

**MEMORANDUM OF UNDERSTANDING TO DEVELOP
THE SONORAN DESERT CONSERVATION PLAN**
between
the ENVIRONMENTAL PROTECTION AGENCY
and
PIMA COUNTY

I. Parties:

This Memorandum of Understanding is made as of ~~April 17~~, 2001, between Pima County and the Environmental Protection Agency, hereinafter referred to as "Parties" to the Memorandum of Understanding.

II. Purpose:

This Memorandum of Understanding is written to reflect the cooperative intent of the Parties to develop the goals and objectives of the Sonoran Desert Conservation Plan, and provide a framework for cooperation among the Parties.

III. Responsibilities:

It is the responsibility of the participating Parties to work with the Sonoran Desert Conservation Plan Steering Committee, interested members of the public, consultants, members of technical committees, and participating jurisdictions and government agencies during the process to discuss and develop meaningful conservation standards as part of the Sonoran Desert Conservation Plan.

IV. Goals and Objectives:

Under this Memorandum of Understanding the Parties will work cooperatively to design a conservation plan that:

- A. Complies with all applicable federal requirements under the Endangered Species Act, Clean Water Act, National Historic Preservation Act, and National Environmental Policy Act.
- B. Addresses species conservation and federal compliance issues through the development of six planning elements, including Habitat and Corridor Protection; Riparian Protection and Restoration; Mountain Park Expansion; Ranch Conservation; and Cultural and Historic Preservation.
- C. Ensures 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. Inherent within this broad goal are several objectives:
 1. Promote recovery of federally listed and candidate species.
 2. Where feasible and appropriate, re-introduce and recover species that have been extirpated from this region.
 3. Maintain or improve the status of unlisted species whose existence in Pima County is vulnerable.
 4. Identify biological threats to the region's biodiversity posed by introduced and nonnative species of plants and animals, and develop strategies to reduce these threats and avoid additional invasive species in the future.
 5. Identify causes that disrupt ecosystem functions within target plant communities selected for their biological significance, and develop strategies to reverse or mitigate them.

6. Promote long-term viability and mitigate for impacts to species, environments and biotic communities that have special significance to people in this region because of their aesthetic or cultural values, regional uniqueness, or economic significance.
- D. Facilitates the preservation of cultural and historical resources.
- E. Recognizes how sustainable ranching can facilitate healthy and diverse ecosystems, open space conservation, the preservation of historic, traditional, and current land uses.
- F. Considers the long-term fiscal viability of the land base, impacts on property rights, and quality of life issues for citizens.
- G. Seeks sufficiently broad and predictable regulatory assurances in order to achieve conservation goals while meeting economic needs of the community.
- H. Standardizes and integrates to the extent possible regulatory procedures and requirements, to ensure inter-jurisdictional consistency and reduce delay in permitting programs.
- I. Provides a mechanism to avoid, minimize, mitigate, and /or reduce to the extent possible the cumulative effects of land use on species of concern.
- J. Provides a basis for possible revisions or amendments to federal land-use planning documents to achieve regional consistency in conservation planning and implementation.
- K. Facilitates effective long-range intergovernmental research efforts, data and information sharing, and the development of adaptive management strategies.

V. Statutory Responsibilities

- A. The undersigned recognize that public entities have specific statutory and regulatory authority and responsibilities, and that actions of public agencies must be consistent with applicable procedural and substantive requirements. Nothing in this MOU is intended to or shall have the effect of constraining or limiting any public entity in carrying out its statutory responsibilities.
- B. EPA's participation in developing the Sonoran Desert Conservation Plan does not imply endorsement of, or concurrence with, the Plan or components of the associated Environmental Impact Statement (EIS), including the preferred alternative and the U.S. Fish and Wildlife Service's conclusions regarding significant impacts and mitigation. EPA's role in the development process does not abridge its independent authority to review and comment on the official Draft EIS and Final EIS, pursuant to the National Environmental Policy Act (NEPA) and section 309 of the Clean Air Act, nor to review and comment on individual permit applications or veto decisions of the U.S. Army Corps of Engineers under section 404 of the Clean Water Act.

VI. Availability of Appropriated Funds

EPA's commitments and obligations under this Memorandum of Understanding are subject to the requirements of the federal Anti-Deficiency Act and the availability of appropriated funds. The Parties acknowledge that this Understanding does not require any federal agency to expend its appropriated funds unless and until an authorized officer of that agency affirmatively acts to commit to such expenditures as evidenced in writing. Consistent with federal law, nothing in this document constrains the discretion of the President or his or her successor from making whatever budgetary or legislative proposals he or his successors deem appropriate or desirable.

VII. Term

This Memorandum of Understanding is effective from the date of signature until negotiations and consultations under Section 10 and Section 7 of the Endangered Species Act are completed, local and federal programs are defined, and permits are issued by the United States Fish and Wildlife Service for the Sonoran Desert Conservation Plan, unless and until the Parties amend this Agreement, or a Party to the Agreement withdraws from participation in the Sonoran Desert Conservation Plan and memorializes that intent to withdraw in writing.

SIGNED AND ACCEPTED THIS seventeenth day of April, 2001.

PIMA COUNTY BOARD OF SUPERVISORS


Chairman of the Board
APR 17 2001

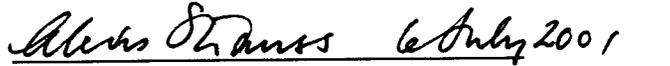
ATTEST


Clerk of the Board of Supervisors

APPROVED AS TO CONTENT


Pima County Administrator

ENVIRONMENTAL PROTECTION AGENCY


Alexis Strauss, Director, Water Division

~~ATTEST~~
