be considered, and impacts to be analyzed." BLM NEPA Handbook, Chapter V.

The F&WS must consider the impact of the loss of domestic mineral production on the United States and on local economies. For example, nearly $60 billion worth of material was mined in 1998.[2] Domestic mining companies produced $39 billion worth of non-fuel minerals in 1998, which were then used to manufacture $416 billion worth of products for American consumption and for export to our trading partners around the world.[3] This area is still rich in mineral resources, most of which are located on public lands. However, with the ever-increasing unavailability of the public lands for mining, exploration and development of base and precious metals in the United States will inevitably decrease substantially. The F&WS must consider the impact of the proposal on the availability of domestic minerals, including those of strategic importance, on national security and the balance of trade. Furthermore, consideration must also be given to the significant adverse economic impact to western regional economies that depend on mining.

Additionally, funding for the SDCP has not been laid out anywhere in the proposal. The proposal having a significant impact on the people in the community, the funding source needs to be identified. This funding source as presented in the Preliminary Draft is not specific enough and is questionable because it assumes that new development will provide the basis for the increase in funding needed to support this plan when, in fact, the plan strives to limit new development.

Impacts on Local and Regional Economies

Mining is the leading employer in many rural western areas, which would otherwise have few or no other major sources of employment. Mining companies contribute substantially to the economic wellbeing of their communities, with average yearly wages of approximately $49,995 – the highest wage of any industry segment of American workers.[4] Mining's average annual wages exceed by a wide margin the average of approximately $30,053 for all U.S. industries.[5] Furthermore, mining companies are important sources of revenue for the local communities in which they operate, in terms of employment, purchasing related directly and indirectly to mining, and payments of federal, state, and local taxes. The economic impact of the substantial decrease in the contributions to state and local communities associated with mining must be considered by F&WS. In this regard, F&WS must also consider whether alternatives exist to replace such mining-related contributions to local communities when expansion to operations is affected by this plan.

Impacts on Small Mining Operations and Other Small Businesses

The F&WS must consider the impact of any proposed action as well as any alternative on small mining operations and other small businesses. Therefore, when the proposed rule and draft EIS are released, F&WS should also prepare and release an initial regulatory flexibility analysis pursuant to the Regulatory Flexibility Act (5 U.S.C. §601 *et seq.*) The facts suggest that a number of mining and exploration companies will be significantly affected by the establishment of conservation areas, preserves, and corridors. In the mining industry, the vast majority of companies are small using definitions established pursuant to law by the Small Business

[2] National Mining Association, Facts About Minerals at 5 (1999).
[3] Ibid. (1999).
[4] Ibid. at 58 (1999)
[5] Ibid.

Administration (500 employees or less). In the coal mining sector, 97% of companies are small, while in the metal/non-metal sector, 99% are small. Accordingly, unless F&WS provides a factual basis to demonstrate that its rule will not have a significant economic impact on this substantial number of small entities in the industry, the agency must publish a regulatory flexibility analysis for public comment in conjunction with any proposal.

Impacts on Leasable Minerals Separately from Impacts on Locatable Minerals

The EIS must also analyze separately the potential for leasable and locatable minerals since different systems, regulations, and laws govern each.

Impacts on Plans of Operations

The F&WS must evaluate the economic impact of delay in permitting and approval of mining plants of operations, inevitable under the proposed project. In addition, the EIS must evaluate how existing operations would be affected by proposed changes.

Impact on R.S. 2477 Rights of Way

In 1866, as part of the 1866 mining law, Congress passed a bill which has become popularly known as Revised Statute 2477 (R.S. 2477). R.S. 2477 stated "that the right of way for the construction of highways over public lands, not reserved for the public uses is hereby granted." R.S. 2477 was repealed by FLPMA but valid existing rights of way were protected [43 U.S.C. §1701 notes (a) and (b)]. The EIS must address the issue of R.S. 2477 rights of way and what effect corridors and preserves will have on those existing rights.

F&WS Must Consider All Reasonable Alternatives to the Proposed Action

Pursuant to the CEQ regulations implementing NEPA, F&WS must "rigorously explore and objectively evaluate all reasonable alternatives" to the proposed action (40CFR 1502.14). The consideration of alternatives is at the "heart of the environmental impact statement" (Ibid.). The F&WS must request public input regarding all reasonable alternatives to its proposed planning project including analysis of the no action alternative. An EIS must evaluate the no action alternative (40 C.F.R. 1502.14). While the NOI reassess the no action alternative, Asarco believes that the alternative is not being seriously presented by Pima County for consideration by the F&WS. We would request that F&WS insist that Pima County present those alternatives for public review and consideration in the EIS.

Administrative Problems with the Process

The documents that are referenced are not readily available to the general public for comment and inspection. The Pima County Offices do not provide sufficient hours or opportunity for people to have access, also the location is not accessible to all people who will be affected by this proposal. The Preliminary Draft Plan is not widely distributed, available for inspection only at the County Offices or at the Main Library, and costs $30 to purchase – an exorbitant amount for a public document. This limits access to public documents to only those who can afford them or who can spend days trying to get the one copy on reserve at the library. **(It should be available at no cost to all areas affected by the plan.)** This does not constitute a public process. The public has not been sufficiently informed.

The elements of the Preliminary Draft Plan appear to be in legal conflict with mandates from the county voters for example, flood control, parks and recreation, etc.

The Preliminary Draft Plan also assumes down-zoning will be approved which at this time, and at the end of the current comment period, is against the law. This creates a big gap in the proposed mitigation plans. The plan should not proceed until this issue is resolved.

"Adaptive management" is not defined in the Federal Register Notice. What exactly does this mean?

Procedural Evaluation Requirements

There are numerous regulatory requirements that must be followed in consideration of this rulemaking, including the following:

1. Executive Order 12866 requires an analysis and determination to be made on whether any proposed rulemaking will have a significant adverse effect on the economy. Executive Order 12866 requires analyses of the costs and benefits of both "quantifiable measures" and "qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider" and to "consider the costs of cumulative regulations."

2. The Regulatory Flexibility Act requires administrative agencies to consider the effect of their actions on small entities, including small businesses, small non-profit enterprises, and small local governments (5 U.S.C. §601 *et seq.*).

3. Executive Order 12630 requires each federal agency to prepare a takings implications assessment to determine whether regulations it is considering would pose the risk of taking constitutionally protected private property. This analysis must be prepared. In order for it to be prepared properly, the proposal must further define what "certain activities" are being proposed to be restricted

4. The Unfunded Mandates Reform Act requires F&WS to assess the effects of the proposals on state, local, and tribal governments and the private sector. Among the considerations that must be accounted for under this Act is, for example, the cost of mitigation or restriction of activities to avoid impacts to areas slated for use as mitigation (2 U.S.C. §601 *et seq.*).

Specific EIS Scoping Comments

The following are some areas that Asarco believes need to be covered in the EIS analysis.

1. Mining operations, not just mineral resources; mining has a much greater impact both economically and environmentally than a mineral resources analysis will have. These impacts should include the impact that preserves or conservation areas will have on the expansion of mining operations – both new and existing – not only economically but on mining reserve analysis and exploration plans in the area.

2. Asarco has questions regarding the peer review process; the credentials of the SDCP Scientific and Technical Advisory Teams are not widely advertised. We understand that not all documents in the process went through a peer review, and comments from those reviews are not published for inspection.

3. The Steering Committee for the SDCP process was not allowed to question or comment on the studies or the scope once the studies were complete and presented to the public. There was no substantive public comment nor has there been a response to comments provided at the presentation sessions.

4. The original people contacted for inclusion in the process excluded some of the major land owners and employers; so, the scope of the studies is insufficient to cover all incidental takes in Pima County and, therefore, is not complete. This "oversight" appears to have been deliberate as Asarco requested inclusion and notification of the meetings through their attorney to Mr. Huckleberry directly and never was notified of the start of the process. We are still trying to participate and request the County notify us of activities in the process but we continue to be left out. Furthermore, the County has entered into a relationship with what is known as the "Coalition for Sonoran Desert Protection" and, in fact, "seeks the advice and participation of the Coalition." This relationship calls into question the entire "public process," and Asarco requests information regarding the nature of this relationship: what other groups are being used in this advisory capacity, a transcript of what was discussed at all meetings that this group had with County Staff, and what industrial groups have been contacted to participate with this group. Asarco has not received this information. In addition, because the credentials of the Coalition have not been established, Asarco questions the validity of any of the claims or any of the studies that may have been performed by this group. This does not reflect all the claims the County has made that this has been a public process.

5. Private property rights are ignored in the studies and the county maps are consistently inaccurate. Asarco has notified the county of these inaccuracies numerous times and so far these inaccuracies have not been corrected. According to the maps , the County has clearly taken our property without due process and compensation. If something as basic as property maps is incorrect, this brings into question the rest of the plan?

6. Two of the six elements listed in the SDCP reflect elements outside of the Section 10 process. Please explain how Ranch Conservation and Historic and Cultural Preservation fit into a HCP.

7. Mitigation goals in the Preliminary Draft SDCP exceed F&WS requirements. What exactly are those requirements? At several meetings, Ms. Maeveen Behan for Mr. Huckleberry's office stated that the F&WS is requiring 4:1 mitigation for this plan. What is the basis for this requirement and are copies of the mitigation agreement available? Asarco believes that it is inappropriate to mitigate future projects with past conservation efforts such as are listed in the Preliminary Draft. Asarco also questions using land that is not controlled by the County, such as State or Federal Land, as mitigation lands for County projects and permits. This would appear to be inappropriate.

8. The Science and Technical Advisory Teams preparing the reports ignored socio-economic impacts of the proposals; therefore, their analysis is not complete and not appropriate for inclusion in an EIS.

9. The process of responding to comments and having a substantive response to comments is questionable when the process is being presented this prematurely. Asarco is concerned that the scoping and the associated studies have been directed by the County Staff rather than based on sound science and the public as would be appropriate. It is Asarco's understanding that this Plan is being prepared in part to allow development in areas which F&WS has designated as critical habitat. Asarco is unclear how this plan will benefit those species.

10. It is unclear as to who will be covered under this permit. The permit is meant to cover incidental takes, but will it be only the County who is covered or all businesses operating in Pima County? In addition, if all businesses are not covered, who decides who can and will be covered by this permit and when will those business be contacted for possible inclusion?

Again, Asarco appreciates the opportunity to provide comments on the scoping process but hopes that the F&WS recognizes that, at this stage, there are too many unanswered questions regarding the proposal to provide specific comment. Asarco also hopes that the F&WS understands that there are significant reservations regarding the process to this point and that all stakeholders have not yet been involved in the process. We look forward to continuing to work within this process but hope that future requests for comment will provide more appropriate information on which to comment.

Yours truly,

Duane M. Yantorno /brw

Duane M. Yantorno
Divisional Environmental Manager
Telephone: (520) 798-7745

DMY:brw

cc: D. E. McAllister
R. E. Quick
J. D. Low
D. J. Duncan
K. A. Arnold
H. Richins
C. Huckleberry, Pima County
M. Behan, Pima County

Received 12-29-00
Julie Johnson

Douglas E. McAllister
V.P. Environmental, Governmental and Public Affairs

December 28, 2000

Mr. Chuck Huckelberry
County Administrator
Pima County Board of Supervisors
130 West Congress, 10th Floor
Tucson, AZ 85701

Dear Mr. Huckelberry:

Sonoran Desert Conservation Plan

ASARCO Incorporated (Asarco) appreciates the opportunity to submit written comments on the September 26, 2000, preliminary draft of the Sonoran Desert Conservation Plan (SDCP), by the specified deadline of January 1, 2001.

At the outset, we wish to emphasize that commenting on a draft document is problematic because a review cannot be complete until the document is complete. Furthermore, this document references several additional "draft" reports. Reviewing and commenting on draft documents that are still subject to change will necessarily result in substantive comments that are not comprehensive or thorough. Asarco requests the opportunity to review the document again when all the draft reports have been completed. Asarco also requests clarification on how Pima County will incorporate these comments into the SDCP.

Several terms in the document were not defined, which can lead to ambiguity and variable interpretation. The SDCP would benefit from the inclusion of a glossary of terms. At a minimum, the terms listed below should be included.

- Eco-System Based Planning Principles
- Conservation Classification
- Viable
- Urban Sprawl
- Unwanted Development
- Ecoregional
- Riparian
- Adaptive Management Plan
- Implementing Agreement
- Ecosystem Monitoring
- RECON
- Rosen

I. Board of Supervisors Memorandum dated September 26, 2000

A. Part V states:

> *"Since March of 1999 the plan has undergone technical and scientific validation. The preliminary plan is now recommended for Board acceptance and public review has either discovered or confirmed a number of important assumptions or beliefs regarding each of the elements of the plan."*

Asarco submits that, because the plan is still in preliminary format, it is impossible for the plan to have undergone technical and scientific validation. The Steering Committee process that was to provide the oversight for development of this plan was not conducted in a formal manner where comments were accepted, recorded, and responded to. This is problematic because the appearance of a public process is not sufficient to engender the support that this project will need for success. In addition, the business community was not adequately represented in the SDCP planning process. Asarco requests that Pima County, through the Tucson Chamber, meet with the business community before the Plan is finalized.

B. Part V, "Ranch Conservation," states:

> *"To prevent unwanted urban sprawl and unregulated development, it is most important that Pima County encourage and retain viable ranches."*

Nowhere in this document is the definition of what is considered "viable" presented and Asarco questions what mechanism Pima County plans to use to encourage ranching. There is also some question regarding the definition of "urban sprawl" and "unregulated development." When questioned, County staff stated that urban sprawl was defined as unregulated, or wildcat, development and statements from the County Administrator's office have declared that areas like Tortolita, Dove Mountain, or Canoa Ranch are "urban sprawl." In most cases, areas such as these would be considered the suburbs. Asarco requests that both these terms be defined and placed in the glossary.

C. Part V includes Cultural and Historic Resources, which are the reasons the County has given for going through this process. Asarco believes these resources should not be included in the Habitat Conservation Plan because they have nothing to do with endangered species or habitat. The cultural and historic studies should be funded separately from this process.

D. Part V, "Mountain Parks," includes the following statement:

> *"Since the Sonoran Desert Conservation Plan was proposed in 1998, we have successfully conserved 135,000 acres of Bureau of Land Management land in the Ironwood Forest National Monument. The Secretary of the Interior, Bruce Babbitt, relayed the community's request to President Clinton, who designated the Monument on June 9, 2000."*

The Ironwood Forest National Monument (IFNM) consists of Federal, State, and private land. The total 135,000 acres listed in the SDCP also includes land in Pinal County. Asarco requests that the 135,000-acre number be corrected to reflect accurate numbers for land ownership in Federal, State and private control as well as to reflect those lands actually in Pima County.

E. Part V, "Riparian," includes a discussion of groundwater decline from pumping that may destroy riparian habitat. While it may be accurate, this discussion sets the stage for the suggestion later in the report that groundwater pumping controls may be necessary. Asarco believes any mention of restricting groundwater use - if that use has a valid existing right - is inappropriate and outside of the purview of Pima County, and should be removed from the document..

F. Part V, "Critical and Sensitive Habitat and Biological Corridors," discusses The Nature Conservancy's "prestigious" ecoregional plan for the Sonoran Desert. Asarco understands that The Nature Conservancy has provided much of the information contained in the County's report and has recently signed an agreement to partner with the new Natural Biological Survey in the Department of the Interior; however, there have been no disclosures regarding the technical capabilities of this "non-profit" organization. There is no indication that there was peer review for reports presented by The Nature Conservancy and no indication of who the authors of the reports are or what their qualifications are. Asarco recommends that thorough documentation of all qualifications be included in subsequent editions and that all scientific and technical documents be peer reviewed. In addition, the peer review participants should be identified and documented in the SDCP .

G. Part V, "Critical and Sensitive Habitat and Biological Corridors," also discusses Dr. Gary Nabhan's "influential work on the ironwood tree." To our knowledge, Dr. Nabhan's work has not yet received the peer review necessary to classify it in that manner. A survey using BLM and USFWS protocols conducted by Asarco staff of ironwood "habitat" along Tangerine Road showed that there are 3 to 4 times the number of ironwoods in that location as compared to the "Ironwood Forest National Monument." This report and data accompany our comments.

H. Part VI, "Increase Public Review and Informational Meetings," discusses holding public informational meetings on the SDCP. Notice of these meetings was published in the paper only once; not all of the members of the Steering Committee received notice of these meetings; and the mailing notification for the meetings did not include people that were on the County's list of interested parties. In addition, it is unclear how comments or questions at these meetings are used in this planning process. Asarco recommends that formal notice and comment procedures be followed in future meetings.

I. Part VI, "Direct Changes to the County Organization Design to Implement Plan," discusses several changes to the County Department to manage a plan that is still in the "Preliminary Draft" stages. These changes are, as previously mentioned, premature. Asarco is concerned that several of the changes are being put into place without a full analysis of what their function and their cost will be. For example, a new Ranch Division will be created with an eye toward ranch acquisition and management. Also, Wastewater Management will include a "high-volume Sonoran Desert plan nursery." These new divisions and their goals have not been spelled out for full analysis in this draft document. Asarco requests that this discussion be removed from the document or, if the County feels that it needs to be included, that the functions of these groups be defined and the costs be enumerated.

J. Part VI, "Initiate Major Comprehensive Plan Amendment to Reflect the Draft Preliminary Sonoran Desert Conservation Plan," appears to be premature because public comment has not been recorded and incorporated in a formal manner.

K. Part VI, "Authorize Public/Private/Non-Profit Research and Planning Partnerships," states:

> *"Long-term collaborative planning agreements should be established with the: A) Nature Conservancy, B) Arizona-Sonoran Desert Museum, C) Rincon Institute, D) Udall Center, E) Arizona Open Lands Trust and F) various departments and colleges of the University of Arizona."*

This list is particularly troubling because it includes no industry, Chamber of Commerce, ranching, or recreational groups. Asarco recommends that long-term collaborative planning agreements should also be established with the Tucson Metropolitan Chamber of Commerce, the Arizona Mining Association, the Arizona Builders Alliance, the Arizona State Land Department, the Southern Arizona Homebuilders Association, and the Pima Natural Resources Conservation District.

L. Part VI, Section 7, regarding land use planning and zoning code modifications in the unincorporated areas of Pima County is troubling at best. The first comment (A) basically takes private property value with no regard to that loss in value. Deferring conditional use permits or upzoning requests until the Plan is accepted and approved for areas that may or may not be required for conservation unduly discriminates against the property owner. Further singling out ranch properties is discriminatory. Asarco requests that this discrimination be corrected and lost value to the property owner be recognized and included in the document.

M. Part VI, Section 7E, regarding open space requirements is unrealistic. In order to meet the 50% open space requirement and not use functional open space to meet that requirement, housing developments will have to increase in size rather than become more efficient. This will increase the cost of housing and reduce the amount of affordable housing which will cause socio-economic impacts, because it will force lower income families into less desirable neighborhoods.

N. Part VI, Section 7H, is inappropriate in this context. This is a Preliminary Draft for a Habitat Conservation Plan, not an archaeological resource plan. These archaeological issues would be better addressed in their own document.

II. Preliminary Sonoran Desert Protection Plan

A. Part I. Introduction

1. Asarco is concerned with the statements: "community members do not simply want a conservation plan that achieves minimum compliance requirements of federal law" and "go far beyond traditional federal habitat conservation plans." There is a question as to exactly what the County bases the first comment on. Even if the hundreds of people that have been involved with the process thus far were in complete agreement with this statement, this would only be a fraction of the entire community. The statement mischaracterizes what has gone on during the process and is misleading to people just getting involved in the process. Because the Plan and its components will be financed through tax dollars and other fees, Pima County should meet the requirements of Federal law. If there is additional money available for exceeding the requirements of the Plan, those projects should be evaluated at the time. In addition, the second statement is problematic because Asarco does not understand under what authority the County plans to proceed to "go beyond traditional conservation plans." It is a requirement of the

law to manage endangered species. There are no additional requirements that should be met by this Habitat Conservation Plan.

2. After having participated in several of the Steering Committee meetings, Asarco is concerned with the statement that the Steering Committee would "provide advice to the Board about which reserve design alternative the County should prefer in making application for a multi-species conservation plan to the United States Fish and Wildlife Service." This statement implies that the Steering Committee was an active body when, in fact, they were passive and received information only. Asarco believes it is inappropriate for this passive body to be used as a vehicle to further the County's plans by restricting alternatives. All alternatives should be examined in scoping and a preferred alternative should be developed through the public process, not through this limited body.

3. In the County's meetings, no alternatives have been presented, and the County personnel discussed the Plan as if it were a single total option with no opportunity to have alternatives. Additionally, the ranch concept appears to be the keystone of this program, and there is no clear alternative if this portion of the Plan cannot be worked out or if it is determined during the EIS to be an unacceptable alternative. Asarco is concerned that all of the possible alternatives have not been included and, therefore, will not be evaluated.

4. While Asarco respects the ambitious schedule that Pima County has set forth for 2001, we are concerned that it is too aggressive. A minimum of seven major documents are planned for 2001, each of which should be subject to public comment and which will require the County's substantive response to comments. This aggressive schedule will either have to slip or Pima County will have to devote considerably more resources to this process to assure a thorough review of comments and alternatives. Asarco requests that Pima County put forth to the community a more realistic schedule.

5. Because the only thing that has been studied thus far is the environment, Asarco wonders how Pima County plans to collect the information regarding financial impacts, do a full regulatory analysis, and examine the provisions for environmental justice, etc., all of which need to be completed during the EIS phase. Unless some of these major provisions are ignored , there will not be time to do a fair and accurate analysis of the impacts of a Habitat Conservation Plan on Pima County environmentally or economically. In addition, because Habitat Conservation Plans require that funding be in place prior to implementation, it is unclear how Pima County plans to have the funds necessary to complete this process.

B. Part II. Urban Population Growth, Ground Disturbance and Limits to Conservation Opportunity in Urbanized Areas

The document assumes that growth has no limits when, in fact, there is a limited amount of private land that is available for development. The RH zoning covers such areas as a wildlife refuge, the Tohono O'Odham reservation, Federal, State, and other lands that are not available for development.

C. Part III. Regulatory Responsibility for Land in Eastern Pima County

Asarco is concerned about the discussion regarding "realistic opportunities for landscape scale conservation achievements" because it is unclear how a landscape scale conservation achievement fits in with a Habitat Conservation Plan for some very specific species. The goal of this program - a Section 10 Permit to facilitate County projects - seems to have been lost in the

process. Again, the Plan should be scaled such that it is affordable. Then, as additional monies become available, the Plan should evaluate projects on their own merits.

D. Part IV. Factors in Reserve Design and Urban Form

Asarco is concerned that Pima County has not obtained agreement from the State and other local governments in the area. Planning to use a land base that is not within Pima County control AND not asking municipalities for input concerning the lands within their control spells disaster. In addition, it appears that Pima County assumes that areas already preserved can be used to mitigate for the Section 10 permit. Asarco requests that those agreements with US Fish and Wildlife Service be shared with the public. Pima County's plan should only include those areas over which it has control or for which agreements are in place.

E Part V. The Draft Preliminary Sonoran Desert Conservation Plan

1. Ranch Conservation

Asarco is confused at the role Pima County can play in establishing a program that provides certainty for leases. Leases are governed by State and Federal laws and regulations. It is also unclear how Pima County can build flexibility into a State statute. This certainly would require State participation.

It is unclear what effect the "conservation classification" will have on overall tax revenues. Asarco believes that a full analysis of this matter needs to be completed prior to implementation of such a classification scheme.

2. Historic and Cultural Preservation

It is unclear why a program to preserve historic and cultural sites is presented as part of the process for a Section 10 permit. Such a program is laudable and, in some instances, such as presented by the State Historic Preservation Office, required. This permit, however, should deal only with the elements by law. Additional projects should be funded with other monies. Asarco requests that this section be removed from the document and placed in a separate document.

3. Riparian Protection, Management and Restoration

This section implies that there is some means by which Pima County can control groundwater pumping. Because groundwater rights are issued at the State level (Arizona Department of Water Resources), Asarco has a concern that local measures to control groundwater pumping may prove to be in conflict with State requirements.

The document states that "RECON (2000) has urged Pima County to begin discussions with the Arizona Department of Agriculture (ADA) regarding problems associated with non-native and pest species." As a general question, please explain who RECON is, what their role is, and exactly what is the substance of the discussions mentioned.

There is a mention of "Rosen (2000)." What is Rosen(2000), and what role does it play?

The document states that, in Davidson Canyon, future mining could impair water quality. This statement does not take into consideration that current State and Federal regulations prohibit degradation of water quality. Asarco requests that this statement be removed from the

document because it is without foundation. In the alternative, Asarco requests an explanation of the statement, the scientific basis for making the statement, and copies of the scientific findings that will support this statement.

The Science Team adopted specific riparian ecosystem function goals that included: "Manage point-source and non-point source pollution to maintain water quality at a level needed to support SDCP biological goals." Since EPA has the sole authority to manage the quality of point and non-point source discharges in Arizona, Asarco questions where Pima County would get the authority to manage any water quality related issues. It is unclear how Pima County plans to implement this portion of the plan without delegated authority. Asarco is requesting clarification about how Pima County will implement this portion of the plan.

In the Opportunities for Improved Riparian Condition, Pima County mentions removing existing surface water diversions. There is no explanation about the type of diversions, who installed the diversions and under what authority, and if, in fact, removing the diversions could be accomplished without an Army Corp of Engineers permit. Asarco requests more information to clarify this point.

4. Mountain Parks

No comment

5. Critical and Sensitive Habitat: Biological Corridor Conservation

The Preliminary Draft discusses an independent study by The Nature Conservancy that was incorporated into the Sonoran Desert Conservation Plan by the Science Technical Advisory Team. Asarco questions whether this study has been peer reviewed, who supplied the funds for this study, who performed the study, what their credentials were, and what kind of agreement exists between Pima County and The Nature Conservancy. Asarco wants to know why the study is characterized as prestigious when no foundation for the statement is provided.

The Preliminary Draft references a 300-page draft document submitted by the RECON Consulting team. There is a question as to whether the draft documents have been peer reviewed and what changes will have been made during this review. It is inappropriate to reference draft documents to support a position.

In the section entitled "Desert Ironwood," the Preliminary Draft discusses the Ironwood Primer as being the first "comprehensive" view of ironwood habitats. Asarco finds this characterization troubling in light of the fact that the habitat in Pima County that was studied was limited to areas that Pima County had slated for conservation. In addition, the study excluded many areas in the County with higher ironwood densities. .

In the Threats to Resource Base - Effects of Land/Water Use Activities on Biological Resources, The Nature Conservancy report identified stressors for 100 conservation sites. It is unclear if these sites are all located within Pima County or if they are in the entire area that was studied by The Nature Conservancy. Asarco requests that this point be clarified and a list of the conservation sites be included so that this statement can be evaluated.

The Biological Stress Assessment section lists a draft document as a reference. Again, Asarco is concerned with using draft documents as references to support a document that is supposed to receive comment. In this same section, each subarea is identified with a source of stress

listed for each subarea. Asarco questions using "high mineral resource area" as a legitimate source of stress. Naturally occurring mineralization will not be a source of stress but would be a natural characteristic of the watershed. It is unclear how a natural phenomena could be a source of stress or why it would be singled out.

In the Avra Valley Subarea, the groundwater east of the Silver Bell Mine is listed as an Area and Habitat of Concern. Asarco questions what the groundwater is considered habitat for, what scientific basis has been used to list the groundwater as a concern, and exactly what the concern is.

Under Conservation Opportunities, the Preliminary Draft lists recommendations by The Nature Conservancy. Asarco questions why only The Nature Conservancy recommendations were included. In addition, the term "ecosystem monitoring projects" needs to be clarified.

Asarco appreciates the opportunity to comment on the Preliminary Draft and looks forward to continuing to provide comments in the future as the document becomes final. As one of the largest landowners, taxpayers, and employers in Pima County, Asarco wants to be a proactive participant in the planning process and requests that Pima County include Asarco in all aspects of the planning process. We look forward to hearing from Pima County with regard to our information requests.

Sincerely,

Douglas E. McAllister BW

Douglas E. McAllister
Vice President
Environmental, Government and Public Affairs

DEM:brw

cc: U.S. Senator Jon Kyl
U.S. Senator John McCain
U.S. Representative Jim Kolbe
U.S. Representative Ed Pastor
Governor Jane Hull
Arizona State Land Commissioner Mike Anable
Pima County Board of Supervisors
U.S. Fish and Wildlife Service

APPENDIX - A

Locations of Plots

RAGGED TOP AREA:

Plots #1 - #3: NE 1/4 Sec.24 T.11S. R.9E. - turn SE off Sasco-Redrock Rd. onto Silver Bell Rd. 2.2 mi. - 0.1 mi. in towards Ragged Top on side track.

Plot #1 - head towards Ragged Top
Plot #2 - turn 90 deg. left of Ragged Top
Plot #3 - turn 90 deg. away from Ragged Top

Plots #4 - #6: Middle of Sec. 20 T.11 S. R.9E. - 2 mi. further on Silver Bell Rd. - heading off in opposite dir. away from Ragged Top.

Plot #4 - head N. away from Ragged Top
Plot #5 - turn 90 deg. towards the E.
Plot #6 - turn 90 deg. back towards the road (hit road @8 ch.X over road & continue)

TANGERINE ROAD AREA:

Plots #7 - #9: State Land along major power line corridor E. of I-10.

Plot #7 - heading E. away from power lines.
Plot #8 - turn 90 deg. heading S.
Plot #9 - go back to other side of power line heading W.

Plots #10 - #11: Borrow pit area N. of Tangerine Rd.

Plot #10 - heading W. away from borrow pit.
Plot #11 - turn 90 deg. to N. (did 5 ch.-1/2 ac.-had to stop due to shooting in area) #'s X 2.

Plots #12 - #14: Just W. of electric sub-station near Dove Mnt. Rd.

Plot #12 - head W. of sub-station
Plot #13 - turn 90 deg. heading N.
Plot #14 - turn 90 deg. heading E.

SILVER BELL MINE AREA:

Plots #15 - #18: NE 1/4 Sec. 7 T.12S. R.8E.

Plot #15 - head in SW'erly dir. away from road
Plot #16 - turn 90 deg. heading SE'erly
Plot #17 - turn 90 deg. heading SW'erly
Plot #18 - turn 90 deg. heading NW'erly

Plots #19 - #22: NE 1/4 Sec. 13 T.11S. R.7E.

Plot #19 - heading NW'erly - cross over several washes
Plot #20 - turn 90 deg. heading W'erly - cross major wash
Plot #21 - turn 90 deg. heading E'erly - cross large wash
Plot #22 - turn 90 deg. heading SE'erly - on other side of road - cross large wash

Criteria for Selection of Plot Size & Methodology:

The primary guide for the selection of plot size & methodology to determine the number of trees per acre was derived from Methods for Vegetative Sampling & Analysis on Revegetated Mined Lands , by J.C. Chambers & R.W. Brown, USDA-FS Intermountain Forest & Range Experiment Station GT Rept. INT-151, Oct. 1983. Here the authors describe "Small sampling units, although generally more efficient statistically, often yield skewed data, and thus may not accurately represent the true population". For straight boled trees the preferred method is the Bitterlich Variable Radius (Basal Area Factor). This is difficult for small diameter, multi-stemmed trees & shrubs. Instead we used the Stocking Rate (Density) Sampling procedures suggested on pp. 21-22 of INT-151. For simplicity and accuracy we utilized a 1-chain by 10-chains strip, or linear plot (as described by Forbes in the S.A.F. Forestry Handbook). This area equals 1-full acre, and requires no factoring or other calculation to determine numbers per acre. What you see is what you get. It is an easy measurement to make with 2-people. One person stands on 1-side and the other 1-chain or 66-feet apart. You then pace 10-chains (660 ft.) distant, maintaining your 1-chain distance apart. Each counts all trees between his line and the other person's line. Averaging the 2-counts gives a very accurate count of the actual total number of trees per acre.

We randomly located the starting points of each plot by driving to an area of known distribution of ironwood. We would stop at a point that was obviously within a stand of ironwood. We then headed off in a given direction (usually focusing on some distant geographical feature). At the end of each 10-chain transect we would turn 90 degrees and pace an additional 10-chains. We would accomplish 3-4 of these 1-acre transects per location before proceeding to the next location.

IRONWOOD SURVEYS

(1 chain X 10 chains = 1 ac.)
see appendix A for plot locations

Silver Bell Mine Area

Date:	Plot:	*Onte/ac.*	*Cemi/ac.*	Prju/ac.
5/24/00	1B	20	113	1
	1R	14	80	4
	avg.	*17*	*96.5*	*2.5*
	2B	32	73	0
	2R	36	105	0
	avg.	*34*	*89*	*0*
	3B	18	97	1
	3R	5	137	1
	avg.	*11.5*	*117*	*1*
	4B	8	55	1
	4R	13	50	2
	avg.	*10.5*	*52.5*	*1.5*
	5B	11	29	0
	5R	12	37	0
	avg.	*11.5*	*33*	*0*
	6B	12	60	0
	6R	6	53	0
	avg.	*9*	*56.5*	*0*
5/31/00	15B	35	64	1
	15R	34	56	0
	avg.	*34.5*	*60*	*0.5*
	16B	3	55	0
	16R	4	57	0
	avg.	*3.5*	*56*	*0*
	17B	0	71	0
	17R	0	65	0
	avg.	*0*	*68*	*0*
	18B	0	48	0
	18R	0	56	0
	avg.	*0*	*52*	*0*
	19B	16	49	0
	19R	19	41	0
	avg.	*17.5*	*45*	*0*
	20B	9	56	6
	20R	3	54	9
	avg.	*6*	*55*	*7.5*
	21B	8	36	1
	21R	19	42	1
	avg.	*13.5*	*39*	*1*
	22B	7	53	1
	22R	12	40	1
	avg.	*9.5*	*46.5*	*1*
	Avg:	***12.7***	***61.9***	***1.1***

Tangerine Road Area

Date:	Plot:	*Onte/ac.*	*Cemi/ac.*	*Prju/ac.*
5/26/00	7B	98	25	3
	7R	118	24	2
	avg.	*108*	*24.5*	*2.5*
	8B	118	32	4
	8R	85	25	8
	avg.	*101.5*	*28.5*	*6*
	9B	47	33	0
	9R	45	35	2
	avg.	*46*	*34*	*1*
	10B	90	14	6
	10R	105	28	5
	avg.	*97.5*	*21*	*5.5*
	11B	86	24	4
	11R	74	30	2
	avg.	*80*	*27*	*3*
	12B	97	10	13
	12R	102	8	13
	avg.	*99.5*	*9*	*13*
	13B	78	21	16
	13R	98	25	16
	avg.	*88*	*23*	*16*
	14B	7	27	7
	14R	15	25	9
	avg.	*11*	*26*	*8*
	Avg.	***78.9***	***24.1***	***6.9***

Onte = *Olneya tesota* (ironwood)

Cemi = *Cercidium microphyllum* (foothill or little leaf palo verde)

Prju = *Prosopsis juliflora* (velvet mesquite)

SILVER BELL

IRONWOOD SURVEYS

(1 ch.X 10 ch.= 1 ac.)

turn SE.off Sasco Rd. onto Silver Bell Rd. 2.2 mi.- 0.1 mi. in on side track head towards Ragged Top NE 1/4 Sec. 24 T11S R9E

Date:	Plot:	*Onte/ac.*	*Cefl/ac.*	*Prju/ac.*
5/24/00				
	1B	20	113	1
	1R	14	80	4
	avg.	*17*	*96.5*	*2.5*
	turn 90 deg. Left of Ragged Top			
	2B	32	73	0
	2R	36	105	0
	avg	*34*	*89*	*0*
	turn 90 deg. away from Ragged Top			
	3B	18	97	1
	3R	5	137	1
	avg.	*11.5*	*117*	*1*
	2 mi. further on Silver Bell Rd. - head off in opposite dir. away from Ragged Top - N. of Rd. Mid.Sec.20 T11S R9E			
	4B	8	55	1
	4R	13	50	2
	avg.	*10.5*	*52.5*	*1.5*
	90 deg. to E.			
	5B	11	29	0
	5R	12	37	0
	avg.	*11.5*	*33*	*0*
	90 deg.S. back towards Rd.(hit Rd.@8 ch. X over Rd. & continue on other side to 10 ch.			
	6B	12	60	0
	6R	6	53	0
	avg.	*9*	*56.5*	*0*

Date:	Plot:	*Onte/ac.*	*Cefl/ac.*	*Prju/ac.*
	Tangerine Rd. Power Line - E.			
5/26/00				
	7B	98	25	3
	7R	118	24	2
	avg.	*108*	*24.5*	*2.5*
	turn 90 deg. - S.			
	8B	118	32	4
	8R	85	25	8
	avg.	*101.5*	*28.5*	*6*
	go back & X over power line to W.			
	9B	47	33	0
	9R	45	35	2
	avg.	*46*	*34*	*1*
	Tangerine Rd. borrow pit - W.			
	10B	90	14	6
	10R	105	28	5
	avg.	*97.5*	*21*	*5.5*
	turn 90 deg.N. did only 1/2 ac. (had to stop due to shooting in area) #'s = X2			
	11B	86	24	4
	11R	74	30	2
	avg.	*80*	*27*	*3*
	Tangerine Rd. sub.station - W.			
	12B	97	10	13
	12R	102	8	13
	avg.	*99.5*	*9*	*13*
	90 deg. turn to N.			
	13B	78	21	16
	13R	98	25	16
	avg.	*88*	*23*	*16*
	90 deg. turn to E.			
	14B	7	27	7
	14R	15	25	9
	avg.	*11*	*26*	*8*

SILVER BELL IRONWOOD SURVEYS
(Continued)

Date	Plot	*Onte/ac.*	*Cefl/ac.*	*Prju/ac.*
	NE 1/4 Sec. 7 T12S R8E - head SW'erly			
5/31/00				
	15B	35	64	1
	15R	34	56	0
	avg.	*34.5*	*60*	*0.5*
	heading SE'erly			
	16B	3	55	0
	16R	4	57	0
	avg.	*3.5*	*56*	*0*
	heading SW'erly			
	17B	0	71	0
	17R	0	65	0
	avg.	*0*	*68*	*0*
	heading NW'erly			
	18B	0	48	0
	18R	0	56	0
	avg.	*0*	*52*	*0*
	NE 1/4 Sec. 13 T11S R7E - heading NW'erly cross over several washes			
	19B	16	49	0
	19R	19	41	0
	avg.	*17.5*	*45*	*0*
	heading W'erly - cross major wash			
	20B	9	56	6
	20R	3	54	9
	avg.	*6*	*55*	*7.5*
	heading E'erly - cross large wash			
	21B	8	36	1
	21R	19	42	1
	avg.	*13.5*	*39*	*1*
	other side of road - heading SE'erly - cross large wash			
	22B	7	53	1
	22R	12	40	1
	avg.	*9.5*	*46.5*	*1*

ARIZONA MINING ASSOCIATION

CHUCK SHIPLEY
President

DM 11/21

Sherry

RECEIVED
NOV 21 2000

November 21, 2000

FAX 602-640-2730

Mr. David Harlow
Field Supervisor
U.S. Fish and Wildlife Service
2321 W. Royal Palm Road
Suite 103
Phoenix, AZ 85021

Dear Mr. Harlow:

These comments are submitted by Arizona Mining Association on the Notice of Intent to prepare an Environmental Impact Statement ("EIS"), published on September 7, 1999 (65 Fed. Reg. 54295) (the "Notice"), on the proposal to issue an Incidental Take Permit ("ITP") to Pima County, Arizona pursuant to the Endangered Species Act ("ESA") (16 U.S.C. § 1539(a)(1)(B)). The Notice states that "Pima County proposes to be an applicant for an incidental take permit, thorough development and implementation of the Sonoran Desert Conservation Plan ("SDCP") which will serve as a habitat conservation plan as required by the Act for issuance of an incidental take permit." The Notice requests comments on conservation alternatives and issues to be addressed in the EIS, a process referred to under the CEQ regulations as "scoping". 40 C.F.R. § 1501.7.

I. Introduction.

AMA commends the U.S. Fish and wildlife Service ("FWS") for recognizing that an EIS will be required for the consideration of a habitat conservation plan ("HCP") and application for an ITP expected to be submitted by Pima County. In considering the proper scope of such an EIS, consideration should be given to the following authorizations and requirements under 16 U.S.C. § 1539(a) of the ESA for submitting an HCP and issuing an ITP:

> "(2)(A) No permit [ITP] may be issued by the Secretary authorizing any taking referred to in paragraph (1)(B) unless the applicant therefor submits to the Secretary a conservation plan that specifies—
>
> (i) the impact which will likely result from [acts causing] such taking;

(ii) what steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps;

(iii) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized;"

The ESA regulations require that applications for ITP's must include "a complete description of the activity sought to be authorized" and "the impact that will likely result from such taking". 50 C.F.R. §§ 17.22(b)(1), 17.32(b)(1).

Similarly, the FWS Habitat Conservation Planning Handbook (p. 3-10) requires that activities be identified in the proposed plan area that are likely to result in incidental take. In the part of the Handbook dealing with compliance with NEPA (p. 5-1), the Handbook advises that "[w]hen thinking about the NEPA analysis as it relates to an incidental take permit and an HCP, it is important to be precise about the nature of the underlying action".

With regard to the degree of specificity of a proposed action being scoped for an EIS, the Council on Environmental Quality ("CEQ") states:

"Scoping cannot be useful until the agency knows enough about the proposed action to identify most of the affected parties, and to present a coherent proposal and a suggested initial list of environmental issues and alternatives. So the first stage is to . . . compose a clear picture of your proposal . . . ." CEQ Memorandum for General Counsels, April 30, 1981.

Therefore, the ESA and the regulations and guidance under the ESA and NEPA require the following before an HCP and an application for an ITP can be submitted to, and considered by, FWS:

1. A precise description of the specific acts that may cause the taking;

2. A precise description of the specific impacts those acts will likely cause on the species;

3. A precise description of the specific steps the applicant will take to minimize and mitigate those impacts;

4. A precise description of what specific alternative actions the applicant considered and the reasons why those alternatives were rejected; and

5. An identification of most of the affected parties, the presentation of a coherent proposal and a suggested list of initial environmental issues and alternatives.

II. The Notice and the Draft SDCP are not sufficiently specific for NEPA scoping.

It is desirable to allow and encourage the public and interest groups to participate in the early stages of developing an HCP. However, that early participation cannot substitute for the formal scoping required by the CEQ NEPA regulations. 40 C.F.R. § 1501.7. Neither the Notice nor any of the versions of the SDCP is adequate to commence the formal scoping procedures required by the NEPA regulations.

A. The Notice is inadequate.

The Notice merely states that FWS "intends to gather information necessary to determine impacts and formulate alternatives for an EIS". 65 Fed. Reg. 54295. The nearest that the Notice approaches the identification of affected parties and an initial list of environmental issues and alternatives is by the following statement:

> "Activities proposed for coverage under the incidental take permit include lawful activities that would occur outside the proposed preserve and include, but are not limited to, maintenance of county operations, implementation of capital improvement projects, and issuance of land use related permits including those for development." 65 Fed. Reg. 54296.

There is no description of what specific activities would be included or excluded in the ITP. There is no explanation of what would constitute the "proposed preserve" or what or how land use related permits would be granted or denied under the ITP either inside or outside of the "proposed preserve." The Notice does not identify any of the affected parties, does not present a "coherent proposal" and does not present a "suggested initial list of environmental issues and alternatives". Therefore, the Notice is not adequate to commence any scoping process under NEPA.

B. The Draft SDCP's are inadequate.

AMA has encountered two difficulties in addressing the information that presumably is forming the basis for the scoping process. The first difficulty is in determining what document FWS is considering or will consider will be the HCP that Pima County will submit with an application for an ITP. We have reviewed a "Sonoran Desert Conservation Plan" released by Pima County sometime in 1998 (referred to herein as the "1998 SDCP") and a "draft Preliminary Sonoran Desert Conservation Plan" released by Pima County on or about September 26, 2000

(referred to herein as the "2000 Preliminary SDCP"). The 2000 Preliminary SDCP identifies (pp. 3, 4) three other HCP type documents that will be prepared: a "Regional Multi-Species Conservation Plan ("RMSCP"), a "final Sonoran Desert Conservation Plan" ("FSDCP") and an "Adaptive Management Plan and Manual" ("AMPM"). One draft of the AMPM and three drafts of the RMSCP will be prepared in the year 2001 and the final RMSCP and SDCP will be prepared in the year 2002. Those various documents create difficulty for anyone attempting to comment on the scoping Notice and the information intended to provide the basis for the Notice. Obviously the Notice is premature because the final HCP type documents will not be issued until 2002.

The second difficulty in addressing the information that presumably led to the issuance of the Notice is that the information in the 1998 SDCP and the 2000 Preliminary SDCP is not sufficiently specific to allow substantive comments to be prepared for NEPA scoping. It is impossible to identify or evaluate the environmental and economic impacts caused by, or the issues arising from, a SDCP/HCP and ITP until the proposed land and water use controls are specifically identified as being applicable to specific land and water uses and areas.

III. Effects that must be considered.

Although it is premature to carry out formal scoping on an EIS for the SDCP/HCP and ITP, there are certain subjects which FWS should recognize must be included in the study of each alternative in every EIS. Those subjects include the direct, indirect, cumulative, economic, ecological, aesthetic, historic, cultural, social and health effects of each alternative. 40 C.F.R. § 1508.8(b). Those impacts are particularly important to consider in view of the stated theme in the 2000 Preliminary SDCP (p.2) that:

> "community members do not simply want a conservation plan that achieves minimum compliance requirements of federal law. The Sonoran Desert Conservation Plan is a process and a mechanism that allows the community to express its aspirations for improving the quality of life in Pima County."

That statement is consistent with the stated purpose of the group which brought the litigation leading to this SDCP process. Shortly after the Federal District Court ordered the designation of critical habitat for the pygmy owl in Pima County and other areas, the Executive Director of the plaintiff (Southwest Center for Biological Diversity) in that suit is reported as stating:

> "This [designation of pygmy owl critical habitat] is going to set the stage for development controls of the Tucson basin . . . finally, open space is going to have a fighting chance."

The land area within Pima County is enormous – more than 9,000 square miles. The 1998 SDCP recognizes that state law "prohibit[s] counties from imposing land use restrictions more stringent than are presently allowed on lands within the incorporated area of the county" (p. 36) but states that lands containing "unique or significant environmental, historic or other cultural resources" should be protected from land uses that "will be incompatible and should be prohibited when possible." The 2000 Preliminary SDCP finds (p. 6) that "state law allows unregulated development that can be destructive to the landscape, the natural resource base and the tax base and has significantly undermined the local planning ability of the county." (p. 6) To overcome those perceived restrictions on Pima County's land use authority, the County plans to apply in the fall of 2002 for a Section 10 permit to approve a conservation plan that "upholds and gives the broadest application to the ecosystem protection goals of the Endangered Species Act." (p. 2) The use by Pima County of the ESA to overcome its perceived inadequate authority under state law to restrict land uses is also illustrated by the discussion in the July, 1999 Pima County staff report entitled "Water Resources and the Sonoran Desert Conservation Plan":

> "Significantly, the major policy decisions that have succeeded in overriding local concerns, entrenched interests, and the credibility problems created by our history of utilizing the resource within an artificial legal and administrative construct, share certain important characteristics. They are all **regional** and **comprehensive** in nature, and involve a **federal** connection. (pp. 7, 8) (Emphasis in original.)
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> It is clear from this line of cases, that next century, protection of federal purposes such as wildlife and related habitat protection will require accommodation within water resource policy. Federal purposes, when established, override local laws and policies which have ignored hydrologic reality and depleted water resources." (p. 9)

AMA calls the attention of FWS and Pima County to an HCP being prepared by another county: The Final Clark County (Nevada) Multiple Species Conservation Plan which was released last month. In extreme contrast to the land and water use restriction and prohibition purposes stated in the Pima County SDCP, the purpose stated in the Clark County MSHCP (p. 2-2) "is to achieve a balance between":

- Long-term conservation and recovery of the diversity of natural habitats and native species; and
- The orderly and beneficial use of land in order to promote the economy, health, well-being, and custom and culture of the growing population of Clark County.

In contrast to the Pima County SDCP proposing to override state law restrictions on county land use controls by using federal law to "give the broadest application to the ecosystem protection goals of the Endangered Species Act," the Clark County MSHCP would control development on private lands by recognizing that "conservation agreements and easements would need to be entered into." (p. 4-21) Pima County should adopt similar constraints in the SDCP. Whatever may be the range of land use restrictions adopted in a final SDCP/HCP and application for an ITP, the EIS for the ITP must analyze the full range of those restrictions.

When there has been sufficient information developed to determine the specific impacts of the SDCP, a socioeconomic analysis must be prepared for this EIS as is recognized at page 54296 of the Notice. The specific effects and monetary benefits and detriments of the SDCP/HCP and ITP must be identified and evaluated. An indication of scope that will be required of the socioeconomic analysis is provided by the statement on page 36 of the 1998 SDCP that "uses [that are incompatible [with preservation and protection of lands that contain significant environmental, historic or cultural resources] should be prohibited where possible."

The economic effects of the SDCP/HCP and ITP may not be considered alone. The cumulative impacts of these proposed actions must be considered in connection with other past, present and reasonably foreseeable future actions of the FWS or any other federal agency to restrict uses of lands in Pima County. 40 C.F.R. § 1508.7. As stated in that CEQ regulation, cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

The social effects of a roadless prohibition and management policy must also be considered. The 2000 Preliminary SDCP (p.4) recognizes that the population in Pima County is growing. If Pima County and FWS through the ITP prohibit land uses that are incompatible with the preservation of environmental, historic or cultural resources, the ability of Pima County residents to find employment and adequate housing will be impaired.

The direct and indirect socioeconomic impacts that must be studied include the effect of reduction in the number of employees available to the numerous industries in Pima County, including mining, grazing, utility servers, recreation and the construction industry. This consideration emphasizes the point that those factors, while necessary to be evaluated, cannot be evaluated unless the EIS addresses the specific land uses in specific areas that will be prohibited or restricted.

V. **Conflicts with other laws and policies.**

The NEPA regulations require the EIS to analyze the possible conflicts between the proposed actions and the objectives of other federal, regional, state and local polices and laws.

40 C.F.R. § 1502.16(c). AMA submits that such an analysis will find that there are severe conflicts between the SDCP and other state laws and policies, including the following:

A. **Conflict with state water policy.**

A purpose of the 2000 Preliminary SDCP is stated (pp. 32, 33) as being to "restore" ecosystem structures, riparian areas, fluvial processes, hydrogeomorphic elements and biotic interactions. The "Water Resources and the Sonoran Desert Conservation Plan" paper states (p.4) that "restoration [of riparian ecosystems] is likely to be a condition of the Section 10 permit issued under the Endangered Species Act." That paper also finds (p.7) that Arizona's water law system "is not in tune with environmental impacts or federal endangered species compliance issues" and that "the gridlock of local water decision making has been overcome by protection of federal purposes." That paper proposes (p.21) that the "prohibition on take of the listed species under Section 9 of the Endangered Species Act, if enforced, will prevent water utilization practices which can hurt, harm or harass the animal, or significantly alter its habitat."

The Arizona Legislature has defined the States' water policy in Chapters 1 and 2 of Title 45, Arizona Revised Statutes. The purposes of those statutes are to:

1. "Focus the responsibility for water management and administration of water-related programs within the state in the Arizona Department of Water Resources."

2. "Stabilize the use of water resources particularly groundwater resources, in this state according to management practices, procedures, standards and plans provided for by statute. A.R.S. § 45-102, note.

Furthermore, in the 1980 Groundwater Code the Arizona Legislature "evoke[d] its police power to prescribe which uses of groundwater are most beneficial and economically effective." A.R.S. § 45-401.

The conflict between the purposes of the SDCP and state water policies is clear and the EIS must recognize and reconcile that conflict.

B. **Conflicts with federal and state trust land policies.**

The Notice (p. 54296) states that the SDCP will "establish a regional preference for the expenditures of State funds to preserve and protect State Trust lands threatened by urbanization." The Arizona Enabling Act requires that State Trust lands be used and disposed of in a manner that provides the greatest monetary benefit to schools and hospitals. Enabling Act, 36 Stat 568, §§ 25-27. The same trust duties are also imposed by the Arizona Constitution, Article X.

Therefore, the EIS must recognize and reconcile the stated purpose of the SDCP to prot[redacted] State Trust lands from urbanization with those purposes mandated by those federal and stat[redacted]olicies.

C. **Conflict with state zoning authority.**

It is made clear in the 1998 and 2000 Preliminary SDCP's that Pima County intends to use[redacted]ection 9 of the ESA and an ITP to regulate land and water uses for environmental protection and [redacted]storation. When the SDCP is finalized in sufficiently specific form for EIS scoping, the con[redacted]ct between this proposed use of the ESA must be reconciled with the limits on Pima Co[redacted]y's zoning authority under state law. That state law provides:

> [A] rezoning of land that changes the zoning classification of the land or restricts the use or reduces the value of the land is a matter of statewide concern and such a change in zoning that is initiated by the governing body or zoning body shall not be made without the express written consent of the property owner. The county shall not adopt any change in a zoning classification to circumvent the purpose of this subsection." A.R.S. § 11-829.F.

D. **Conflict with United States mining policy.**

Three of Arizona's major copper mines are located in Pima County. FWS must consider whether any ITP it issues would conflict with the National Materials and Minerals Policy, Research and Development Act of 1980. This Act requires all federal agencies to act immediately to promote the goals of fostering and encouraging private industry in the development of economically sound and stable domestic mining and minerals industries. 30 U.S.C. § 1605.

E. **Conflict with State and Federal Land Management Authority.**

With regard to grazing leases, the SDCP relies heavily on the preservation of "ranching" to preserve open space and habitat - yet cannot assure the continuation of "ranching" without the necessary grazing permits which are controlled by the appropriate land management agencies and authorities such as U.S. Forest Service, Bureau of Land Management, and Arizona State Land Department.

F. **Conflict with stated objectives.**

Numerous environmental groups, who have actively participated in the development of the SDCP, have adamantly opposed the use of public land for "grazing". It is apparent that the environmental groups' objective is to eliminate all grazing from public lands (federal and state) and if successful, in essence destroying "ranching" as a viable land use. AMA believes this presents Pima County with an interesting situation, particularly when the SDCP relies on grazing as a way to preserve open space. AMA poses the question to Pima County of how to resolve this situation when it appears to pose a conflict?

V. **Procedural evaluation requirements.**

There are numerous regulatory procedural requirements that must be followed when FWS considers any HCP and application for an ITP submitted by Pima County, including the following:

1. Executive Order 12866 requires an analysis and determination to be made on whether any proposed rulemaking will have a significant adverse effect on the economy. Executive Order 12866 requires analyses of the costs and benefits of both "quantifiable measures" and "qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider" and to "consider the costs of cumulative regulations".

2. Regulatory Flexibility Act – this Act requires administrative agencies to consider the effect of their actions on small entities, including small businesses, small non-profit enterprises and small local governments. 5 U.S.C. §§ 601 et seq.

3. Executive Order 12630 requires each federal agency to prepare a takings implications assessment to determine whether regulations it is considering would pose the risk of taking constitutionally protected private property.

4. Unfunded Mandates Reform Act – this statute requires the FWS to assess the effects of the Pima County proposals on state, local and tribal governments and the private sector. 2 U.S.C. §§ 601 et seq.

VI. **Alternatives to be considered.**

The Notice does not identify any possible alternatives to the SDCP/HCP proposal. The NEPA regulations require that all reasonable alternatives to the proposal actions be considered. 40 C.F.R. § 1502.14(a). When the SDCP/HCP is submitted in final form and specific actions and impacts are identified, alternatives to those actions must be analyzed. At least the following alternatives should be considered:

1. The CEQ regulations require that a no-action alternative be considered. 40 C.F.R. § 1502.14(d).

2. Requiring an HCP and ITP only for individual projects that might be subject to Section 9 of the ESA rather than a county-wide HCP and ITP.

3. Joining land users as actual parties in the HCP.

4. An ITP mitigating impacts only on federal lands.

5. An ITP mitigating impacts only on listed or listed and candidate species.

When the SDCP is sufficiently specific for scoping an EIS, other alternatives will likely need to be considered.

AMA appreciates the opportunity to comment on this Notice of Intent and encourages the FWS to give serious consideration to these comments.

Sincerely,

Chuck Shipley

ARIZONA
MINING ASSOCIATION

CHUCK SHIPLEY
President

January 1, 2001

Mr. C.H. Huckelberry
County Administrator
Pima County
130 West Congress, 10th Floor
Tucson, AZ 85701

Re: Draft Preliminary Sonoran Desert Conservation Plan

Dear Mr. Huckelberry:

These comments are submitted by the Arizona Mining Association on the Draft Preliminary Sonoran Desert Conservation Plan issued on September 26, 2000 (the "Draft SDCP").

I. Introduction.

On October 17, 2000, Pima County issued its Draft SDCP proposal to seek an Incidental Take Permit ("ITP") for Pima County, Arizona pursuant to the Endangered Species Act ("ESA") (16 U.S.C. § 1539(a)(1)(B)). The Notice states that "Pima County proposes to be an applicant for an incidental take permit, thorough development and implementation of the Sonoran Desert Conservation Plan which will serve as a habitat conservation plan as required by the Act [ESA] for issuance of an incidental take permit."

Because the Draft SDCP will be used as a habitat conservation plan ("HCP") consideration must be given to the following authorizations and requirements under 16 U.S.C. § 1539(a) of the ESA for Pima County to submit an HCP and for FWS to issue an ITP:

> "(2)(A) No permit [ITP] may be issued by the Secretary authorizing any taking referred to in paragraph (1)(B) unless the applicant therefor submits to the Secretary a conservation plan that specifies:
>
> (i) the impact which will likely result from [acts causing] such taking;
>
> (ii) what steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps;
>
> (iii) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized;"

The ESA regulations require that applications for ITP's must include "a complete description of the activity sought to be authorized" and "the impact that will likely result from such taking". 50 C.F.R. §§ 17.22(b)(1), 17.32(b)(1).

Similarly, the FWS Habitat Conservation Planning Handbook (p. 3-10) requires that activities be identified in the proposed plan area that are likely to result in incidental take. In the part of the Handbook dealing with compliance with NEPA (p. 5-1), the Handbook advises that "[w]hen thinking about the NEPA analysis as it relates to an incidental take permit and an HCP, it is important to be precise about the nature of the underlying action".

With regard to the degree of specificity of a proposed action being scoped for an EIS, the Council on Environmental Quality ("CEQ") states:

> "Scoping cannot be useful until the agency knows enough about the proposed action to identify most of the affected parties, and to present a coherent proposal and a suggested initial list of environmental issues and alternatives. So the first stage is to . . . compose a clear picture of your proposal . . ." CEQ Memorandum for General Counsels, April 30, 1981.

Therefore, the ESA and the regulations and guidance under the ESA and NEPA require the following in an HCP and an application for an ITP:

1. A precise description of the specific acts that may cause a taking;

2. A precise description of the specific impacts those acts will likely cause on the species;

3. A precise description of the specific steps the applicant will take to minimize and mitigate those impacts;

4. A precise description of what specific alternative actions the applicant considered and the reasons why those alternatives were rejected; and

5. An identification of most of the affected parties, the presentation of a proposal and a suggested list of initial environmental issues and alternatives.

The Draft SDCP fails to adequately address those required items of information and must do so or risk a fatal flaw in the process. In addition, there are other deficiencies addressed in greater detail as follows.

II. The Draft SDCP is not sufficiently specific.

AMA has encountered two difficulties in addressing the Draft SDCP. The first difficulty is in determining what documents Pima County is considering to implement and submit as an

HCP and application for an ITP. We have reviewed a "Sonoran Desert Conservation Plan" released by Pima County sometime in 1998 (referred to herein as the "1998 SDCP"), as well as this September 26, 2000 Draft SDCP. The Draft SDCP identifies (p. 4) three other HCP type documents that will be prepared: a "Regional Multi-Species Conservation Plan ("RMSCP"), a "Final Sonoran Desert Conservation Plan" ("FSDCP") and an "Adaptive Management Plan and Manual" ("AMPM"). One draft of the AMPM and three drafts of the RMSCP will be prepared in the year 2001 and the final RMSCP and SDCP will be prepared in the year 2002. Those various documents that are in various stages of preparation create difficulty for anyone attempting to comment on this Draft SDCP without knowing what role those other documents will have in the process.

The second difficulty in commenting on the Draft SDCP is that the information in the 1998 SDCP and the Draft SDCP is not sufficiently specific to allow substantive comments to be submitted. It is impossible to identify or evaluate the environmental and economic impacts caused by, or the issues arising from, a SDCP/HCP and ITP until the proposed land and water use controls are specifically identified as being applicable to specific land and water uses and areas.

III. Effects that must be considered.

There are certain subjects which Pima County, in its role as a responsible government body and to comply with NEPA, must consider before implementing any SDCP. Those subjects include the direct, indirect, cumulative, economic, ecological, aesthetic, historic, cultural, social and health effects of the SDCP. 40 C.F.R. § 1508.8(b). Those impacts are particularly important to consider in view of the stated theme in the Draft SDCP (p. 3) that:

> "community members do not simply want a conservation plan that achieves minimum compliance requirements of federal law. The Sonoran Desert Conservation Plan is a process and a mechanism that allows the community to express its aspirations for improving the quality of life in Pima County."

That statement raises the question of who are the "community members" who want more than minimum compliance with federal law. The statement is unfortunately consistent with the stated purpose of the environmental group which brought the litigation leading to this SDCP process. Shortly after the Federal District Court ordered the designation of critical habitat for the pygmy owl in Pima County and other areas, the Executive Director of the plaintiff (Southwest Center for Biological Diversity) in that suit is reported as stating:

> "This [designation of pygmy owl critical habitat under the ESA is going to set the stage for development controls of the Tucson basin . . . finally, open space is going to have a fighting chance."

AMA is concerned that both the statement from page 3 of the Draft SDCP quoted above and the statement of the Executive Director of the Southwest Center contemplate the most aggressive assertion of restrictions under the ESA which were characterized as follows on page 37 of the 1998 draft SDCP:

> "Section 9 of the Endangered Species Act can be summarized by one word - - 'no'. The prohibition on take [of listed species] is a surprising and draconian provision in the law - - sometimes called the pit bull of environmental rules. What it means in action is that if one individual endangered animal is in conflict with any land use that leads to take, that individual trumps the land use."

The land area within Pima County is enormous – more than 9,000 square miles. The 1998 SDCP recognizes that state law "prohibit[s] counties from imposing land use restrictions more stringent than are presently allowed on lands within the incorporated area of the county" (p. 36) but states that lands containing "unique or significant environmental, historic or other cultural resources" should be protected from land uses that "will be incompatible and should be prohibited when possible." The Draft SDCP finds (p. 7) that "efforts to conserve resources in Pima County have been made more difficult given that... state law allows unregulated development that can be destructive to the landscape, the natural resource base and the tax base and has significantly undermined the local planning ability of the county." To overcome those perceived restrictions on Pima County's land use authority, the County plans to have the federal government override state law authority by applying in the fall of 2002 for a Section 10 permit to approve a conservation plan that "upholds and gives the broadest application to the ecosystem protection goals of the Endangered Species Act." (p. 2) The use by Pima County of the ESA to overcome state law to restrict land uses is also illustrated by the discussion in the July, 1999 Pima County staff report entitled "Water Resources and the Sonoran Desert Conservation Plan":

> "Significantly, the major policy decisions that have succeeded in overriding local concerns, entrenched interests, and the credibility problems created by our history of utilizing the resource within an artificial legal and administrative construct, share certain important characteristics. They are all **regional** and **comprehensive** in nature, and involve a **federal** connection. (pp. 7, 8) (Emphasis in original.)
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> It is clear from this line of cases, that next century, protection of federal purposes such as wildlife and related habitat protection will require accommodation within water resource policy. Federal purposes, when established, override local laws and policies which have ignored hydrologic reality and depleted water resources." (p. 9)

AMA calls the attention of FWS and Pima County to an HCP being prepared by another county: The Final Clark County (Nevada) Multiple Species Conservation Plan which was released in September of this year. In extreme contrast to the land and water use restriction and prohibition purposes stated in the Pima County SDCP, the purpose stated in the Clark County MSHCP (p. 2-2) "is to achieve a balance between":

1. Long-term conservation and recovery of the diversity of natural habitats and native species; and

2. The orderly and beneficial use of land in order to promote the economy, health, well-being, and custom and culture of the growing population of Clark County.

In contrast to the Pima County SDCP proposing to override state law restrictions on county land use controls by using federal law to "give the broadest application to the ecosystem protection goals of the Endangered Species Act," the Clark County MSCP would control development on private lands by recognizing that "conservation agreements and easements would need to be entered into." (p. 4-21) Pima County should adopt similar constraints in its SDCP.

When there has been sufficient information developed to determine the specific land and water use restrictions of the SDCP, Pima County should analyze the socioeconomic impacts of those restrictions. The specific effects and monetary benefits and detriments of the SDCP/HCP must be identified and evaluated. An indication of scope that will be required of the socioeconomic analysis is provided by the statement on page 36 of the 1998 SDCP that "uses [that] are incompatible [with preservation and protection of lands that contain significant environmental, historic or cultural resources] should be prohibited where possible." Pima County should use, as a model for that analysis, the recently recognized power crises in California that has resulted in large part from local governments in California prohibiting the development of new power sources.

The social effects of the Draft SDCP must also be considered. The Draft SDCP (p. 4) recognizes that the population in Pima County is growing. If Pima County through a SDCP prohibits land uses that are incompatible with the preservation of environmental, historic or cultural resources, the ability of Pima County residents to find employment and adequate housing will be impaired.

The direct and indirect socioeconomic impacts that must be studied include the effect of reduction in the number of employees available to the numerous industries in Pima County, including mining, grazing, utility servers, recreation and the construction industry. This consideration emphasizes the point that those factors, while necessary to be evaluated, cannot be evaluated unless the SDCP addresses the specific land uses in specific areas that will be prohibited or restricted.

IV. Conflicts with state laws and policies.

Pima County should analyze the possible conflicts between the Draft SDCP and the objectives and requirements of other state and local policies and laws. AMA submits that such an analysis will find that there are severe conflicts between the SDCP and other state laws and policies, including the following:

A. Conflict with state water policy.

A purpose of the 2000 Preliminary SDCP is stated (p. 33) as being to "restore" ecosystem structures, riparian areas, fluvial processes, hydrogeomorphic elements and biotic interactions. The "Water Resources and the Sonoran Desert Conservation Plan" paper states (p.4) that "restoration [of riparian ecosystems] is likely to be a condition of the Section 10 permit issued under the Endangered Species Act." That paper also finds (p.7) that Arizona's water law system

"is not in tune with environmental impacts or federal endangered species compliance issues" and that "the gridlock of local water decision making has been overcome by protection of federal purposes." That paper proposes (p.21) that the "prohibition on take of the listed species under Section 9 of the Endangered Species Act, if enforced, will prevent water utilization practices which can hurt, harm or harass the animal, or significantly alter its habitat."

The Arizona Legislature has defined the States' water policy in Chapters 1 and 2 of Title 45, Arizona Revised Statutes. The purposes of those statutes are to:

1. "Focus the responsibility for water management and administration of water-related programs within the state in the Arizona Department of Water Resources."

2. "Stabilize the use of water resources particularly groundwater resources, in this state according to management practices, procedures, standards and plans provided for by statute." A.R.S. § 45-102, note.

Furthermore, in the 1980 Groundwater Code the Arizona Legislature "evoke[d] its police power to prescribe which uses of groundwater are most beneficial and economically effective." A.R.S. § 45-401.

The conflicts between the purposes of the SDCP and state water policies are clear and Pima County must recognize and reconcile those conflicts.

B. Conflicts with state trust land policies.

The FWS Federal Register Notice (p. 54296) states that the Draft SDCP will "establish a regional preference for the expenditures of State funds to preserve and protect State Trust lands threatened by urbanization." The Arizona Enabling Act requires that State Trust lands be used and disposed of in a manner that provides the greatest monetary benefit to schools and hospitals. Enabling Act, 36 Stat 568, §§ 25-27. The same trust duties are also imposed by the Arizona Constitution, Article X. Therefore, Pima County must recognize and reconcile the stated purpose of the SDCP to protect State Trust lands from urbanization with those purposes mandated by those federal and state policies.

C. Conflict with state zoning authority.

It is made clear in the 1998 SDCP and this Draft SDCP that Pima County intends to use Section 9 of the ESA and an ITP to regulate land and water uses for environmental protection and restoration. Before the SDCP is finalized, the conflict between this proposed use of the ESA must be reconciled with the limits on Pima County's zoning authority under state law. That state law provides:

> [A] re-zoning of land that changes the zoning classification of the land or restricts the use or reduces the value of the land is a matter of statewide concern and such a change in zoning that is initiated by the governing body or zoning body shall not be made without the express written consent of the property owner. The county shall not adopt any change in a zoning classification to circumvent the purpose of this subsection." A.R.S. § 11-829.F.

D. Conflict with State and Federal Land Management Authority.

With regard to grazing leases, the Draft SDCP relies heavily on the preservation of "ranching" to preserve open space and habitat - yet cannot assure the continuation of "ranching" without the necessary grazing permits which are controlled by the appropriate land management agencies and authorities such as U.S. Forest Service, Bureau of Land Management, and Arizona State Land Department.

E. Conflict with stated objectives.

Numerous environmental groups, who have actively participated in the development of the SDCP, have adamantly opposed the use of public land for "grazing". It is apparent that the environmental groups' objective is to eliminate all grazing from public lands (federal and state) and if successful, in essence destroying "ranching" as a viable land use. AMA believes this presents Pima County with an interesting situation, particularly when the SDCP relies on grazing as a way to preserve open space. AMA poses the question to Pima County of how to resolve this situation when it appears to pose a conflict?

V. Comments on Memorandum to the Pima County Board of Supervisors.

The Memorandum dated September 26, 2000 from County Administrator Huckelberry to the Board of Supervisors is also of concern to the AMA.

Part V of the Memorandum describes the need to preserve cultural and historic resources which AMA believes should not be included in the Habitat Conservation Plan as they have nothing to do with endangered species or habitat – the reasons the County has given for going through this process. These studies should not be funded in this process and should be entirely separate.

Part V of the Memorandum (Riparian) includes a discussion of goundwater decline from pumping destroying riparian habitat. This statement sets the stage later in the report where groundwater pumping controls are suggested. AMA believes any mention of restricting groundwater use – if that use is a valid existing right – is inappropriate and outside of the purview of Pima County.

Part V of the Memorandum (Critical and Sensitive Habitat and Biological Corridors) discusses The Nature Conservancy's "prestigious" ecoregional plan for the Sonoran Desert. AMA understands that The Nature Conservancy has provided much of the information contained in the County's report and has recently signed an agreement to partner with the new Natural Biological Survey in the Department of the interior, however, there have been no disclosures regarding the technical capabilities of this "non-profit" organization. There is also some question as to who supports this organization and what agenda is being forwarded in their reports. There is no indication that there was peer review for reports presented by the Nature Conservancy, no indication of who the authors of the reports are or what their qualifications are and no rationale behind accepting a plan provided by unknown personnel rather than requiring the consultant hired to perform the required analysis in Pima County. AMA is very concerned with the editorializing in the draft plan to make certain documents appear to have more weight than would ordinarily be afforded an unsolicited report of this kind.

Part VI of the Memorandum (Authorize Public/Private/Non-Profit Research and Planning Partnership) discusses:

> "Long-term collaborative planning agreements should be established with the A) Nature Conservancy, B) Arizona-Sonoran Desert Museum, C) Rincon Institute, D) Udall Center, E) Arizona Open Lands Trust and F) various departments and colleges of the University of Arizona."

This list is particularly troubling as it includes no industry, Chamber of Commerce, ranching or recreational groups. The SDCP is destined to be seen as "heavy handed" and "one-sided" with no input from other parts of the population and the implementation will fail.

Part VI of the Memorandum (Section 7 regarding land use planning and zoning code modifications in the unincorporated areas of Pima County) is troubling at best. The first proposal (A) would diminish and take private property value with no regard to private property rights by deferring conditional use permits or upzoning requests in areas that may or may not be required for conservation.

Part VI of the Memorandum, Section 7E, regarding open space requirements is unrealistic in order to meet the requirements and not use functional open space to meet those requirements, housing developments will have to increase in size rather than become more efficient. This will increase the cost of housing and eliminate affordable housing which eventually causes some

environmental justice concerns because it will force lower income families into less desirable neighborhoods.

Part VI of the Memorandum, Section 8, discuss State legislation. Several of the items in this list advocate a take of private property or operations that will change the value of the property without compensation to the owner. AMA believes those objectives are inappropriate for the County to consider. If the County cannot meet their goals without adversely affecting their citizens, then they should re-examine those goals.

AMA appreciates the opportunity to comment on this Notice of Intent and encourages the County to give serious consideration to these comments.

Sincerely,

Chuck Shipley

To: Pima County Board of Supervisors
Attn. Chuck Huckleberry - Administrator
130 W. Congress – 10th Floor
Tucson, AZ 85701

December 18, 2000

RE: Comments on Pima County's Sonoran Desert Conservation Plan.

Dear Supervisors:

Thank you for the opportunity to comment on the Pima County (PC) Sonoran Desert Conservation Plan (SDCP). The SDCP is woefully inadequate in numerous specifics and shamefully fails to address many deficiencies. As a land use planning tool and "Multi-Species Habitat Conservation Plan (HCP) it suffers from realistic, professional management. Listed below are some to the basic concerns you may want to think about rectifying to make the SDCP a real management tool.

1. The SDCP purposefully uses contradictory acreage figures in the many different published versions of the Plan to confuse the public & further advance the agenda of the SDCP. PC has apparently assumed control over some 937,000 acres of State Trust Lands (the ~1.45M ac. of "unincorporated PC). In reality PC has jurisdiction only over < 565,000 acres of private lands in the county (<13% of PC that is privately owned outside of municipal jurisdiction). It is obvious that PC has not been working with the Arizona State Land Department. It must also be recognized that any MOU/MOA's are not binding & that each agency has land management mandates that may change in the future. The "incidental take" permit PC seeks is for 30-40 years with no guarantees that these MOU/MOA's have any duration of that extent. PC's SDCP fails to identify any "contingency" plans if any of the MOU/MOA's are terminated. Nor are there any assurances of compliance. What happens if PC cannot get full cooperation of the other agencies after a period of time?

2. The "science" used as the basis to draft and support the SDCP is extremely suspect - there has been no peer review of any of the "findings" of the science team (unless you consider an internal review by the science team itself "peer review"). This is especially evident in a recent review of the "Ironwood Primer" that was the basis for a major portion of the SDCP (see attached review). Who selected the 51 species of concern and reviewed this list? Who devised the definition of riparian - especially xeroriparian - and the list of riparian plant species and reviewed this conjecture? Who is the "science team", and what are their credentials?

3. The "Ranch Conservation" component of the SDCP plays a major role in the success of the SDCP. Yet this major component lacks any guarantees (or even assurances) that the grazing permits, that are absolutely essential to the continuance of any of these ranches will have any credible assurity for continuance into the future. These grazing permits are solely at the discretion of the land managing agency (ASLD, BLM, USFS, etc.) with jurisdiction. More than 88% of the grazing permit acres are controlled by state & federal agencies. This aspect is especially critical in light of the present politics & the avowed proclamation of numerous powerful environmental groups to eliminate grazing from the

public lands. How does PC plan to address this conflict with its major supporters of the SDCP? How could PC influence the other land management agencies?

4. The SDCP assumes financing of this endeavor is complete. The taxpayers of AZ have spoken in regards to the "Growth Initiatives" on the recent ballot and turned them down; and the developers are opposed to the increased development fees. also the costs of the SDCP have not been adequately tabulated. The major costs that have not been addressed are the acquisition of "conservation easements", preservation of State Trust Lands, monitoring, research and maintenance/administrative cost to PC. PC has a shameful record to date of adequate funding of the existing Parks Department & with additional acquisitions how will they fund an ever greater budget? Once the taxpayers are given the real total and true costs of this proposed SDCP they may not support this land management plan.

5. The SDCP totally ignores (omits) any semblance of a mineral resource evaluation. PC produces more copper than many nations. Exploration for and continued production of copper from PC is essential to the State and National interests. Plus the development & utilization of numerous other minerals is essential to PC's future (cement, sand & gravel, etc.). How do these impact the proposed SDCP? The SDCP inflamatorily (in at least 1-published version of the Plan) erroneously refers to "ASARCO plans to re-open a mine in western PC" to garner sentiment for the Plan's adoption. The SDCP also includes a "Cultural-Historic Preservation" component that has absolutely nothing to do with an HCP (supposedly the main reason given for the Plan.

6. The "public input" to the SDCP excluded numerous specific groups that are significantly impacted by the actions of the plan. This flagrant omission was purposeful to ensure "consensus" on the SDCP. Excluded from the beginning of the process was the mining interests (who own >33,000 acres of land in PC), ASLD, field agriculture, taxpayer groups and other industries that will be significantly impacted. The "select" groups invited to the Steering Committee and Technical Committees are extremely biased. In addition the early drafts of the SDCP, and the September 2000 draft are only available for public scrutiny at the main library , or for purchase at a hefty price ($30) from the county administrator's office. Hardly "open" for public review & comment. In addition it appears that very select individuals and groups were given "free" copies of the SDCP drafts and the supporting "scientific studies" to support it. These support documents are also available for sale to any other interested parties for hefty price tags. This is not conducive to open public review & comment.

7. The riparian "restoration" component of the SDCP has no mention of where the water resources will come from. PC lacks any authority to regulate or manage the water resources necessary to achieve the lofty riparian restoration objectives it states in the SDCP. How are these objectives to be achieved? How does the SDCP propose to protect the habitat of the aquatic species identified? What is PC's expertise & record to date of success at riparian restoration?

8. The SDCP infers that many areas outside of proposed "protection" areas would become available for development if the Plan is adopted. These lands for development would

clearly jeopardize existing OCCUPIED critical habitat with known populations of Cactus Feruginous Pygmy Owl and other species for mitigation lands that are UNOCCUPIED and are at best dubious as habitat. Even at mitigation ratios of 4:1 how can the SDCP justify the direct loss of known OCCUPIED habitat? The SDCP fails to identify specific habitat to be impacted, nor identify specific habitat for mitigation for the T&E species listed let alone any of the other species "identified as sensitive, protected, etc.". There is no detail on the minimum numbers of "take" or disturbance of critical habitat.

9. The SDCP woefully underestimates the costs to landowners and taxpayers of PC. What about the punitive costs to landowners? The costs of preserving ironwood, etc. to the homeowner have been grossly understated ? What about "affordable housing" with a $5K surcharge? What impact will these costs have on future economic development? The SDCP apparently does not plan to do an economic impact study like it should.

10. The SDCP shamefully ignores questions of "taking" of private property rights. The question of "downzoning" has been purposefully understated to further the agenda of the SDCP.

Stu Bengson

Stuart A. Bengson

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June 1, 2000

Re: Report on the Analysis of the Proposed "Silver Bell National Monument":

Recently Secretary of the Interior Bruce Babbitt suggested the establishment of the Morris K. Udall - (Silver Bell) - Ironwood Forest National Monument. He stated that the primary objective of this National Monument was to preserve the last great stands of ironwood forests and prime cactus ferruginous pygmy owl habitat. Neither of these statements can be substantiated by scientific fact. The primary document used to substantiate these claims, the "Desert Ironwood Primer", is not a scientific document that holds up to peer review. Also, recent surveys of the proposed Monument area and other areas in the vicinity show that the greatest density of ironwood is farther to the east. Also, the area further to the east was recently declared by the USFWS as "critical habitat" for the cactus ferruginous pygmy owl (CFPO). Whereas the area being proposed for the National Monument has fewer ironwood trees, and is not designated as "critical habitat" for the CFPO.

This area is however a proven major mineralized area. It has been a historical major producer of copper and silver dating to the mid-1800's. Today there exists a major copper mine, and the surrounding area has tremendous potential for further copper development. Mining and minerals are of paramount importance in the sustainability of modern man's existence. Copper especially is as vital today as it ever was. More than $422 billion worth of processed materials originated from mining in 1999. Although some may view the visual impacts of mining as "ugly" in reality they are akin to the modern urban skyline and equate to jobs, taxes, homes, and the means to advance and improve the quality of life for mankind.

The first objective of this analysis was to verify the accuracy of specific references cited in the "Desert Ironwood Primer" (Feb. 2000, Arizona-Sonora Desert Museum by G.P. Nabhan and M. Behan). Many of the "scientific" statements in the "Primer" that were referenced with scientific citations proved to be exaggerated or false. There are several "scientific" statements in the "Primer" that are unsubstantiated self serving conjectures with no scientific basis of fact. The "Desert Ironwood Primer", as a scientific document, is flawed at the very least and has not been properly peer reviewed. The next objective of this analysis was to determine the true density of ironwood trees in the vicinity of the proposed National Monument. Our surveys indicate a six-fold increase in the average number of ironwood per acre in areas far to the east of the proposed Monument.

C.H. Huckleberry's Cover Letter to the Pima Co. Board of Supervisors:

p.1: "The *Desert Ironwood Primer* establishes the importance of ironwood...biodiversity of over 500..species.....habitat in the Silver Bell Mountains of Pima County is associated with 674 species....". The reference to "674 species" (see Table 6, p.25) was found to be correct, but is not a complete reference. The authors went on to state "In (the) Table...we present available data from 2-deserts on species richness...These represent species present in the general area...without specifying whether they occur together in the same sites...in fact, all of the data in (the) Table include species habitating the full range of desert habitats from dry flats to washes". The reference to "over 500 species" (see Figure 6, p.25) is based on "a survey sent to vertebrate zoologists" but does not document who these "zoologists" surveyed are nor their credentials as "experienced in Sonoran Desert field studies".

"Ironwood ranks among the most ecologically & economically important plant species....". This statement is "documented" on p.4 of the "Primer" with reference to Nabhan & Carr 1994). It was extremely difficult to locate this particular document. The 2-copies in the U.of A. Science library have been "missing" for some time with no luck in their search for the documents. I was finally able to locate a copy in the ASU Hayden Special Collections Archives. Upon examination of this reference I could find no statements nor supporting evidence to substantiate the author's claim that "ironwood is (or could be) the most ecologically & economically important plant species".

"The mere presence of ironwood & other legume trees can increase the number of bird species....by 63%". This statement is referenced on p.21 of the "Primer" as Vander Wall & Mac Mahon 1984. In researching this reference I found that the study did not focus on "ironwood", but included <u>all</u> legume tree species (palo verde, mesquite, and acacia). It is misleading for the author to "conclude" that this makes ironwood any more valuable for bird species than any of the other tree species. Further the authors of the referenced paper stated that "we cannot exclude the possibility that competition with distantly related taxa (e.g. ants, spiders, lizards, rodents) has affected avian distribution patterns".

p.2: "Recent studies show that without the protective cover of desert legumes, the distribution range of saguaro....would retreat many miles...". This statement of "fact" is referenced on p. 17-18 of the "Primer" citing Nobel 1980 (only 1-study with no other "recent studies referenced). Upon research of this singular reference I could find no substantiation for "ranges of saguaro, etc. retreating many miles". Further the reference specifically states "...diameter increase with (further north) latitude may help protect the apical meristem of C.gigantea from freezing injury". Apparently the northward distribution of saguaro is related more to morphological adaptation (i.e. larger stem diameter) than protective cover of trees.

"...highest ironwood densities...came from...(Ragged Top, 35 trees/ha ((14/ac.)))... are greater near the species northernmost limits...". This "fact" is referenced on p.14 &15 of the "Primer".The references are Spanish publications that I cannot verify at this point in time. I question the "findings" of the survey conducted by the author's due to the methodology of the survey (see "Part two: Ironwood Habitat Study pp. 46-60). In this survey the author used an "ironwood-centered plot" of 512 meters square compared to

"randomly selected plots". The question remains, were the "randomly selected plots" centered on other leguminous tree species (i.e. mesquite or palo verde)? If not, then the "richness" of species, etc. recorded under the ironwood cannot be termed any better than the "random" plots. You will naturally find a greater density & richness of species under the canopy of any tree specie in the desert. If the findings of the author can be scientifically duplicated then we can verify the accuracy of the numbers presented. It is quite easy to "skew" surveys to obtain data to support any given hypothesis. The true scientific test of validation is duplication of the data following the same methodology. The other question needing to be answered is how the authors determined the density of ironwood/hectare (as high as 35/ha. = 14/ac.) from a 512 meter square plot located under an ironwood canopy.

"...Ragged Top site...contributed the highest levels of species richness...". This is referenced on p.56-57 of the "Primer". Again this statement depends on the accuracy of the data compiled by the author and the interpretation of that data. Our surveys show that the density of ironwood near Ragged Top is comparable to the authors findings, but that ironwood in other locations of the proposed Monument are much lower. In fact the density of ironwood in areas off Tangerine Road, far to the east of the proposed Monument, are greater than 6X the density on average (see Ironwood Surveys). These surveys were recently completed on 1 acre sized plots (as referenced in the Forestry Handbook, Society of American Foresters, by R.D.Forbes).

<u>p.3:</u> "...U.S. offers limited protection for ironwood compared to Mexico..." This statement, and similar statements on pp. iv & v. of the "Executive Summary" of the "Primer" are unsubstantiated and somewhat ridiculous. While there is reference to recent laws in Mexico protecting ironwood, the author's fail to recognize the "fact" that ironwood is very well "protected" in the U.S.. We have the Organ Pipe NM, Cabeza-Prieta National Wildlife Refuge, Kofa Wildlife Refuge, the Barry Goldwater Military Reservation, The Tohono O'Odham Indian Reservation in addition to the AZ & CA Native Plant laws. Additionally the recent designation of "critical habitat" under the Endangered Species Act has severely restricted alteration of ironwood habitat. Further the Pima County slope and riparian ordinances can also be very valuable to protect ironwood habitat.

"...Ragged Top...contributes the highest values of significance...". This statement is referenced to p.59 of the "Primer". Upon looking at p.59 there is no substantiation or valid scientific reference for this conjecture.

"The *Desert Ironwood Primer* is the most comprehensive biological review...". This statement must be taken with caution because the "Primer" referred to has not had peer review and I would conjecture that it would fail such review.

<u>*The Desert Ironwood Primer:*</u>

<u>*p.i of Exec.Sum.:*</u>

"...sole species in the genus Olneya...". There is no unique distinction in this statement. Lehr 1978 lists over 420 single species genus plants in AZ, 16 in the same family as ironwood (Papilionodeae).

p.ii:

"Unlike other desert trees, ironwood rarely sheds all its leaves, so that its canopy provides shade & protection from frost and extreme heat year round." The ironwood does shed its leaves when frosts occur and will go deciduous in extreme drought. The palo verde even while essentially "leafless" is so densely branched that it provides a great deal of shade to plants under its canopy.

"Ironwood functions as a habitat modifying *keystone* species". This is true, and as is noted so do mesquite , palo verde and acacia. While you can say ironwood "caters to different sets of plants in its "nursery"", this is only because of differences in the various ecosystems not necessarily due to the ironwood alone.

"..mere presence of ironwood....can increase ..bird species...by 63%". This statement is false, as commented above.

p.iii:

"Recent studies show without protective cover...distribution..of saguaro..would retreat many miles...". This statement is false, as commented above.

p.iv:

"Attempts to protect ironwood...have been unsuccessful." This statement is unsubstantiated.

"Ironwood faces many threats...conversion ... to agriculture...woodcutting alone causes an average 17% reduction....". There is no substantiation of these statements.

p.v:

"...ironwood receives limited protection as species...". No credit is given to the protection established as commented above.

"...148 new plots...ironwood's presence to be equally high in ecological importance...". Without collaboration or verification of the procedures, methodology or accuracy of the conclusions gleaned from this recent study (i.e. peer review of the data and its interpretations) the data is suspect. See comments on this survey above. It would appear that the data has been skewed when ironwood is used as the center of the plot vs. a "random" barren plot.

"...protecting ironwood habitat in Pima County...". How would Pima County protections be any different from other protected status? Pima County already has slope and riparian ordinances for habitat protection.

p.vi:

"...we have selected several sites as priorities for new protection...". Who is "we" and what criteria used to "select"? How would "new protection" further what is already in place?

p.4 of "Primer":

"...most ecologically & economically important ..species". See above comment to refute this statement.

p.5:

"We encourage readers to send us their comments...". Is this the author's equivalent to a scientific peer review?

"...sole species....unique genus....". See above comment to invalidate this statement.

p.9:

"Table 1". Dimmit's study only looks at 1-decade of data, you cannot interpolate the data beyond that. Hardly long enough to make any conclusions about the physiology of ironwood.

p.14 & 15:

"Table 3". These findings are based on limited sampling. Some could question biased sampling techniques (i.e. "cut areas"). Also the methodology, interpretation of the data, and statistical accuracy must be peer reviewed before any conclusions can be drawn.

p.17:

"...ironwood canopy...3-4 times (inferred "better")...than mesquite or palo verde...". This statement is referenced as Tewksbury & Petrovich 1984. In researching this reference, it was first found to be 1994 not 1984. Further the original authors speculate that ironwood may be "unique amongst trees", but nowhere do the authors state that ironwood "3-4 times better".

"Recent studies.....". Referenced to Nobel 1980 has been refuted above.

p.22:

"Masked bobwhites also utilize ironwood habitat..". This is an unsubstantiated statement/conjecture. Masked bobwhite are indigenous to mesquite grassland habitats, not ironwood desert scrub.

"...ironwood as 1 of 6 ...focal species...". Credits Turner 1999 & Nabhan and Holdworth 1998. These references originate in a publication called the "Wildlands Project" which is a publication of a political activist group advocating the preservation of lands. There is no peer review or scientific recognition of this publication.

p.24:

"...survey sent to zoologists....". See comment on this unsubstantiated statement above.

p.25:

"Figure 6 & Table 6". See comments above.

p.39:

"....60%....400% overstocking.....". This statement is referenced to Aguirre-Murrieta 1994. This is an obscure document and in Spanish. I could not verify the authenticity of this "fact".

p.46-60:

"Ironwood Habitat Study". This is the "study" that supports much of the data presented in the "Primer". The methodology, results, and conclusions need to be peer reviewed. A set of duplicate plots need to be surveyed to ascertain if the results are statistically repeatable. From the author's description of the methodology it would appear that the plots were "skewed" to be centered on ironwood trees. To prove ironwood's superiority, the comparison ("random") plots should have been centered on mesquite, palo verde and acacia. The species "richness", etc. could then be evaluated on similar tree cover influences to determine if ironwood was really any different.

This analysis of the references cited in the "Primer" indicate that many of the conclusions and statements of "fact" are exaggerated or inaccurate. The "Primer" has not been peer reviewed, and therefore cannot be relied upon as a scientific document. Although ironwood can be accurately described as a "unique" ecosystem or habitat, the very same can be said of any ecosystem. The mere presence, or absence, of one dominate species or another should not be the prerequisite for deterring National Monument, or other "preservation" status. Further, our analysis of the density of the ironwood shows a far greater density in areas to the east of the proposed National Monument (see Ironwood Survey - attached).

S.A. Bengson
Certified Professional Soil Erosion Control Specialist
#209

IRONWOOD SURVEYS

(1 chain X 10 chains = 1 ac.)
see appendix A for plot locations

Silver Bell Mine Area

Date:	Plot:	*Onte/ac.*	*Cemi/ac.*	Prju/ac.
5/24/00	1B	20	113	1
	1R	14	80	4
	avg.	*17*	*96.5*	*2.5*
	2B	32	73	0
	2R	36	105	0
	avg.	*34*	*89*	*0*
	3B	18	97	1
	3R	5	137	1
	avg.	*11.5*	*117*	*1*
	4B	8	55	1
	4R	13	50	2
	avg.	*10.5*	*52.5*	*1.5*
	5B	11	29	0
	5R	12	37	0
	avg.	*11.5*	*33*	*0*
	6B	12	60	0
	6R	6	53	0
	avg.	*9*	*56.5*	*0*
5/31/00	15B	35	64	1
	15R	34	56	0
	avg.	*34.5*	*60*	*0.5*
	16B	3	55	0
	16R	4	57	0
	avg.	*3.5*	*56*	*0*
	17B	0	71	0
	17R	0	65	0
	avg.	*0*	*68*	*0*
	18B	0	48	0
	18R	0	56	0
	avg.	*0*	*52*	*0*
	19B	16	49	0
	19R	19	41	0
	avg.	*17.5*	*45*	*0*
	20B	9	56	6
	20R	3	54	9
	avg.	*6*	*55*	*7.5*
	21B	8	36	1
	21R	19	42	1
	avg.	*13.5*	*39*	*1*
	22B	7	53	1
	22R	12	40	1
	avg.	*9.5*	*46.5*	*1*
	Avg:	***12.7***	***61.9***	***1.1***

Tangerine Road Area

Date:	Plot:	*Onte/ac.*	*Cemi/ac.*	*Prju/ac.*
5/26/00	7B	98	25	3
	7R	118	24	2
	avg.	*108*	*24.5*	*2.5*
	8B	118	32	4
	8R	85	25	8
	avg.	*101.5*	*28.5*	*6*
	9B	47	33	0
	9R	45	35	2
	avg.	*46*	*34*	*1*
	10B	90	14	6
	10R	105	28	5
	avg.	*97.5*	*21*	*5.5*
	11B	86	24	4
	11R	74	30	2
	avg.	*80*	*27*	*3*
	12B	97	10	13
	12R	102	8	13
	avg.	*99.5*	*9*	*13*
	13B	78	21	16
	13R	98	25	16
	avg.	*88*	*23*	*16*
	14B	7	27	7
	14R	15	25	9
	avg.	*11*	*26*	*8*
	Avg.	***78.9***	***24.1***	***6.9***

Onte = *Olneya tesota* (ironwood)

Cemi = *Cercidium microphyllum* (foothill or little leaf palo verde)

Prju = *Prosopsis juliflora* (velvet mesquite)

APPENDIX - A

Locations of Plots

(1-chain X 10-chains = 1-acre)

RAGGED TOP AREA:

Plots #1 - #3: NE 1/4 Sec.24 T.11S. R.9E. - turn SE off Sasco-Redrock Rd. onto Silver Bell Rd. 2.2 mi. - 0.1 mi. in towards Ragged Top on side track.

Plot #1 - head towards Ragged Top
Plot #2 - turn 90 deg. left of Ragged Top
Plot #3 - turn 90 deg. away from Ragged Top

Plots #4 - #6: Middle of Sec. 20 T.11 S. R.9E. - 2 mi. further on Silver Bell Rd. - heading off in opposite dir. away from Ragged Top.

Plot #4 - head N. away from Ragged Top
Plot #5 - turn 90 deg. towards the E.
Plot #6 - turn 90 deg. back towards the road (hit road @8 ch.X over road & continue)

TANGERINE ROAD AREA:

Plots #7 - #9: State Land along major power line corridor E. of I-10 & N. of Tangerine Rd.

Plot #7 - heading E. away from power lines.
Plot #8 - turn 90 deg. heading S.
Plot #9 - go back to other side of power line heading W.

Plots #10 - #11: Borrow pit area N. of Tangerine Rd. further E. of power lines.

Plot #10 - heading W. away from borrow pit.
Plot #11 - turn 90 deg. to N. (did 5 ch.-1/2 ac.-had to stop due to shooting in area) #'s X 2.

Plots #12 - #14: Just W. of electric sub-station near Dove Mnt. Rd.

Plot #12 - head W. of sub-station
Plot #13 - turn 90 deg. heading N.
Plot #14 - turn 90 deg. heading E.

SILVER BELL MINE AREA:

Plots #15 - #18: NE 1/4 Sec. 7 T.12S. R.8E.

Plot #15 - head in SW'erly dir. away from road
Plot #16 - turn 90 deg. heading SE'erly
Plot #17 - turn 90 deg. heading SW'erly
Plot #18 - turn 90 deg. heading NW'erly

Plots #19 - #22: NE 1/4 Sec. 13 T.11S. R.7E.

Plot #19 - heading NW'erly - cross over several washes
Plot #20 - turn 90 deg. heading W'erly - cross major wash
Plot #21 - turn 90 deg. heading E'erly - cross large wash
Plot #22 - turn 90 deg. heading SE'erly - on other side of road - cross large wash

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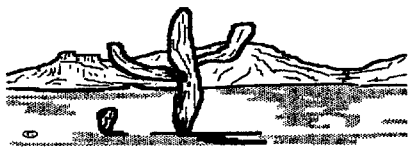

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November 13, 2000

Pima County Board of Supervisors
Attn: Chuck Huckelberry, County Administrator
130 West Congress, 10th Floor
Tucson, AZ 85701

Re: Comments on Pima County draft Preliminary Sonoran Desert Conservation Plan

Dear Mr. Huckelberry:

I make these comments as a member of the SDCP Steering Committee who has been involved in the process nearly from its inception. Please note: members of the Steering Committee have endured many talks and lectures; yet, have had little, if any, input regarding specific recommendations contained in the draft Plan. Most of those recommendations come from county staff and their hired consultants without advice of the Steering Committee.

☞ Mining and Mineral Exploration.

SDCP takes little notice of one of the major land uses in Pima County: mining. Pima County contains four major copper mining districts: Silver Bell, Pima-Twin Buttes-Sierrita, Rosemont-Helvetia, and New Cornelia. These mines provide a large portion of our Nation's copper, many good jobs with good pay, extensive secondary vendor businesses, and a significant portion of the tax base. It is imperative that SDCP take these mining districts into account so that mining and mineral exploration may continue within and adjacent to these districts. Already, mining at Silver Bell has been hampered by establishment of the Ironwood National Monument. In addition, there are many smaller, inactive mining districts, which may become important sources of metals in the future. Consideration must also be given to mineral exploration potential. For instance, the area between the Tucson Mountains and Silver Bell holds a good potential for as yet undiscovered copper deposits. SDCP must not prohibit or restrict future exploration.

Besides copper mines, other mining operations are important to the county. Sand and gravel operations, usually established in, or adjacent to washes, are important to construction and maintenance of infrastructure as is access to quality limestone for cement manufacture. Currently, SDCP fails to address any of these issues.

☞ Mining claim holders.

Many individuals hold mining claims in the minor districts. Each of these claim holders should be identified and notified of any possible impact of SDCP. A method of compensation should be devised for those claims rendered unexploitable by SDCP preserves and regulations.

☞ Property rights.

Many property owners will be impacted by the mountain parks, habitat corridors, riparian preserves etc. established by SDCP. These property owners should be individually notified as soon as possible so they know what is about to happen to their land and have a reasonable time to comment. The Plan should also have some specific language regarding "takings" and compensation. Compensation should be provided not only for outright taking, but denial of beneficial use of part of a holding.

☞ Process.

In the Plan introduction is this statement: "One of the strongest themes to emerge during the last two years is that community members do not simply want a conservation plan that achieves minimum compliance requirements of federal law." That statement does not reflect the view of much of the community. It reflects only the view of some county bureaucrats and some environmental groups, not the citizens at large. Many of us feel that minimum compliance should be the major focus of the Plan. The rest is just social engineering and increased government interference in private matters.

☞ Advice & Consent

In the introduction to the Plan, over County Administrator Chuck Huckelberry's signature, are many proposed recommendations to the Board of Supervisors. These recommendations were made unilaterally by the administrator without notice to, or advice and consent of the Steering Committee. Such recommendations should properly be the result of consultation with all parties, including the steering committee. Particularly objectionable are the recommendations to allow downzoning of private property and changes in the native plant preservation ordinances. These would tend to deprive property owners of full use of their properties without any compensation. Also objectionable is the recommendation for water conservation, through programs "such as mandatory plumbing retrofit requirements upon the sale of residential and non-residential property." Such a provision would place an overwhelming burden on sale of private homes and such a retrofit would be, in many cases, prohibitively expensive or impossible.

☞ Taxes

The Plan should call a tax, a tax, and not use euphuisms such as "revenue enhancement programs" and "major development endowment funds." The Plan proposes to impose many new taxes, fees, and surcharges, to finance the social engineering programs, which would be unnecessary for a minimum compliance plan. Many of these taxes appear, to me, to be extortion.

☞ Property acquisition

The Plan proposes to buy much ranch land and other parcels. I object to increasing the amount of land owned by governments. There should be **no net loss of private land**. If the county simply *must* have a parcel, then it should sell other land to the private sector.

☞ Simplify the language

To clarify meaning, the Plan should be rewritten to eliminate bureaucratic jargon, ambiguous terms, and long, compound sentences. For instance, this sentence (section IV, para. 1) needs clarification: "As jurisdictions create landscape level conservation plans the standards applied upon judicial review are scaling up to assess the effectiveness of larger plans." What are "landscape level" plans? Proper punctuation would help clarify meaning. The paragraphs following the quoted sentence serve as examples of bad composition.

☞ Proposed Natural Preserves

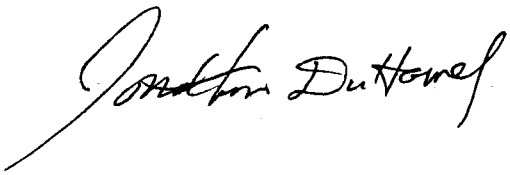
The Buehman-Bingham proposed preserve encloses a known, explored, but as yet, undeveloped copper deposit. Establishment of the proposed preserve will render the mining property rights worthless. The Davidson Canyon and Cerro Colorado proposed preserves also contain mining districts. Provision must be made for equitable compensation if these preserves are established.

☞ Conservation Standards and Recommendations

This section of the Plan is rife with broad goals featuring undefined criteria and standards. How is one to determine that species are recovered "to the point where their continued existence is no longer at risk?" The biggest problem with this section is that it calls for certain water usages without regard to source or impact on existing supplies and rights. These rights and proposed conservation uses need to be precisely defined and reconciled. The Plan also calls for re-introduction and recovery of extirpated species. This is completely outside the purview of the Plan: mitigate land use with regard to certain endangered species.

☞ General comment

SDCP, as currently proposed, is too ambitious. It needs to be more focused on dealing with the Endangered Species Act.



cc: Maveen Behan ←
David Harlow

VII. Notices and Attendance Lists - Federal Scoping and County-wide Community Meetings

- Participation Registration, October 4, 2000 Scoping Meeting (First Session)
- Participation Registration, October 4, 2000 Scoping Meeting (Second Session)
- Notices of Open House / Information Sessions, November through December (15 Sessions)

Participant Registration
Sonoran Desert Conservation Plan (Pima County)
Environmental Impact Statement Scoping Meeting

Held at Arizona-Sonora Desert Museum Gallery
October 4, 2000
First Session 3-5 p.m.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Michael Ingraldi

Address: 640 N 6th Dr

Show Low, AZ 85901

*Representing: AGFD

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No (520) 532-5625 Fax No (520) 367-1258 E-Mail Address mingraldi@cybertrails.com

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ___ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ___

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: NATHAN SAYRE

Address: 3965 E. PASEO GRANDE
TUCSON 85711

*Representing: RANCH CONSERVATION TEAM
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No_____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Stephanie Pranschke

Address: 1001 W. St. Mary's Rd #711
Tucson, AZ 85745

*Representing: U of A (informally)
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No_____ Fax No _____ E-Mail Address stephp@hwr.arizona.edu

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Kathy Arnold

Address: 11801 N. Mandarin
Tucson, AZ 85737

*Representing:

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 682-2420 Fax No 682-2347 E-Mail Address Kavnold@asarco.com

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Ernie Cohen

Address: 6426 Calle de los Sergis
Tucson, AZ 85718

*Representing: Steering Committee, SDCP

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 797-1173 Fax No 297-4105 E-Mail Address ____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Kenneth Greenfield

Address: 5749 N Camino Del Sol

Tucson, Az 85718

*Representing:

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520 615-0742 Fax No _____ E-Mail Address kenesque@earthlink.net

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: PAT KING

Address: HCR1 Box 97E

Tucson 85736

*Representing: Altar Valley Conser Alliance

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520 822-1665 Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: CARL D. JONES

Address: 3951 S. SHIELA

TUCSON AZ 85735

*Representing:

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: TERI McCAULOU AEPCO

Address: P.O. BOX 670

BENSON AZ 85602

*Representing: AZ Elec. Power Coop

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520 586 5172 Fax No 586-5566 E-Mail Address tmccaulo@aepnet.org

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Thursday, November 30, 2000
5:00 – 7:00 P.M.
Ajo Branch Library
40 Plaza Street

On September 26, 2000, the Pima County Board of Supervisors accepted the *Draft Preliminary Sonoran Desert Conservation Plan* for comment and opened a three month formal comment period. Pima County is holding informational meetings and open houses during the comment period. We invite you to attend the following meeting.

We also invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan*** by January 1, 2001. Comment cards will be available at the meetings. You may send comments to Sonoran Desert Conservation Plan at the address below. We look forward to working with you in shaping the conservation plan. For more information, call 740-8162.

The Preliminary Sonoran Desert Conservation Plan is available for review at most Tucson-Pima public libraries and on the web site at http://www.SDCPonline.org

Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: OK Rill

Address: 333 E. Wetmore St #2[illegible]
Tucson AZ
85705-1758

*Representing: Forest City

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 888 3962 Fax No 888 3196 E-Mail Address OK[illegible]

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ✓ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Ray Carroll

Address: 130 W. Congress
85701

*Representing: BOS

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 740-8094 Fax No ____ E-Mail Address ____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: SCOTT EGAN

Address: 1409 W NIAGARA

TUCSON, AZ 85745

*Representing: PIMA COUNTY - DIST. 4

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 740-8094 Fax No 740-2721 E-Mail Address DIST4@AZSTARNET.COM

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: MARK WEINBERG

Address: [illegible]

*Representing: [illegible]

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No [illegible] Fax No [illegible] E-Mail Address ____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes X No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Kay J. McLoughlin

Address: 1661 N Swan #112
Tsn AZ -16

*Representing: Cong. Jim Kolbe

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 881-3588 Fax No 322-9490 E-Mail Address Kay_McLoughlin@mail.house.gov

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes V No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Meg Weesner

Address: 9352 E Trail Ridge Pl.
Tucson AZ 85710

*Representing: ____

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520 290-1723 Fax No ____ E-Mail Address meg_weesner@nps.gov

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Jennifer Baker

Address: 4055 E. Melinda Ln
Phoenix AZ 85050

*Representing:
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

New address please change

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Jesse Juen

Address: 12661 E. Broadway
Tucson, AZ 85748

*Representing: U.S. Govt. BLM
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 722-4289 Fax No 751-1507 E-Mail Address jess-juen@blm.go

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Mike Winn

Address: 8987 E Tanque Verde #309-317
Tucson AZ 85749

*Representing: Cons. Plan Steering Committee
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 7495332 Fax No 7495332 E-Mail Address ERMAnAZ @ AOL.Co

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes X No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Linda Mayro, Cultural Resources Mgr.
Pima Co. Administration
Address: 201 N. Stone Ave.

Tucson, AZ 85701

*Representing: Pima County
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520-740-6451 Fax No 520-740-6320 E-Mail Address lmayro@dot.co.pima.az.us

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: FRANK WALKER

Address: SAGUARO NATIONAL PARK
3693 S OLD SPANISH TRAIL
TUCSON, AZ 85748

*Representing: National Park Service

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520 733-5101 Fax No 733-5112 E-Mail Address frank_walker@nps.gov

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ___ No ___

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ___

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Kara Downey

Address: AZ Electric Power Cooperative
P.O. Box 670
Benson AZ 85602

*Representing: AZ Electric Power Coop.

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520-586-5158 Fax No 520-586-5566 E-Mail Address kdowney@aepnet.org

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ___ No ✓

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ✓ No ___

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Lucy Vitale

Address: 8381 E. Hillwood Ct
Tucson, AZ 85750

*Representing: Line by Line Content Mgmt

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 296-3691 Fax No 296-3832 E-Mail Address lblcontentmgmt@[illegible]

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ✓ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: MAEVEEN BEHAN

Address: 130 W Congress 10th Fl
Tucson, AZ 85701

*Representing: ____

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 740-8162 Fax No ____ E-Mail Address ____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Leslie Dieraut

Address: USFWS
500 Gold Ave SW
Albuquerque

*Representing: USFWS

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 505/248-6651 Fax No 505/248-6788 E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021. I am on it.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Peter G Rowlands

Address: Organ Pipe Cactus Nat. Mon.
Route 1 Box 100
Ajo AZ

*Representing: NPS / Organ Pipe Cactus NM

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520.387.7661 x 7110 Fax No 387.7114 E-Mail Address Peter_rowlands@nps.g

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes X No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Mary Farrell

Address: Coronado Natl Forest
300 W Congress St
Tucson, AZ 85701

*Representing:

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 670-4564 Fax No 670-4567 E-Mail Address

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Sally C. Wegner

Address: 3701 North Camino de Oeste
Tucson, Arizona 85745

*Representing:

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No ____ Fax No ____ E-Mail Address ____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes X No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: FRANCES MEYER

Address: [illegible]

*Representing: FLYING W RANCH CONSULTING

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No _____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes _____ No _____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: W. WALTER MEYER

Address: P.O. Box 714 WINKELMAN, AZ 85292

*Representing: FLYING W RANCH CONSULTING

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

520

Phone No 812-1277 Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No _____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes _____ No _____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: DON HONNAS

Address: P.O. Box 250

ARIVACA, AZ. 85601

*Representing:

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information: SAME AS PHONE PLEASE CALL FIRST

Phone No 398-2391 Fax No 398-2391 E-Mail Address

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes No

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Heather Fox

Address: HC 70 Box 4205

Sahuarita AZ 85629

*Representing: Sierrita Mining & Ranching Co.

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 625-1204 Fax No 625-3234 E-Mail Address

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes X No

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes No

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: JONATHAN L. JANTZEN

Address: TOHONO O'ODHAM NATION

P.O. BOX 1202

SELLS, AZ. ~~857~~ 85634

*Representing: TOHONO O'ODHAM NATION

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No ~~520-790-7962~~ 520-383-3410 Fax No 520-383-2689 E-Mail Address JJantzen@tonet.net

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: LINDA STITZER

Address: 400 W. CONGRESS SUITE 518

TUCSON AZ 85701

*Representing: AZ Dept. of Water Resources

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 770-3815 Fax No 628-6759 E-Mail Address lstitzer@state.az.us

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: JEFF HUMPHREY

Address: FWS
2321 W Royal Palm Rd
Phx AZ 85021

*Representing:
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: DIANE L AUSIL

Address: 1938 E. CALLE DE ARCOS
Tempe, AZ 85284

*Representing: Bureau of Reclamation
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 602-216-3840 Fax No 602-216-4086 E-Mail Address DIAUSH@LC.USBR.GOV

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes X No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Roseann Hanson

Address: & PO Box 41165
Tucson AZ 85717

*Representing: Sky Island Alliance
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Lynn Harris

Address: HC 70 Box 4603 Sahuarita, Az.
85629

*Representing: Sierrita Mining & Ranching Co.
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 625-1204 Fax No 625-3234 E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes X No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: VICTORIA SIKORA

Address: 472 W SAN IGNACIO

GREEN VALLEY, AZ 85614

*Representing: Neighborhood Coalition of Greater Tucson

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Jonathan DuHamel

Address: 3150 W. Camino de/ Saguaro

Tucson AZ 85745

*Representing: People for the USA / STEERING-COMMITTEE SDCP

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520 743-9415 Fax No _____ E-Mail Address jedta7@azstarnet.com

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes X No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: NEVA CONNOLLY

Address: 201 N. STONE AVE

PIMA COUNTY FLOOD CONTROL

TUCSON, AZ 85701-1215

*Representing: PIMA COUNTY

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520 740-6350 Fax No _____ E-Mail Address nconnoil@dot.co.pima.az.

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No X

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Stu Bengson

Address: 4301 N. Paseo del Barranco

Tucson, AZ 85745

*Representing: Taxpayers

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 743-0400 Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ✓

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ✓ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Paul Fromer

Address: c/o Lori Woods, RECON

*Representing: _____

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: KAYBE HALTOM

Address: [illegible]

*Representing: Steering Committee

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520-325-6974 Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: JOHN DUNCAN

Address: 1204 W. SILVERLAKE RD

*Representing: PIMA COUNTY PARKS + RECREATION

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 740-5854 Fax No 623-3539 E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Charles AWARD

Address: 405 E Wetmore 117-507

TUCSON, AZ 85705

*Representing: Southern Lake Level community

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No (520) 2931020 Fax No (520) 2920525 E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? (Yes) No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? N/A Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: MICHAEL ZIMET

Address: 4055 E. RIVER RD

TUCSON, AZ 85718

*Representing:

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 615-9300 Fax No 615-9333 E-Mail Address VANGUARDCO@MINDSPRING.COM

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ✓

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ✓ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Larry Berlin

Address: 4205 E. Skyline Dr.

Tucson, AZ 85718

*Representing: Steering Committee

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 615-0034 Fax No 615-0102 E-Mail Address lberlin@azstarnet.com

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: E. Linwood Smith

Address: 3260 N. Dold Ct.

Tucson, AZ 85749

*Representing: URS Corp

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 529-1141 Fax No 529-2449 E-Mail Address E_L_Smith@URSCorp.c

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: TREVOR HARE

Address: 2718 E Croydon

Tucson AZ

85716

*Representing: Tucson Herpetological Society

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 320-38 Fax No ____ E-Mail Address ____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ✓

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ✓ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Yvonne Levy

Address: 2200 E. River Rd. #111

*Representing:

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 577-0200 Fax No 299-5602 E-Mail Address

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes No

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Ellen D. Barnes

Address: 3501 S. Saguaro Shadows Dr

Tucson Az 85730

*Representing: Committee member / Landowner

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No (520) 296-4561 Fax No (520) 546-9151 E-Mail Address EMDbarnes@aol

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes No

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Jenny Neeley

Address: 331 S. Alvernon Way #14
Tucson, AZ 85711

*Representing: Coalition for Sonoran Desert Protection
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 795-6159 Fax No — E-Mail Address jneeley@azstarnet.com

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ___ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ___

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Carolyn Campbell c/o CSDP

Address: 300 E University #120
Tucson AZ 85705

*Representing: Coalition for Sonoran Desert Protection
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 388 9925 Fax No 629 0525 E-Mail Address cac@azstarnet.com

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ___

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ___ No ✓

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Nathan Leonard

Address: 465 W. St. Mary's Rd. P.O. Box 991

Tucson, AZ 85702

*Representing: Tucson Metro. Chamber of Commerce

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Luther Propst

Address: 8371 E Brookhill Dr

Tucsm AZ 85750

*Representing: Sonoran Institute

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 290-0828 Fax No 290-0969 E-Mail Address luther@sonoran.org

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ✓

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ✓ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Nicole Cadet

Address: 4570 S. Breckinridge

*Representing:
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 885-4333 Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Douglas G. Wright

Address: 5100 N. La Canada Dr. Suite #216
Tucson, Az. 85704

*Representing: Commercial Land Investors III
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 293-1636 Fax No same E-Mail Address dwright5@qwest.net

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ✓

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ✓ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: DAVE NAUGLE

Address: P.O. Box 175

SONOITA, AZ 85637

*Representing: TUCSON CHAMBER OF COMMERCE

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Don Carter

Address: 4570 S. Breckinridge

Tucson, AZ 85730

*Representing: Pima Co Parks & Rec

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 885-4333 Fax No _____ E-Mail Address dkcarter@flash.net

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Jason Bill

Address: 586-2 S. Main Ave.
Tucson AZ 85701

*Representing: Pima Association of Governments
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 792-1093 Fax No 620-6981 E-Mail Address jbill@pagnet.org

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: [illegible]

Address: [illegible]

*Representing: Women for Sustainable Technologies
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 627-4119 Fax No — E-Mail Address lstarr@pobox.com

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes 6 No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

Participant Registration
Sonoran Desert Conservation Plan (Pima County)
Environmental Impact Statement Scoping Meeting

Held at Arizona-Sonora Desert Museum Gallery
October 4, 2000
Second Session 6-8 p.m.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: PAUL FISH

Address: ARIZ ST MUS
UNIV OF ARIZONA
TUCSON AZ

*Representing: CULT RESOURCES TECH. ADVISORY COM

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 621-2556 Fax No 621-2976 E-Mail Address pfish@u.arizona.edu

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No X

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Christina McVie

Address: 4420 W. Cortaro Farms Rd
Tucson Az 85742

*Representing: Desert Watch - Tucson Audubon
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ✓ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

* Send NEPA Guidelines

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: BARBARA ROSE

Address: 8975 N. SCENIC DR.
TUCSON, AZ

*Representing: STEERING COMMITTEE
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Sean Turner

Address: 1300 E. Fort Lowell A7
Tucson AZ 85719

*Representing: _____
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ✓

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ✓

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Alyssa A. Roach

Address: 1300 E. Ft. Lowell A1
Tucson, AZ 85719

*Representing: Mike Boyd
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Cynthia P. Coping

Address: 1978 W Placita Colima

Tucson AZ 85704

*Representing: self

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 575-1563 ~~Fax~~ Pager No 489-5803 E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Tom Sheridan

Address: PO Box 3683

Tucson AZ 85722

*Representing: Ranch Conservation Task Force, SDCP

*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 822-1053 Fax No 621-2976 E-Mail Address tes@email.arizona.edu

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: ROB KULAKOFSKY

Address: 1520 S. DESERT CREST DR.
TUCSON AZ 85713

*Representing: CENTER FOR ENVIRONMENTAL CONNECTIONS
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 623 - 3874 Fax No SAME E-Mail Address colorw@azstarn

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Michael J. CROSS

Address: 110 S. Church Ave, Suite 1260
Tucson AZ 85701

*Representing: Thomas Olsen Associates, Inc.
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No ____ Fax No ____ E-Mail Address ____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ✓

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ✓ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: HECTOR CONDE

Address: 4040 N. Lobelia Way
Oro Valley 85737

*Representing: Oro Valley Neighborhood Coalition
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 825-7342 Fax No 825-843 E-Mail Address hcconde@sprynet.com

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No V

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No V

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: RICH GLINSKI

Address: P.O. Box 95 75
WICKENBURG AZ 85358

*Representing:
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520-684-3984 Fax No 684-0150 E-Mail Address RICH@LANDOPTIONS.COM

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: SHERRY RUTHER

Address: AGFD
555 N. GREASEWOOD
TUCSON AZ 85745

*Representing: AGFD
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520/628-5982x137 Fax No 520/628-5080 E-Mail Address SRUTHER@gf.state.az.us

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Michael Rewwsaat

Address: PO Box 1088
Marana, AZ 85653

*Representing: Town of Marana
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520-682-3401 Fax No 520-682-9026 E-Mail Address rewwsaat@azstarnet.com

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ~~No~~ ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Doug McVie

Address: 4420 w. Cortaro Farms Rd.
Tucson AZ
85742

*Representing: Self
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No _____ Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes X No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: John A Hall

Address: The Nature Conservancy
1510 East Ft. Lowell
Tucson, AZ 85719

*Representing: The Nature Conservancy
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 520-547-3439 Fax No 520-620-1799 E-Mail Address john_hall@tnc.org

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Robyn Benson

Address: 2590 W Tortolita Hills TRL
Tucson, AZ 85742

*Representing: Lou Benson Const.
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 797-1237 Fax No _____ E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Louis Benson

Address: 2590 W. TORTOLITA HILLS TR
TORTOLITA, AZ. 85742

*Representing: TOWN OF TORTOLITA
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

Phone No 297-1237 Fax No SAME E-Mail Address _____

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ✓ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ✓ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Mitchel McClaran

Address: 2818 E. Drachman St
Tucson Az 85721

*Representing:
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

mcclaran@u.arizona.edu

Phone No 621 1673 Fax No 621 8801 E-Mail Address ~~Mcclaran@u.~~

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No X

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes X No ____

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U.S. Fish and Wildlife Service
Scoping Meeting Registration

Please print clearly

Name: Charles Matthewsan

Address: ADEQ/SRO
400 W. Congress St, Ste 433
Tucson AZ 85701

*Representing: Ariz. Dept. of Env. Quality
*If you represent a Tribal, Federal, State, County, or local government agency, please fill in the following additional information:

matthewsan.charles@ev.state.az.us

Phone No 520-628-6733 Fax No 520-628-6745 E-Mail Address

Did you receive a notice about this scoping meeting in the mail from the U.S. Fish and Wildlife Service? Yes ____ No ____

If not, would you like to be added to our mailing for Sonoran Desert Conservation Plan Information? Yes ____ No ____

Written comments may also be mailed to us at 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021.

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Saturday, November 4, 2000
10:00 A.M. – 12:00 P.M.
Catalina Branch Library
15631 N. Oracle Rd.

On September 26, 2000, the Pima County Board of Supervisors accepted the *Draft Preliminary Sonoran Desert Conservation Plan* for comment and opened a three month formal comment period. Pima County is holding informational meetings and open houses during the comment period. We invite you to attend the following meeting.

We also invite comments from the community on the ***Draft Preliminary Sonoran Desert Conservation Plan*** by January 1, 2001. Comment cards will be available at the meetings. You may send comments to Sonoran Desert Conservation Plan at the address below. We look forward to working with you in shaping the conservation plan. For more information, call 740-8162.

The Preliminary Sonoran Desert Conservation Plan is available for review at most Tucson-Pima public libraries and on the web site at http://www.SDCPonline.org

Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Thursday, November 9, 2000

2:00 P.M. – 4:00 P.M.

River Center Branch Library

5605 E. River Rd.

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Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Tuesday, November 14, 2000

6:30 – 8:00 P.M.

Picture Rocks Community Center
5615 N. Sanders Rd.

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Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Wednesday, November 15, 2000

6:00 – 8:00 P.M.

Marana Branch Library
13370 N. Lon Adams Rd.

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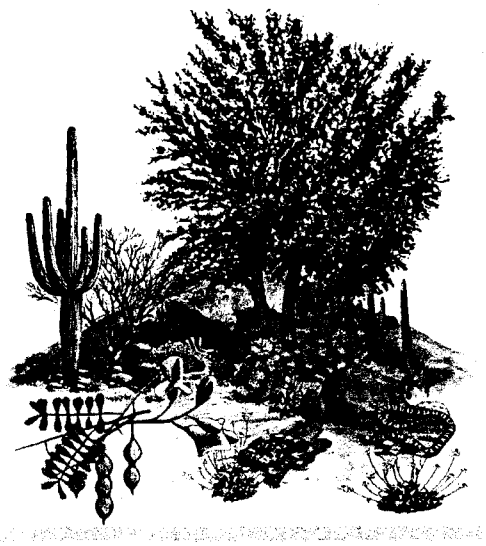

Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Monday, November 20, 2000

10:00 A.M. – 12:00 P.M.

Green Valley Branch Library
601 N. La Cañada Dr.

On September 26, 2000, the Pima County Board of Supervisors accepted the *Draft Preliminary Sonoran Desert Conservation Plan* for comment and opened a three month formal comment period. Pima County is holding informational meetings and open houses during the comment period. We invite you to attend the following meeting.

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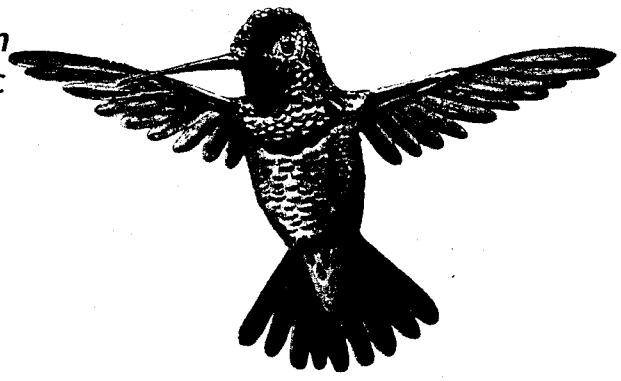

Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Monday, November 20, 2000

6:00 – 8:00 P.M.

El Pueblo Center, Building 1
101 W. Irvington Rd.

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Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Tuesday, November 21, 2000
6:30 – 8:00 P.M.
Mission Branch Library
3770 S. Mission Rd.

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Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Tuesday, November 22, 2000

6:30 – 8:00 P.M.

Woods Branch Library
3455 N. 1ST. Ave.

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Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Monday, November 27, 2000

6:00 – 8:00 P.M.

Kino Recreation Center

2805 E. Ajo Way

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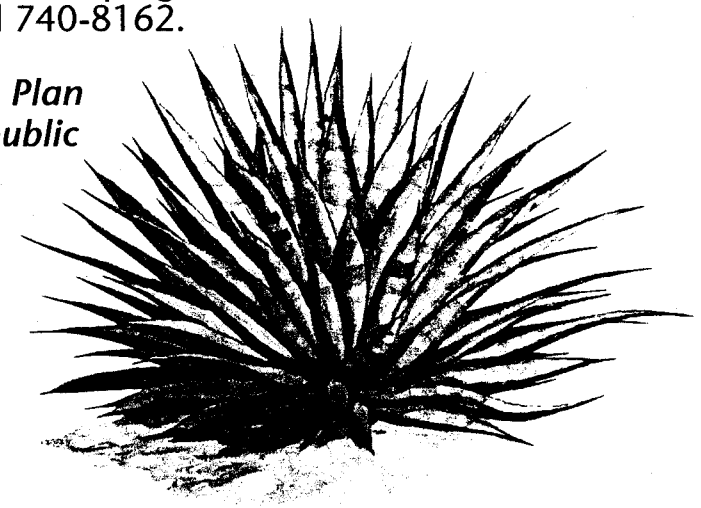

Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Tuesday, November 28, 2000

7:00 – 8:45 P.M.

Bear Canyon Library

8959 E. Tanque Verde Rd.

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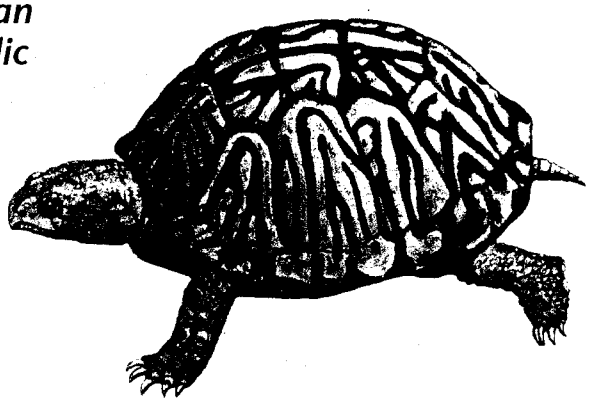

Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Wednesday, November 29, 2000

6:00 – 8:00 P.M.

Corrections Officers Training Center (ALETA)

5601 W. Trails End

On September 26, 2000, the Pima County Board of Supervisors accepted the *Draft Preliminary Sonoran Desert Conservation Plan* for comment and opened a three month formal comment period. Pima County is holding informational meetings and open houses during the comment period. We invite you to attend the following meeting.

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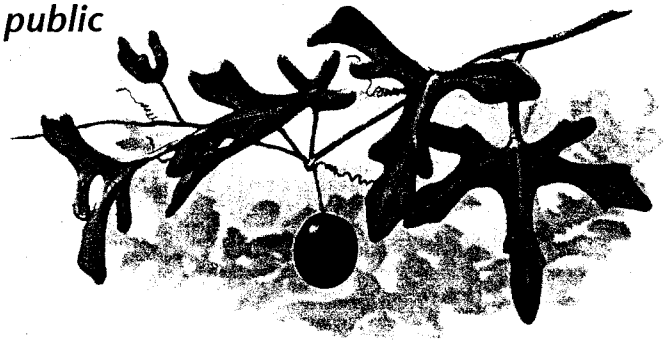

Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Thursday, November 30, 2000
5:00 – 7:00 P.M.
Ajo Branch Library
40 Plaza Street

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Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Friday, December 1, 2000
6:30 – 8:00 P.M.
Halberg Center (Avra Valley Fire Dept.)
15790 W. Silverbell Rd.

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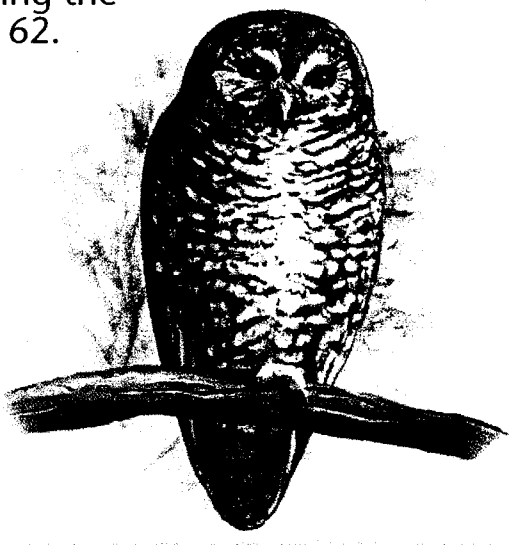

Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Monday, December 4, 2000
7:00 – 9:00 P.M.
Mary Dill School (Robles Junction)
16350 W. Ajo Way

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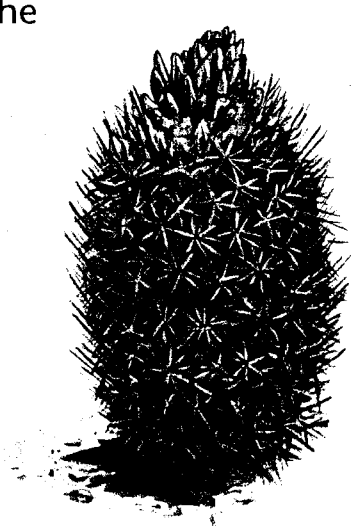

Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317

Sonoran Desert Conservation Plan

Open House / Informational Meeting

Wednesday, December 6, 2000
7:00 – 8:45 P.M.
Nanini Branch Library
7300 N. Shannon Rd.

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Sonoran Desert Conservation Plan
Pima County Administrator's Office
130 W. Congress St.
Tucson, AZ 85701-1317